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**ARA 13**

**CAMPAIGN FINANCE: APPENDIX B**

**A. Candidate**

1. "Candidate" has the meaning set forth at ORS 260.005(1) as of January 1, 2018.
2. Specifically, "Candidate" means:
  - a. An individual whose name is printed on a ballot, for whom a declaration of candidacy, nominating petition or certificate of nomination to public office has been filed or whose name is expected to be or has been presented, with the individual's consent, for nomination or election to public office;
  - b. An individual who has solicited or received and accepted a contribution, made an expenditure, or given consent to an individual, organization, political party or political committee to solicit or receive and accept a contribution or make an expenditure on the individual's behalf to secure nomination or election to any public office at any time, whether or not the office for which the individual will seek nomination or election is known when the solicitation is made, the contribution is received and retained or the expenditure is made, and whether or not the name of the individual is printed on a ballot; or
  - c. A public office holder against whom a recall petition has been completed and filed.
3. Candidate does not include a candidate for the office of precinct committeeperson.



## **B. Candidate Committee**

1. "Candidate Committee" has the meaning set forth at ORS 260.039 - 260.041, as of November 8, 2016, for the term "principal campaign committee."
2. "Principal campaign committee" was not expressly defined in ORS 260.039 - 260.041 as of November 8, 2016. However, the Auditor's Office considers a "principal campaign committee" (and therefore a "Candidate Committee" as that term is defined in Charter and City Code) to be as follows:
  - a. A sole dedicated Political Committee designated by a singular candidate, and
  - b. Which is required to file a Statement of Organization form with the Oregon Secretary of State's Office within three business days of first receiving a contribution or making an expenditure and no later than the deadline for filing a nominating petition or declaration of candidacy.
3. A candidate is not required to create a Candidate Committee when meeting the exception as provided in ORS 260.043 (Exemptions for Candidate Who Expects Neither Contributions nor Expenditures to Exceed \$750 or \$3,500; exemptions).

## **C. Contribution**

1. "Contribution" has the meaning set forth at ORS 260.005(3) and 260.007, as of November 8, 2016, with a few modifications.
2. Specifically, "Contribution" means:
  - a. The payment, loan, gift, forgiving of indebtedness, or furnishing without equivalent compensation or consideration, of money,



services other than personal services for which no compensation is asked or given, supplies, equipment or any other thing of value:

(1) For the purpose of influencing an election for public office or an election on a measure, or of reducing the debt of a candidate for nomination or election to public office or the debt of a political committee; or

(2) To or on behalf of a candidate, political committee or measure; and

b. The excess value of a contribution made for compensation or consideration of less than equivalent value.

3. "Contribution" does not include:

a. Funds provided by government systems of public funding of campaigns.

b. Providing rooms, phones, and internet access for use by a candidate committee free or at a reduced charge.

c. Any written news story, commentary or editorial distributed through the facilities of any broadcasting station, newspaper, magazine or other regularly published publication, unless a political committee owns the facility.

d. An individual's use of the individual's own personal residence, including a community room associated with the individual's residence, to conduct a reception for a candidate or political committee and the individual's cost of invitations, food and beverages provided at the reception.

e. A vendor's sale of food and beverages for use in a candidate's or political committee's campaign at a charge less than the normal



comparable charge, if the charge is at least equal to the cost of the food or beverages to the vendor.

- f. Any unreimbursed payment for travel expenses an individual, including a candidate, makes on behalf of a candidate or political committee.
- g. Any loan of money made by a financial institution as defined in ORS 706.008, other than any overdraft made with respect to a checking or savings account, if the loan bears the usual and customary interest rate for the category of loan involved, is made on a basis that ensures repayment, is evidenced by a written instrument and is subject to a due date or amortization schedule. However, each indorser or guarantor of the loan shall be considered to have contributed that portion of the total amount of the loan for which that person agreed to be liable in a written agreement, except if the indorser or guarantor is the candidate's spouse.
- h. Nonpartisan activity designed to encourage individuals to vote or to register to vote.
- i. Any communication a membership organization or corporation makes to its members, shareholders or employees if the membership organization or corporation is not organized primarily for the purpose of influencing an election.
- j. The payment of compensation for legal and accounting services rendered to a candidate or political committee if the person paying for the services is the regular employer of the individual rendering the services and the services are solely for the purpose of ensuring compliance with the provisions of this chapter.
- k. The payment by a state or local committee of a political party of the costs of preparation, display or mailing or other distribution incurred by the committee with respect to a printed slate card or



sample ballot, or other printed listing, of three or more candidates for any public office for which an election is held in this state. This subsection does not apply to costs incurred by the committee with respect to a display of any such listing made on broadcasting stations or in newspapers, magazines or similar types of general public political advertising.

#### **D. Expenditure**

1. Expenditure” has the meaning set forth at ORS 260.005(8) and ORS 260.007, as of January 1, 2018, with a few modifications.
2. Specifically, in relevant part, “Expenditure” means the payment or furnishing of money or anything of value or the incurring or repayment of indebtedness or obligation by or on behalf of a candidate, political committee or person in consideration for any services, supplies, equipment or other thing of value performed or furnished for any reason, including support of or opposition to a candidate, political committee or measure, or for reducing the debt of a candidate for nomination or election to public office. “Expenditure” also includes contributions made by a candidate or political committee to or on behalf of any other candidate or political committee.
3. “Expenditure” does not include:
  - a. A Communication to its members, and not to the public, by a Membership Organization not organized primarily for the purpose of influencing an election.
  - b. Any written news story, commentary or editorial distributed through the facilities of any broadcasting station, newspaper, magazine or other regularly published publication, unless a political committee owns the facility.



- c. An individual's use of the individual's own personal residence, including a community room associated with the individual's residence, to conduct a reception for a candidate or political committee and the individual's cost of invitations, food and beverages provided at the reception.
- d. A vendor's sale of food and beverages for use in a candidate's or political committee's campaign at a charge less than the normal comparable charge, if the charge is at least equal to the cost of the food or beverages to the vendor.
- e. Any unreimbursed payment for travel expenses an individual, including a candidate, makes on behalf of a candidate or political committee.
- f. Any loan of money made by a financial institution as defined in ORS 706.008, other than any overdraft made with respect to a checking or savings account, if the loan bears the usual and customary interest rate for the category of loan involved, is made on a basis that ensures repayment, is evidenced by a written instrument and is subject to a due date or amortization schedule. However, each indorser or guarantor of the loan shall be considered to have contributed that portion of the total amount of the loan for which that person agreed to be liable in a written agreement, except if the indorser or guarantor is the candidate's spouse.
- g. Nonpartisan activity designed to encourage individuals to vote or to register to vote, including but not limited to activity that is allowed for a not-for-profit corporation that is tax exempt under section 501(c)(3) of the Internal Revenue Code.
- h. The payment of compensation for legal and accounting services rendered to a candidate or political committee if the person paying for the services is the regular employer of the individual rendering



the services and the services are solely for the purpose of ensuring compliance with the provisions of this chapter.

- i. The payment by a state or local committee of a political party of the costs of preparation, display or mailing or other distribution incurred by the committee with respect to a printed slate card or sample ballot, or other printed listing, of three or more candidates for any public office for which an election is held in this state. This subsection does not apply to costs incurred by the committee with respect to a display of any such listing made on broadcasting stations or in newspapers, magazines or similar types of general public political advertising.
- j. A candidate debate or forum for a state office, or a communication publicizing a candidate debate or forum for a state office, when all major political party candidates for the state office have been invited to participate in the candidate debate or forum.
- k. The following nonpartisan communications that refer to a candidate or political party within 30 calendar days before a primary election or 60 calendar days before a general election:
  - (1) The publication of a nonpartisan voters' guide that is permitted to be published by a not-for-profit corporation that is tax exempt under section 501(c)(3) of the Internal Revenue Code.
  - (2) A commercial communication that depicts a candidate's name, image, likeness or voice only in the candidate's capacity as owner, operator or employee of a business that existed prior to the candidate's declaration of candidacy.
  - (3) Official publications produced or distributed by public employees while on the job during working hours.



(4) A communication by a labor union, membership organization or corporation to its members, stockholders or executive or administrative personnel.

(5) Any other nonpartisan communication identified by the Secretary of State by rule.

### **E. Independent Expenditure**

1. "Independent Expenditure" has the meaning set forth at ORS 260.005(10) as of January 1, 2018.
2. Specifically, "Independent Expenditure" means, in relevant part, an expenditure by a person for a communication in support of or in opposition to a clearly identified candidate or measure that is not made with the cooperation or with the prior consent of, or in consultation with, or at the request or suggestion of, a candidate or any agent or authorized committee of the candidate, or any political committee or agent of a political committee supporting or opposing a measure. For purposes of this subsection:
  - a. "Agent" means any person who has:
    - (1) Actual oral or written authority, either express or implied, to make or to authorize the making of expenditures on behalf of a candidate or on behalf of a political committee supporting or opposing a measure; or;
    - (2) Been placed in a position within the campaign organization where it would reasonably appear that in the ordinary course of campaign-related activities the person may authorize expenditures.
  - b. "Clearly identified" means, with respect to candidates:
    - (1) The name of the candidate involved appears;





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- (2) A photograph or drawing of the candidate appears; or
- (3) The identity of the candidate is apparent by unambiguous reference.
- c. "Communication in support of or in opposition to a clearly identified candidate or measure" means:
- (1) Either
- i. The communication, when taken in its context, clearly and unambiguously urges the election or defeat of a clearly identified candidate for nomination or election to public office, or the passage or defeat of a clearly identified measure;
  - ii. The communication, as a whole, seeks action rather than simply conveying information; and
  - iii. It is clear what action the communication advocates;
- (2) Or
- i. The communication contains aggregate expenditures of \$750 or more by a person;
  - ii. The communication refers to a clearly identified candidate who will appear on the ballot or to a political party; and
  - iii. The communication is published and disseminated to the relevant electorate within 30 calendar days before a primary election or 60 calendar days before a general election.
- d. "Made with the cooperation or with the prior consent of, or in consultation with, or at the request or suggestion of, a candidate or any agent or authorized committee of the candidate, or any



political committee or agent of a political committee supporting or opposing a measure”:

- (1) Means any arrangement, coordination or direction by the candidate or the candidate’s agent, or by any political committee or agent of a political committee supporting or opposing a measure, prior to the publication, distribution, display or broadcast of the communication. An expenditure shall be presumed to be so made when it is:
  - i. Based on information about the plans, projects or needs of the candidate, or of the political committee supporting or opposing a measure, and provided to the expending person by the candidate or by the candidate’s agent, or by any political committee or agent of a political committee supporting or opposing a measure, with a view toward having an expenditure made; or
  - ii. Made by or through any person who is or has been authorized to raise or expend funds, who is or has been an officer of a political committee authorized by the candidate or by a political committee or agent of a political committee supporting or opposing a measure, or who is or has been receiving any form of compensation or reimbursement from the candidate, the candidate’s principal campaign committee or agent or from any political committee or agent of a political committee supporting or opposing a measure.
- (2) Does not mean providing to the expending person upon request a copy of this chapter or any rules adopted by the Secretary of State relating to independent expenditures.



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**F. Political Committee**

1. "Political Committee" has the meaning set forth at ORS 260.005(18), as of January 1, 2018.
2. Specifically, "Political Committee" means a combination of two or more individuals, or a person other than an individual, that has:
  - a. Received a contribution for the purpose of supporting or opposing a candidate, measure or political party; or
  - b. Made an expenditure for the purpose of supporting or opposing a candidate, measure or political party. For purposes of this paragraph, an expenditure does not include:
    - (1) A contribution to a candidate or political committee that is required to report the contribution on a statement filed under ORS 260.057 or 260.076 or a certificate filed under ORS 260.112; or
    - (2) An independent expenditure for which a statement is required to be filed by a person under ORS 260.044.

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**Auditor's Office Administrative Rule Information**

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



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

Adopted by the City Auditor on December 5, 2023, as an interim rule for a period of no greater than 180 days.

Adopted by the City Auditor on December 11, 2023, as an interim rule for a period of no greater than 180 days.

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