



## Frequently Asked Questions: Campaign Finance in City Elections ([City Code Chapter 2.10/City Charter Chapter 3 Article 3](#))

On November 6, 2018, voters in Portland approved a campaign finance measure that limits certain campaign contributions and expenditures, imposes disclosures of funding sources on a wide variety of campaign communications and requires certain employers to provide City political contributions by payroll deduction.

For legal status, Charter and Code language, and background, see the City's website [here](#).

This document is not legal advice. For exact language and requirements, view the Portland City Code (PCC) and Charter. If you do not find the answers to your questions after reviewing the below, please contact [elections@portlandoregon.gov](mailto:elections@portlandoregon.gov) and we will respond to you as quickly as possible. Our office's typical response time is within 1-2 business days.

Note that the Elections Office does not provide legal advice or formal advisory opinions.

Skip to question type:

- [General: applicability, enforcement, complaints](#)
- [Disclosures required on City candidate campaign communications](#)
- [Questions regarding campaign contribution limits in City elections](#)
- [Coordination with City's Open and Accountable Elections Program \(City's voluntary public campaign financing program\)](#)

### General Questions

#### **1. Which provisions are currently upheld and enforceable?**

To find out which specific provisions are currently deemed unconstitutional, visit the City's legal status update page [here](#). For a general overview, see the table below.



### Upheld under Oregon's constitution

- Communication to voters related to a City election must disclose the sources of the Contributions or Independent Expenditures used to fund the communication. [See PCC 2.10.030](#)
- Individuals can make campaign contributions via payroll deduction if employers agree to it or offer any other deductions. [See PCC 2.10.010.C](#)
- Limits on campaign contributions to candidates running in a city election. [See PCC 2.10.010.A and 2.10.010.B](#), except for self-funding limitations ((Charter Section 3-301 (b)(3))).

### Prohibited under Oregon and United States constitutions

- Limits on campaign or independent expenditures supporting or opposing candidates running in a city election. [See PCC 2.10.020](#).

## 2. When did the Auditor's Office begin enforcement of Contribution limits?

As a result of court orders in April of 2020, beginning May 4, 2020 the Auditor's Office has enforced regulations related to contribution limits (outside of the self-funding provision in Charter Section 3-301(b)(3)).

The enforcement does not include reviews of violations alleged to have occurred before the May 4, 2020, enforcement date.

Inquiries alleging violations prior to May 4, 2020 regarding contribution limits (outside of the self-funding provision in Charter Section 3-301(b)(3)) will not be accepted as complaints. [See the Auditor's Office Administrative Rule 13.02 Complaint Process](#).

Prior to May 4, 2020 and following recent court orders, the Auditor's Office strongly encouraged candidates and campaigns to comply with the contribution limits.

## 5. Do advertisements for ballot measures have the same disclosure requirements as city candidates?

PCC Chapter 2.10 regulates City of Portland candidate elections. Ballot measures, whether qualified by initiative, referendum, or Council-referral, are not subject to disclosure requirements in PCC Chapter 2.10.

## 6. I saw an advertisement for the governor's election, but the candidate did not disclose the sources that funded the campaign. Will your office investigate?

PCC Chapter 2.10 was passed by Portland voters and governs City elections races only. Candidates running for mayor, auditor, or a city commissioner seat are subject to regulations in PCC Chapter 2.10.

Other elections, such as gubernatorial races, congressional races, county races, and presidential races are not subject to the disclosure requirements in PCC Chapter 2.10.

**7. I saw an advertisement from a candidate for mayor, but the ad did not list any campaign funders. How should I report this potential violation?**

If you believe a candidate is not complying with the campaign disclosure requirements established in PCC Chapter 2.10, send an email to [elections@portlandoregon.gov](mailto:elections@portlandoregon.gov) with information such as subject of complaint, alleged violation, and any relevant evidence you may have related to the alleged violation.

If the inquiry is a valid complaint ([see Auditor's Office rule regarding submitting complaints](#)), our office will launch an investigation according to the regulations requirements and follow up for more information if necessary.

**8. Can people submit complaints anonymously?**

The Auditor's Office cannot accept complaints completely anonymously. However, if you want your information to be confidential, please indicate so in your complaint. The Auditor's Office will keep information confidential to the greatest extent of the law. However, some provisions of Oregon public records may require disclosure of complainant information.

**9. How is this different than other campaign finance regulations that currently exist?**

Candidates for City elections must adhere to both state and City campaign finance regulations. Oregon's Secretary of State is responsible for enforcing statewide campaign regulations, which are primarily disclosure and registration based in the state's database of transactions, known as ORESTAR.

To view state campaign and election laws, search the public database of campaign finance disclosures statewide, and to view campaign manuals for state laws, see the links below:

- Searchable campaign finance transaction database (ORESTAR): <https://secure.sos.state.or.us/orestar/gotoPublicTransactionSearch.do>
- State Election Laws: <https://sos.oregon.gov/elections/Pages/laws-rules.aspx>
- State Campaign Manuals: <https://sos.oregon.gov/elections/Pages/manuals-tutorials.aspx>

PCC 2.10 (the City’s campaign disclosure, contribution limits, and related regulations for City candidate elections, are additional regulations that only apply to candidates running for Citywide offices: mayor, auditor, and commissioner seats.

The City also runs the new [Open and Accountable Elections Program](#). This voluntary program provides matching public funds to qualified candidates in City elections. The program is separate from the City’s campaign finance and disclosure regulations and is currently operated under [Commissioner Amanda Fritz](#).

### **10. Who oversees and enforces the City campaign finance regulations?**

The City Auditor’s Office oversees and enforces these regulations. The Office responds to and makes public complaints and decisions regarding alleged violations.

### **11. Are there any administrative rules?**

The City Auditor’s Office adopted two interim administrative rules:

1. [ARA 13.01](#) offers additional interpretation on digital media, social media, and other electronic campaign communication disclosures; and
2. [ARA 13.02](#) offers details on filing a valid complaint, including treatment of retroactive allegations. The rule also describes investigation processes and clarifies penalties and enforcement criteria for certain violations.

To view all of the Administrative Rules from the Auditor’s Office, visit [Administrative Rules Page for Campaign Finance in City Elections](#)

## **Questions Regarding Required Campaign Communication Disclosures**

### **1. I’m running for office, what exactly do I need to disclose on my campaign communications?**

The Elections Office has created guidance on these requirements, [here](#).

For all City of Portland candidate campaign communications, including independent expenditures, and with some limited exceptions, the following must be disclosed:

- Any political committee, candidate committee, or entity (business, organization, corporation, etc.) that paid to provide or present the voter communication should be listed as specifically required, depending on the type of communication.
- For each of the top 5 dominant contributors (i.e. contributors who have donated at least \$1,000) providing the largest amounts of funding to each of the above:
  - a. The name of the individual or entity providing the contribution.
  - b. The types of businesses from which the maker of the contribution has obtained a majority of income over the previous 5 years, with each business identified by the name associated with its 6-digit code from the North American Industry Classification System (NAICS).

Note that if any of the entities in **a.** above are political committees or non-profit organizations, their top 3 funders during the elections cycle must be disclosed (other than a Small Donor Committee). However, if an entity in **a.** is a small donor committee, the top 3 funders of the small donor committee do not also need to be listed.

## **2. Which type of items are considered exempt from requiring these disclosures?**

The following items are exempt from campaign disclosure regulations:

- Bumper stickers
- Campaign signs smaller than 6 square feet
- Small items worn by individuals, such as buttons or stickers
- Fliers or other pieces of literature distributed to fewer than 500 people

## **3. I'm running for office, but I do not plan to participate in the City's Open and Accountable Elections Program. Do I still need to disclose my campaign contributions?**

Yes. PCC Chapter 2.10 applies to *all* candidates running for office in a City election. [See section below for more detail.](#)

## **4. I have campaign social media accounts. Do I need to list my funding sources on every individual post?**

Funding sources should be listed in a static, easily available biography or profile section of social media accounts used for campaign communications. Disclosures are not required in the text portion of every communication, such as in every text-based Tweet. However, if you publish a professionally-produced communication (such as a video advertisement, audio, or photo) via social media, you should list the funding sources for that professionally-produced communication as otherwise required.

See the [administrative rules](#) on social media and electronic communication for more information.

## **5. I want to make a radio advertisement for my campaign and all my contributors gave me less than \$1,000. Do I need to include the contributors who funded my campaign?**

PCC Chapter 2.10 requires candidates to list all political committees and entities that have paid to fund a candidate's campaign communication. Even if no contributor expended \$1,000 or more for the communication, you must still list any political committee or entity that has contributed funds used to create or promote the communication. For example, "Paid for by the Committee to elect Susan Jones" may be required regardless of dominant contributors providing more than \$1,000 in candidate elections.

## **6. My political committee funded a campaign communication with general pooled funds received from various sources. What is the disclosure requirement on these types of communications?**

In a situation where there is no particular tie to a funder for a campaign communication, the political committee should list its top dominant contributors as outlined in the regulations as follows:

1. Political committees or other entities paying to provide or present the communication (this includes any overarching committee(s) or entity(ies) that are funding the communication).
2. Each of the above's top 5 dominant contributors – name and income background.
3. See specifics in PCC [2.10.030](#).

**7. I am wondering if my campaign communication will comply with the City's disclosure regulations. Will your office review my ad before it's distributed?**

The Auditor's Office can provide general information and interpretation of requirements. For specific legal advice or formal opinions, all candidates and campaigns are individually responsible for compliance and should seek outside legal advice.

**8. How often should I update my required disclosure information? What about on my campaign's website and social media accounts?**

Campaign communication disclosures must be kept up to date as required depending on the type of communication and the format. It is recommended that disclosures be dated to ensure timely disclosure. See guidance on which communications require [5 versus 10 business day updates](#).

**9. What are penalties for campaigns found to be in violation of these requirements?**

For campaign contribution and expenditure violations, the penalty must be not less than two and not more than 20 times the amount of unlawful contribution or expenditure.

For violations other than contribution and expenditure violations, [such as a failure to comply with disclosure regulations](#), the Auditor's Office may issue a penalty up to \$3,000 per violation.

In determining the amount due as a civil penalty, the Auditor's Office will consider the following factors:

- The overall budget and resources available to the campaign or entity;
- The number of previous violations within the same election cycle;
- Whether the violation was repeated and continuous, or isolated and temporary (the Auditor's Office may choose to treat repeated, similar actions occurring during the same election cycle, which would otherwise be considered distinct violations, as aggravating circumstances under a single violation);
- Whether the violation appears to be willful;
- The campaign or entity's level of cooperation during the investigation, including providing relevant and timely information as requested;
- The amount of penalties, if any, previously imposed under similar circumstances;
- *For contribution and expenditure violations:* the relative size of the contribution or expenditure;
- *For communication disclosure violations:* the size of the intended audience and the costs associated with producing and/or managing the communication; and
- Any other applicable factors the Auditor's Office deems relevant.

For violations other than contribution and expenditure limits, if the Auditor’s Office finds reasons to believe the subjects of the complaint put for a good faith effort to comply with PCC Chapter 2.10, the City Auditor may, upon first offense, issue a warning as well as letter of education and/or requirements for additional training.

**10. I am not affiliated with a campaign. However, I want to produce communication pieces supporting my preferred candidate and opposing other candidates. Do I need to comply with the regulations in Chapter 2.10?**

Yes. PCC Chapter 2.10 says, “Each Communication to voters related to a City of Portland Candidate Election shall Prominently Disclose the true original sources of the Contributions and/or Independent Expenditures used to fund the Communication.” For independent expenditures providing a campaign communication in City candidate elections:

For each of the largest 5 dominant independent spenders paying to provide or present a communication, the communication must disclose:

- a. The name of the individual or entity providing the independent expenditure.
- b. The types of businesses from which the maker of the independent expenditure has obtained a majority of income over the previous 5 years, with each business identified by the name associated with its 6-digit code from the NAICS.

Any person or entity expending funds to produce communication related to a City of Portland candidate election must comply with the regulations set forth in PCC Chapter 2.10.

**11. I do not accept campaign contributions from entities, and I only accept contributions less than \$1,000. What am I required to disclose on my communication?**

Because state law requires candidates to establish candidate committees and disclose transactions once they collect or spend \$3,500, having no disclosure requirements on communication to voters is rare. [PCC Chapter 2.10.030](#) requires communication to voters to include the names of any political committees (or other entities) that paid to provide or present the communication. Even if a candidate’s principal campaign committee does not have dominant contributors, that candidate must still disclose their political committee if funds for the communication come from the committee.

If there is no political committee or entity involved in presenting the communication, no disclosure is required.

**12. I do not pay to use my social media accounts. Why do I need to disclose sources on these forms of communication?**

[PCC 2.10.030.A](#) states that “[e]ach Communication to voters related to a City of Portland Candidate Election shall Prominently Disclose the true original sources of the Contributions and/or Independent Expenditures used to fund the Communication.” While you may not always directly pay social media companies to use their platforms, campaigns can still expend funds to maintain their social media accounts, such as paying campaign staff to maintain their accounts.

**13. According to ARA 13.01, “[I]f professionally-produced content, such as a video or photo, is posted to a social media account, the professionally-produced content must also prominently disclose all required information.” What is considered “professionally-produced content?”**

The Auditor’s office is not monitoring campaign use of professional services to create and publish content; if there are questions about whether something is professionally produced, the Elections Office encourages full disclosure.

**14. My campaign sends regular text messages to subscribers. Am I required to include campaign contribution disclosures on these text messages?**

Yes. [PCC 2.10.030](#) requires each communication to voters to include the required disclosure information. In general, the only exemption from disclosures are:

- Small items worn or carried by individuals;
- Bumper stickers;
- Small signs; or
- A distribution of 500 or fewer substantially similar pieces of literature within any 10 business-day period.

### **Questions Regarding Campaign Contribution Limits in City Elections**

**1. Leading up to the City’s Primary election, I contributed \$500 to a mayoral candidate. That candidate has since advanced to the November runoff election. Am I allowed to donate another \$500 to that same candidate?**

Generally, no. Individuals, and also Political Committees, are limited to a maximum donation amount of \$500 toward a Candidate or Candidate Committee during an election cycle.

For this regulation’s purposes, an election cycle depends on the candidate, but is either:

a) For incumbents: from the date the person was previously elected to the position, according to official election results, to the date the seat is officially filled. This may be a four-year period, depending on the seat and whether a run-off is required.

b) For other candidates: from the date the person files for, declares, or begins taking contributions toward candidacy for a specific City office, through the date the position is elected, according to official election results. This may be from as short as three months to more than a year, depending on the seat, when the person files for office and begins collecting funds, and whether a run-off election is required.

**2. Who is held responsible for ensuring the \$500 contribution limits: the campaign or the donor?**

Under the City’s campaign finance regulations, both the contributor and the campaign are prohibited from the transaction that would exceed contribution limits. If the Auditor’s Office finds a contribution violation, both the contributor and campaign are subject to civil penalties.



For example, an individual contributor may be found in violation for making more than the allowed donation to one candidate's political committee (\$500, with limited exceptions) and a candidate's campaign or other political committee may also be found in violation for accepting such a contribution.

See the specific contribution limits provided under Charter Section 3-301/PCC 2.10.010 (outside of self-funding provisions in 3-301(b)(3)/PCC Section 2.10.010 (b)(3)) and listed below:

**A.** An Individual or Entity may make Contributions only as specifically allowed to be received in this Chapter.

**B.** A Candidate or Candidate Committee may receive only the following Contributions during any Election Cycle:

1. Not more than \$500 from an Individual or a Political Committee other than a Small Donor Committee
2. Any amount from a qualified Small Donor Committee

**3. I would like to personally donate to a City candidate's campaign. If I donate \$500 to one candidate's committee, am I prohibited from contributing additional funds to a different candidate during the election cycle?**

No. The limitation applies to the individual's aggregate contribution to a particular candidate either through direct contributions to the candidate or through contributions to a candidate's committee during the election cycle.

### **Questions Specific to participation in the City's publicly financed campaign program, or Open and Accountable Elections (OAE) Program**

**1. Do candidates participating in the OAE Program have to comply with the City's campaign disclosure regulations?**

Yes.

**2. Do candidates participating in the OAE Program have to comply with the Contribution limits, such as in-kind and seed-money?**

A City candidate participating in the OAE Program may receive any amount that such system allows a participating candidate to receive.

**3. Candidates participating in the OAE Program are not allowed to accept contributions over \$250, with some exceptions. What are OAE Program participating candidates supposed to disclose on voter communications?**

First, PCC Chapter 2.10 requires all candidates to list the political committees or other entities that paid to provide each voter communication. Candidates participating in the OAE Program likely have political committees that must be disclosed.

Second, all candidates must list the top 5 dominant contributors of each political committee or entity that paid to present the voter communication. A person or entity is a dominant contributor if they donated at least \$1,000 to a political committee in a candidate election. If a political committee does not have any donors who contributed at least \$1,000, then this second disclosure would not apply. Note: a candidate may also need to disclose the City as a contributor if the candidate receives at least \$1,000 in matching funds from the City and if the City is one of the candidate's top 5 contributors.

**4. The OAE Program allows candidates to accept in-kind contributions and seed money. Do candidates need to disclose those donations?**

In-kind contributions and seed money are not categorically exempt from disclosure. However, the contributions may not be required to be disclosed. Voter communications must list the top 5 dominant contributors of the political committees or entities that paid to present the communication. A person or entity is a dominant contributor if they donated at least \$1,000 to a political committee.

If the seed money or in-kind contribution is valued at \$1,000 or more AND if the donation came from one of the top 5 donors of the political committee or entity who paid to provide a particular voter communication, then disclosure is required.