

## Political Consultant Reporting, City Code Chapter 2.14

### ADM – 15.21 –Political Consultant Interpretation

Administrative Rule Adopted by the City Auditor Pursuant to Rule-Making Authority  
ARB-ADM-15.21

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#### A. Purpose

The purpose of this rule is to clarify the term Political Consultant in City Code Chapter 2.14 Reporting by Political Consultants.

#### B. Authority

Code Section 2.14.080 authorizes the Auditor to adopt administrative rules to administer the provisions of the Political Consultant Reporting program.

#### C. Definition

##### a. Covered client

A “covered client” means a City elected official, a successful candidate for City office, or either candidate’s principal campaign committee registered with the Secretary of State.

#### D. Rules

##### 1. Interpretation of Political Consultant

The term Political Consultant refers to an individual or entity that primarily provides Political Consulting Services as defined in City Code 2.14 and provides Political Consulting Services on behalf of a covered client.

The term does not apply to:

- Individuals or entities that provide Political Consulting Services only occasionally, characterized by occurring on a temporary or intermittent basis and accounting for less than fifty percent of an individual’s or entity’s actual work or volunteer time on a quarterly basis; or

*Example: A communications firm provides Political Consulting Services to a City of Portland elected official’s campaign committee (a covered client) on behalf of the candidate’s campaign. The firm, or an individual working for the firm, spends more than fifty percent of actual work hours during the calendar year providing Political Consulting Services on behalf of the covered client and others, such as other candidates and state and local campaigns. Because the firm’s or individual’s primary activity is providing Political Consulting Services and the firm or individual provides such services on behalf of a covered client, the firm should register with the City*

*Auditor's Office within fifteen calendar days of acting as a Political Consultant and report its client, the date services began, and related information.*

- Individuals or entities that provide Political Consulting Services on behalf of a client or organization that is not a covered client, such as labor organizations or other member-based associations, but may incidentally, while working on behalf of a client or organization that is not a covered client, discuss political strategy or polling data with an elected official, candidate for City office or a campaign committee for a candidate.

*Example: An individual representing a member-based business group meets with an elected official and discusses polling data and political strategy with that official. The group that the individual represents provides services on behalf of its members. The individual is representing the business group and its interests when meeting with the elected official and has not been hired to provide Political Consulting Services on behalf of the elected official. Because neither the group nor the individual is providing services on behalf of the covered client, neither is required to register as a Political Consultant with the City Auditor's Office. However, the individual or group may be required to register as a lobbyist under PCC 2.12.*

## **2. Extent of Services Requiring Disclosure as Political Consultant**

The registration for Political Consultants and quarterly reports from City elected officials are not required for incidental or unsolicited Political Consulting Services, such as:

- A covered client's interview of a Political Consultant as part of a hiring process to determine whether or not to obtain services from the Political Consultant
- Communications between Political Consultants and covered clients regarding general topics, including those of a political nature, that do not involve providing Political Consulting Services to or on behalf of the covered client

*Example: An elected official and a professional Political Consultant discuss a state ballot measure campaign. The two never discuss the elected official's campaign or political strategy related to it. The conversation is not reportable by either party because Political Consulting Services were not provided to or on behalf of the covered client.*

- Unsolicited Political Consultant Services provided by a Political Consultant outside of a mutually agreed upon professional relationship

*Example: A professional Political Consultant and an elected official discuss the elected official's campaign strategy at a social event. The Political Consultant is not currently and has never been engaged by the elected official to provide Political Consulting Services and the conversation is unsolicited by the elected official. The communication is not reportable by either party because Political Consulting Services were provided outside of a mutually agreed upon professional relationship.*

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