

Meeting Minutes

Oregon Public Records Advisory Council

March 13, 2023

Virtual Meeting

Called to order at 11 a.m.

Members present: Scott Stauffer, PK Runkles, Shasta Kearns Moore, Andrea Chiapella, Todd Albert, Emily Harris, Tony Hernandez, Emily Gothard

Member absent: Kim Thatcher, Michael Kron, Mark Landauer, Steve Suo

I. Approve the Agenda

- Vice Chair Emily Harris called the meeting to order and reviewed the agenda.
 - Public Records Advocate Todd Albert motioned to approve the agenda.
 - Member Tony Hernandez seconded.
 - Members approved the agenda unanimously.

II. HB 5035, the Secretary of State's Budget Request Bill

- Member PK Runkles said the Oregon Secretary of State has a budget request to pay for a new position related to public records. The position would coordinate with county clerks. Currently during elections, clerks are receiving nearly identical requests from a variety of people for information related to elections. Clerks are repeatedly reaching out the Secretary of State for assistance, and HB 5035 aims to help.
- Guest Ben Morris, communications director with the Secretary of State's office, said the elections, audits, and executive teams have zero FTEs (full-time equivalency) for public records work. Last year, they received between 30 and 40 public records requests per month. During the election season, the number spiked. In August of 2022, their offices received 126 records request in a single month, all related to elections and without a single person to take up that work. It took months to complete and many requests were duplicates that were found at counties across the state.
- Member Shasta Kearns Moore asked how many communications staff worked at the Secretary of State's office.
 - Mr. Morris said two people work on the executive team, including himself and a social media/graphic designer, and there is one communications worker in the audits division of the agency.
 - Member Kearns Moore asked if the new position would require any sort of report for improvements to help with the concept of transparency-by-design, which has been discussed in the past by members of the PRAC.
 - Member Runkles said it has not been discussed. The person working in this position would assist with the technical aspects of providing public records in an election setting. A lot of the current requests currently relate to specific software or voter rolls, and by having someone hired with that expertise, the systems for responding to public records requests will be improved. They may discuss a report in the future after working through the existing challenges and if there is free time.

- Member Kearns Moore responded by the encouraging the transparency-by-design concept to avoid self-perpetuating positions. If a position is designed from the ground up to be transparent, then public records requests will be easier to fill.
- Member Tony Hernandez asked to clarify if the funding request was for one or multiple FTEs.
 - Mr. Morris confirmed the funding would pay for a single FTE.
 - Member Hernandez asked to clarify if the elections-related requests were seeking electronic data as opposed to paper records.
 - Mr. Morris said the requests varied. The elections division frequently receives data requests, like the voter registration lists and voter profiles, but more frequently, people are asking about security related things, such as certifications for election equipment and correspondence. It's hard to pin down one specific type of requests.
 - Member Hernandez asked if one person was enough to handle the Secretary of State's requests for public records and those from the county clerks.
 - Mr. Morris said the new person would not replace a county's own public records function entirely. Instead, the person would help coordinate when there's duplication.
- Advocate Albert said there has been an idea in the past of creating a central pool of public records officers, or central pool of money, that the state could assign as needed. Some local public bodies prefer money instead of outside individuals because of the need to train people to use their systems. At the same time, he hears that this new position would also handle public records requests across all divisions of the Secretary of State's office. His questions: Will it be a general goal to coordinate and support local clerks or will the work to support local bodies be prescribed a percentage of time in the formal job description? What assistance would the new position be able to offer to local governments with requests?
 - Member Runkles said the Secretary of State is the chief elections officer and is responsible for advising and instructing county clerks on how to handle certain elections function. Communication between the 36 county clerks and the Secretary of State's office happens on a weekly basis with numerous emails. Technical assistance is already being distributed to clerks, and the newly hired person, who would bring expertise of technical aspects in elections, will be a benefit, especially for smaller counties.
 - Mr. Morris added that during regular communications between county clerks and the state, people suggest ideas for coordination. This new position would have the time to implement those ideas.
- Member Stauffer supports the bill. He asked if there was any deadline for individual members to submit support of the bill?
 - Member Runkles said the bill may receive a hearing near the beginning of April.
 - Member Stauffer asked if the PRAC as a whole should submit the written support or as individuals.
 - Vice Chair Harris said both can happen. The PRAC in January issued a letter in support for House Bill 2112, and a similar process could be done with this bill.
- Member Emily Gothard motioned that the PRAC prepare a letter to support the bill.
 - Member Stauffer seconded the motion.

- Vice Chair Harris requested more discussion before voting. She agrees with Member Kearns Moore's emphasis on the transparency-by-design concept, because records issues are problematic for smaller districts. She would like to see some recommendations in the letter and a nod to the concept in the letter of support.
- Member Kearns Moore supports adding additional staff if there's not enough time to go around, and designing for transparency from the very beginning should be a core function.
- Member Runkles said that's their team is working to design for transparency.
- Advocate Albert said it's important that the PRAC focus on commenting on the bill as it is written and to include the concept as aspirational.
- Members unanimously voted to approve the motion after the discussion.

With not further business, the meeting adjourned just after 11:20 a.m.