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## ARA 13.04 CAMPAIGN FINANCE: DISCLOSURE REQUIREMENTS

### A. Disclosure Requirements

1. [City Code Section 2.10.030 A](#) requires all communications to voters related to a City of Portland candidate election to prominently disclose the names of any political committees and other entities that have paid to provide or present the communication.

Examples: "Paid for by Friends of Candidate X" or "Paid for by Elect Candidate Y."

This disclosure requirement applies to all communications funded by political committees or other entities, including for candidates participating in a government system of public funding of campaigns, such as the voluntary Open and Accountable Elections Program established under [City Code Chapter 2.16](#).

2. If a political committee or other entity has received contributions or expenditures of more than \$1,000 from an individual or entity during the current election cycle, the communication must also disclose:
  - a. The five dominant contributors providing the most funding to the political committee or entity in the election cycle; and
  - b. The five largest dominant independent spenders paying to provide or present the communication.

### B. Electronic Communications

1. In addition to other types of communications, disclosure requirements:
  - a. Apply to all electronic communications related to City candidate elections, including, but not limited to, text messages, videos, websites, social media posts, emails, graphics with interchanging formats or photos, and still photos transmitted electronically.

- b. Must be current to within 10 business days of transmission, except video and audio communications must be current to within five business days of transmission.
2. For City candidate election-related social media content on platforms that contain frequent, short posts, any required disclosure information may be disclosed on a static page, such as a profile page, available on the same platform.
  - a. Additional disclosures are generally not required in each short post. However, if 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 within the content itself. Professionally-produced content may include, but is not limited to, content developed by professionals specifically hired to produce the content or content developed with the use of specialized editing or expertise.
  - b. If the static page profile section of a social media account is character limited, political committees or other entities paying to provide or present the communication may opt to provide a link to the prominent disclosures, provided that the prominent disclosures are easily accessible to voters.

### **C. Order of Top Dominant Contributors**

1. The top five dominant contributors disclosed on a communication to voters must be listed in decreasing order, with the largest dominant contributor listed first.
2. *Tiebreaker for first through fourth place:* If two or more dominant contributors donated the same amount of money in an election cycle, the contributor who made the most recent contribution must be listed first.

Example: Candidate Z is an Open and Accountable Elections Program participant. For a voter communication by Candidate Z's political committee that was printed and distributed on 9/1/2020, Contributor W donated \$5,000 in-kind on 8/4/2020 and Contributor X donated \$5,000 in-kind on 8/5/2020. No other individual or entity contributed at least \$1,000 to the candidate's political committee. The

voter communication must list Contributor X as the first top dominant contributor and Contributor W as the second top dominant contributor.

3. *Tiebreaker for fifth place:* If two or more dominant contributors donated the same amount of money as the fifth largest dominant contributor, the contributor who made the most recent contribution must be listed first.

Example: Candidate Z is an Open and Accountable Elections Program participant. For a voter communication by Candidate Z's political committee that was printed and distributed on 9/1/2020, Contributor Y donated \$1,000 in-kind on 8/4/2020 and Contributor G donated \$1,000 in-kind on 8/5/2020. Within the election cycle, four other individuals donated more than \$1,000 in-kind. The voter communication must list Contributor G as the fifth dominant contributor and Contributor Y would not need to be disclosed.

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### **Auditor's Office Administrative Rule Information and History**

Questions about this administrative rule may be directed to the [City Elections Office](#).

Adopted by the City Auditor on April 6, 2020 as an interim rule effective for not more than 180 days.

Adopted by the City Auditor on October 3, 2020, following a notice and comment period of at least 30 days.