



**OPEN &  
ACCOUNTABLE  
ELECTIONS  
PORTLAND**



# **Open & Accountable Elections**

## **Candidate Guide**

### **2020 Regular Election**

**April 7, 2020**

This guide is intended to explain the Open & Accountable Elections program in a format and manner that is helpful and easy to understand for candidates as well as campaign vendors, staff, and volunteers. It does not go into the level of detail and specificity as the Open & Accountable Elections Code, Administrative Rules, and Guidance. Candidates and campaigns are responsible for complying with the Open & Accountable Elections Code, Administrative Rules, and Guidance, which can be found on the program website: [www.portlandoregon.gov/oe](http://www.portlandoregon.gov/oe).

If you have any questions about the Open & Accountable Elections program, please contact program staff:

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# Open & Accountable Elections Program Overview

Starting with the 2020 Regular Election, candidates running for Mayor, Auditor, or City Commissioner in Portland will be eligible to participate in the Open & Accountable Elections program.

The Open & Accountable Elections program aims to reduce corruption and the perception of corruption that the influence of money in politics creates. It provides candidates who have broad community support and follow program rules with up to a 6-to-1 match on the first \$50 of small donations they receive from Portland residents. To be eligible for the match, candidates must prove they have broad community support by collecting hundreds of small contributions from Portlanders, and follow program rules limiting the size of contributions they receive and ensuring that funds are spent on legitimate campaign expenses. OAE has a nine-member Public Commission which holds public meetings to take community input and will advise program staff and the Council as this new program is implemented.

Before starting a campaign, interested candidates are encouraged to contact program staff for training on how to comply with program requirements.

# Steps for Participation in the Open & Accountable Elections Program

Candidates running for office in the City of Portland must comply with all applicable state, county, and City elections and campaign finance laws. In addition, to participate in the Open & Accountable Elections program, candidates must do the following:

## **Step 1: Comply with Open & Accountable Elections rules. (December 21, 2018-November 3, 2020)**

On December 21, 2018, Open & Accountable Elections requirements began to apply to any candidate who may choose to use the program in the 2020 election cycle. See the Compliance with Open & Accountable Elections section for the content of these rules. They are primarily campaign finance rules.

### **IMPORTANT TIPS:**

- Take the mandatory training ASAP to learn about these rules. You must take the mandatory training (and file your Notice of Intent) prior to starting to raise qualifying contributions, but you may take the mandatory training earlier. Trainings are scheduled individually for each campaign and can be done confidentially if you are not ready to announce your candidacy yet. Call 503.823.4345 to schedule.
- If you have a pre-existing campaign account that you cannot use as your 2020 account because it has funds in it raised in excess of program rules prior to December 21, 2018, you may transfer those funds into a savings account associated with a checking account that you use as your 2020 campaign account, as long as you keep the savings account inactive during the 2020 election cycle. You may transfer up to \$5,000 from the savings account into the checking account as seed money, if you wish to, prior to filing a Notice of Intent to participate.
- If a candidate violates Open & Accountable Elections contribution or expenditure rules prior to filing a Notice of Intent to participate, the candidate may cure the violations and pay a penalty within 30 days of filing a Notice of Intent, and still participate in the program. The intent of this rule is to encourage candidates to participate in the program even if they were not planning on running for City office or participating in the program at the beginning of the election cycle.

## **Step 2: Take the mandatory training!**

Before beginning to raise qualifying and matchable contributions, both the candidate and the candidate's treasurer must have received a mandatory training. The training covers how the program works and how to follow the rules. Trainings are scheduled individually with campaigns. They can be done confidentially for candidates who are not ready to announce yet. To schedule confidentially, call 503.823.4345.

To schedule in a manner that is not confidential, either call the number above or email [OpenElections@portlandoregon.gov](mailto:OpenElections@portlandoregon.gov). The training does not have to be taken until the candidate has turned in their Notice of Intent and is ready to raise qualifying contributions. However, taking the training earlier enables candidates to make an informed choice about whether to participate in Open & Accountable Elections and how to comply with it from Day 1.

**Optional step: Raise seed money.**

One exception to the campaign contribution limits is for seed money. A candidate can accept up to \$5,000 from any source until the candidate files Notice of Intent to participate in the Open & Accountable Elections program. This includes but is not limited to one or more large donors, campaign funds from a prior election, or self-funding. A campaign does not have to raise seed money, but it may not accept seed money once the campaign has filed the Notice of Intent.

**Step 3: File Notice of Intent to participate in the program (July 1, 2019-January 15, 2020)**

File the Open & Accountable Election program's Notice of Intent to participate in the program. If both the candidate and the candidate's Treasurer haven't already received a mandatory training from the program, program staff will contact the campaign to schedule it. The mandatory training may be taken prior to filing a Notice of Intent, so candidates and campaign staff can make an informed choice about whether the Open & Accountable Elections program is right for them.

TIP: Campaigns may not begin raising qualifying or matchable contributions until both the candidate and the campaign treasurer has taken the mandatory training. Any contributions that would otherwise be qualifying and/or matchable prior to receiving the mandatory training will not be matched and not be permitted for qualification purposes.

**Step 4: Start raising qualifying contributions.**

In order to get certified to use the program, a campaign must raise \$5-250 contributions from a minimum number of donors who are Portland residents and over the age of 18:

- For Mayoral candidates: 500 donors totaling \$5,000, or
- For City Commissioner or Auditor candidates, 250 donors totaling \$2,500.

**Step 5: Begin reporting contributions and expenditures to the program and submitting required documentation.**

To ensure campaigns are complying with program rules and to determine whether contributions submitted for a match are eligible, the Open & Accountable Elections program requires campaign to submit campaign finance information and documentation to the program. The mandatory training and the Open & Accountable Elections Reporting App Guide (to be published later this year) describe how to submit the required information and documentation. See the Compliance with Open & Accountable Elections section of this guide for more information.

**Step 6: Apply for certification. (September 12, 2019-January 29, 2020)**

Once a campaign has received the required number of qualifying contributions, a campaign may apply for certification in the program. Once certified, the campaign will receive matching funds from the City for all eligible matchable contributions, including the qualifying contributions.

**Step 7: Continue raising contributions and getting matching funds!**

Once certified, campaigns may keep raising contributions and receiving matching funds for matchable contributions. Contributions raised during the primary matching period will get matched for all participating candidates. Contributions raised during the general matching period will get matched for candidates who qualify for the general run-off election.

Candidates who won at the primary or who did not qualify for the general run-off election move to step 8.

**Step 8: After the election, return unused public funds. (July 3, 2020 or December 18, 2020)**

Candidates who won the office they are seeking in the primary or did not qualify for a run off election in the general must return unspent public funds by July 3, 2020. Candidates who qualify for the run off election in the general must return unspent public funds by December 18, 2020.

Once the election is over, campaigns need to pay their staff and any outstanding invoices, and then return any unspent public funds to the program within 15 days of the election being certified. This is calculated proportionally. For example, if a campaign received 75% of its funding in public matching funds, it owes 75% of what is left in the campaign bank account to the Open & Accountable Elections program. Only obligations undertaken prior to the election may be deducted from what is owed to the Fund.

## 2020 Election Cycle Timeline & Deadlines

December 21, 2018	2020 Election Cycle begins	Candidates who wish to participate must begin following rules.
July 1, 2019	Primary Matching Period begins	Candidates may file a Notice of Intent to participate.
September 12, 2019	Ballot Filing Period begins	Candidates may file to run for office and for program certification.
January 15, 2020	Notice of Intent deadline	Last day to file a Notice of Intent to participate in the program.
January 29, 2020	Certification Filing Deadline	Last day candidates can file for certification in the program.
March 10, 2020	Ballot Filing Period ends	Last day for candidates to file to run for office.
April 28, 2020	Primary Matching Period ends	Last day to collect contributions for match for the primary election.
April 29, 2020	General Matching Period begins	First day to collect contributions for match for the general election.
May 19, 2020	Primary Election Day	
July 3, 2020	1st Deadline to Return Public Funds	For candidates who did not qualify for the general election.
October 13, 2020	General Matching Period ends	Last day to collect contributions for match for the general election.
November 3, 2020	General Election Day	
December 18, 2020	2nd Deadline to Return Public Funds	For all candidates in the general election.

# Compliance with Open & Accountable Elections

Candidates running for office in the City of Portland must comply with all applicable state, county, and City elections and campaign finance laws. In addition, to participate in the Open & Accountable Elections program, candidates must follow the requirements of the program.

## Limits on Contributions

Participating candidates must abide by limits on what types and amounts of contributions that can be accepted for the entire election cycle (December 21, 2018 to November 3, 2020). If a candidate accepts more than is permitted, the campaign must cure the violation and owes a penalty to the Open & Accountable Elections Fund (see Administrative Rule 15).

Type of Contribution	Limit
Money from individuals	\$250 per donor per election*
Money from entities or businesses	Not permitted
Volunteered time	Unlimited
Seed Money (from any source)	\$5,000 per campaign
In-Kind Contribution (from any source)	\$20,000 limit per campaign per election*
Loan**	Not permitted except from candidate or spouse as seed money

\*The primary election and the general election are distinct from each other, therefore a campaign may accept up to the limit for the primary and the limit resets for the general. For example, a candidate may accept \$250 from “Joe” during the primary and accept another \$250 from “Joe” once the candidate qualifies for the general election. Because a candidate could win the office sought in the primary, a candidate may not accept \$500 during the primary and designate half for the primary and half for the general.

\*\*See Administrative Rule 3 for parameters for what a loan is.

There are a few rules relating to when certain types of contributions can be accepted, as seen in this chart.

WHICH TYPES OF CONTRIBUTIONS CAN A CAMPAIGN ACCEPT WHEN AND IS IT MATCHED?							
Contribution Type	Once Election Cycle begins (12/21/2018)	Once file Notice of Intent & receive mandatory training (between 7/1/2019-1/15/2020)	Once Primary Matching Period ends (4/28/2020)	Primary Election (5/15/2020)	Once General Matching Period ends (10/13/2020)	General Election (11/3/2020)	Is it matchable?
Seed Money (up to \$5,000 total from any source)	Yes	No	No	No	No	No	No
Allowable (\$0-250/donor/election, from an individual)	Yes	Yes	Yes	Yes	Yes	Yes	Some are
Qualifying (\$0-250/donor, from adult Portland resident)	No	Yes	N/A	N/A	N/A	N/A	Yes, if certified
Matchable (up to \$50/donor/election, from adult Portland resident)	No	Yes	Yes	Yes	Yes	Yes	Yes
In-Kind (up to \$20,000 per candidate)	Yes	Yes	Yes	Yes	Yes	Yes	No

Sometimes a contribution is made that doesn't feel like a contribution, and can trip up a campaign's compliance. For example, if a candidate is given polling information that is not available to the public (e.g. to encourage them to run), that is a contribution. As long as it is within the \$20,000 in-kind limit or the \$5,000 seed money limit and reported as such, the campaign is in compliance. Another common contribution that doesn't feel like a contribution is the use of lawn signs from a previous campaign. As long as the lawn signs are reported as a seed money contribution and within the \$5,000 limit, the campaign is in compliance.

Candidates are not permitted to solicit or direct contributions to entities that make independent expenditures to support their election or oppose the election of an opponent.

## Restrictions on Campaign Expenditures from the Campaign Bank Account

There are restrictions on which campaign expenses can be paid for with which types of contributions. Since all campaign expenses come out of the campaign bank account, the program determines whether certain expenses were paid with allowable or prohibited funds is through proportional calculation. If a campaign spent \$500 on an election night party, for which public funds may not be used, as long as the campaign raised at least \$500 in other types of funds, it is in compliance. The campaign should and the program will add up all expenses that cannot be paid with any type of funds to determine whether the campaign, as a whole, staying in compliance with the expenditure restrictions.

The chart on the next page shows which campaign expenditures can and cannot be made from different types of contributions.

<b>RESTRICTIONS ON EXPENDITURES FROM CAMPAIGN BANK ACCOUNT</b>			
<b>Type of Expenditure</b>	<b>Seed Money + Contributions Used for Certification + In-Kind</b>	<b>Allowable Contributions + Contributions Not Used for Certification</b>	<b>Public Matching Funds</b>
<b>Personal expenses</b>	No	No	No
Paying <b>previous campaign debt</b>	No	No	No
<b>Contributions to non-profits</b> except to attend a campaign event	No	No	No
Paying certain <b>penalties*</b>	Yes	Yes	No
Repay seed money loan	Yes	Yes	No
Election night or <b>post-election parties</b>	Yes	Yes	No
<b>Vehicle expenses</b> (e.g. purchase, lease, rental, insurance, repair, fuel)	No	Yes	No
<b>Exceptions to vehicle expenses</b> (parking, mileage, taxi, car-sharing)	Yes	Yes	Yes
Supporting a <b>political committee or measure or other candidate</b>	No	Yes	No
<b>Opposing any candidate</b> other than your opponents	No	Yes	No
<b>Independent expenditures</b>	No	Yes	No
For <b>election to a different office</b> the contribution was for	No	Yes	No
Paying <b>loans or debts</b>	No	Yes	No
<b>Consulting services paid above fair market value</b>	No	Yes	No
<b>Out of state travel</b>	No	Yes	No
Professional service <b>fees to appeal penalties or decertification</b>	No	Yes	No
<b>Salary or payment to a family member</b> (other than reimbursements)	No	Yes	No
<b>Gifts</b> (not including brochures, buttons, signs, etc.)	No	Yes	No
<b>Payments in cash**</b>	No	Yes	No

\*See the penalties section below for a list of which penalties can be paid from the campaign account.

\*\*Except to a business licensed in Portland that only accepts cash payments. This does not prohibit campaigns from using non-cash resources to pay reimbursable expenses paid for in cash.

## Required Documentation Related to Contributions and Expenditures

When reporting contributions and expenditures, participating candidates must provide the following documentation.

Contribution or Expenditure Type	Required Documentation
Cash from any source	Attestation document
Money order from any source	Attestation document
Check submitted for match	Attestation document
Credit card payment submitted on paper for a match	Attestation document
Online credit card payment	Digital attestation is permitted (see Guidance). If the donor did not attest digitally, an Attestation document is required. Also required is a statement that lists all contributions from the online credit card vendor.
All contributions and expenditures	The bank statement on which the contributions and expenditures appear, if issued by the deadline. If the latest bank statement does not include all expenditures and contributions due that reporting period, a JPEG or PNG image of a list of all transactions on the bank’s website since the last statement was issued.

Attestation document includes either the Attestation form published on the program website or a remit slip with the required attestation information, an example of which is published on the program website.

When an attestation form with a handwritten signature is required, the handwritten signature requirement is waived if the donor has a disability that prevents them from providing a handwritten signature.

The program is providing attestation documents written in the top four languages spoken in Portland. If a campaign would like to distribute attestation documents in other languages, please contact program staff to secure additional translations.

## Fundraising Caps and Exceptions

Participating candidates must comply with a total fundraising cap for the primary election and the general election.

FUNDRAISING CAPS		
Relevant Election	Mayor	City Commissioner or Auditor
Primary Election Fundraising Cap	\$380,000	\$250,000
General Election Fundraising Cap	\$570,000	\$300,000
<b>TOTAL</b>	<b>\$950,000</b>	<b>\$550,000</b>

Participating candidates are released from their fundraising caps if an opposing candidate who is not participating in the program raises more than the fundraising cap. To get released from the fundraising cap, a candidate must fill out the Removal of Certain Contribution Limits form as published on the program website and submit it to the Director. In addition to being released from the fundraising cap, candidates will also be permitted to raise \$500 from each donor each election, rather than \$250.

## Requirements for Matchable Contributions

For a contribution to be matched from the Open & Accountable Elections Fund, it must:

- Be from a Portland resident who is 18 years of age or older,
- Be accompanied by attestation from the donor that the contribution was from them and not another source,
- The donor did not already get matched for giving to another candidate seeking the same office as you, and
- Be validated by the City of Portland that the donor is matchable.

**IMPORTANT TIP:** A participating candidate may not offer items of value in exchange for a matchable contribution, other than items of minimal value (such as a campaign button or a bumper sticker).

## Matching Funds Caps

Matching funds are capped for the primary and general elections. Once a candidate reaches their match cap for the relevant election, they may continue to raise funds up to the total fundraising cap (unless they are permitted to exceed it), but will not receive additional matching funds during that election.

<b>MATCHING FUNDS CAPS</b>		
<b>Relevant Election</b>	<b>Mayor</b>	<b>City Commissioner or Auditor</b>
<b>Primary Election Matching Funds Cap</b>	\$304,000	\$200,000
<b>General Election Matching Funds Cap</b>	\$456,000	\$240,000
<b>TOTAL</b>	<b>\$750,000</b>	<b>\$440,000</b>

## Reporting Requirements

Candidates must follow all state reporting requirements to the Secretary of State’s office.

In addition, once a candidate files a Notice of Intent, they must begin reporting their contributions and expenditures to the Open & Accountable Elections program on the timeline described in the Reporting Schedule published on the program website and below. Candidates may do this using the OpenElectionsPortland Application found at [openelectionsportland.org](http://openelectionsportland.org) and linked on the program website. If directed by the Director, campaigns may use the reporting spreadsheet published on the program website to report data. Once the OpenElectionsPortland App is fully developed, it will allow candidates to bulk import their campaign finance information to ORESTAR.

Even some non-participating candidates and political committees must follow the reporting requirements of the Open & Accountable Elections law. Non-participating candidates and political committees spending funds in City races in which there is a participating or certified candidate must report the campaign finance activity to the Secretary of State’s office, but on a more frequent basis than required by state law: every 14 days. The Director will penalize campaigns for failing to submit their campaign finance reports to the state on time. Beginning on the 180th day before the elections and ending 42 days prior to the election, non-participating candidates must report contributions and expenditures within 14

days. Beginning on the 180th day before the election and ending the 42nd day before the election, political committees making independent expenditures of at least \$1,000 in aggregate in an election in which there is a participating or certified candidate must report contributions and expenditures within 14 days.

A campaign may report contributions late without penalty if there is a personal emergency or mitigating circumstance as described in Administrative Rule 16. Campaigns that are not required by the state to have a campaign committee because they raise below a low threshold do not have to report to ORESTAR or the Open & Accountable Elections program.

## 2020 Election Cycle Reporting Schedule

Once candidates have filed their Notice of Intent, they must begin reporting all contributions to and expenditures from their campaign finance account to the Director according to the Reporting Schedule:

- Regardless of when their first report is due, it must include all transactions from the beginning of the election cycle until 7 days prior to the first deadline that applies.
- All subsequent reports shall cover the period outlined in the Reporting Schedule.
- Candidates may stop submitting reports only once the candidate has returned all unspent public funds to the program.

<b>Report Due</b>	<b>Period covered by report*</b>
September 14, 2019	December 21, 2018 - August 31, 2019
September 28, 2019	September 1-14, 2019
October 12, 2019	September 15-28, 2019
October 26, 2019	September 29 - October 12, 2019
November 9, 2019	October 13-26, 2019
November 23, 2019	October 24 - November 7, 2019
December 7, 2019	November 10-23, 2019
December 21, 2019	November 24 - December 7, 2019
January 4, 2020	December 9-21, 2019
January 18, 2020	December 22, 2019 - January 4, 2020
February 1, 2020	January 5-18, 2020
February 15, 2020	January 19 - February 1, 2020

<b>Report Due (continued)</b>	<b>Period covered by report*</b>
February 29, 2020	February 2-15, 2020
March 14, 2020	February 16 - 29, 2020
March 28, 2020	March 1-14, 2020
April 11, 2020	March 15-28, 2020
April 25, 2020	March 29 - April 11, 2020
May 2, 2020	April 12-25, 2020
May 9, 2020	April 26 - May 2, 2020
May 16, 2020	May 3-9, 2020
May 23, 2020	May 10-16, 2020
June 6, 2020	May 17-23, 2020
June 20, 2020	May 24 - June 6, 2020
July 4, 2020	June 7-20, 2020
July 18, 2020	June 21 - July 4, 2020
August 1, 2020	July 5-18, 2020
August 15, 2020	July 19 - August 1, 2020
August 29, 2020	August 2-15, 2020
September 12, 2020	August 16-29, 2020
September 26, 2020	August 30 - September 12, 2020
October 3, 2020	September 13-26, 2020
October 10, 2020	September 27 - October 3, 2020
October 17, 2020	October 4-10, 2020
October 24, 2020	October 11-17, 2020
October 31, 2020	October 18-24, 2020
November 7, 2020	October 25-31, 2020
November 21, 2020	November 1-7, 2020
December 5, 2020	November 8-21, 2020
December 19, 2020	November 22 - December 5, 2020
January 2, 2021	December 6-19, 2020

*\*For a candidate's first filing, the period covered by the report begins on the first day of the election cycle (December 21, 2018) and ends on the last day listed for the period outlined for that reporting period. All future reports should cover only the period outlined for that reporting period.*

## Getting Certified

A candidate may only apply for certification once in an election cycle. After filing a Notice of Intent, taking the mandatory training, carrying out all reporting requirements, raising enough qualifying contributions, and filing for office by petition (collecting signatures), candidates may file for certification. Once certified, candidates will begin to receive matching funds, including on their qualifying contributions.

## Receiving Matching Funds

The program will distribute matching funds at least once every 14 days. The distribution method will be electronic deposit into the campaign bank account.

Candidates who are not contested may participate in and get certified in the program, but matching funds will not be distributed until the race becomes contested. All matchable contributions will be matched, even the ones collected prior to the race becoming contested. If a candidate receiving matching funds becomes unopposed, no additional matching funds will be distributed as long as the race is uncontested.

Matching rates are subject to change in the event of budget shortfalls. While the program will endeavor to avoid any lowering of the 6-to-1 match rate, she reserves the right to do so to ensure the solvency of the program. Notice of the lowering of the match rate will be given to campaigns in advance of any changes to reduced payments from the program.

## Penalties for Violating Program Requirements

If a candidate violated program requirements, the Director may impose a penalty on the candidate or campaign. The purpose of penalizing violations is to deter the intentional or negligent violation of program requirements, ensure the proper stewardship of public funds, and ensure public transparency in campaign finance. It is not intended to discourage candidates from participating in the program for fear of excessive penalties for errors that do not harm the purpose of the program.

Some penalties must be paid from the candidate’s personal funds or another private source, others must be paid from a specific bank account, such as the candidate’s campaign bank account. Below is a penalty matrix listing types of violations and penalties.

The Director has discretion as to the severity of the penalty, being able to reduce many similar reporting penalties when they are due to one error repeated several times, and being able to increase penalties for egregious violations, including decertification from the program which triggers the requirement to repay all public funds to the program with interest. If a violation occurs due to an error by the Director, the penalty will be waived. The Director may withhold public matching funds from a campaign until penalties are paid and other required remedies are carried out.

<b>VIOLATION TYPE</b>	<b>DESCRIPTION</b>	<b>PENALTY</b>	<b>CAP</b>	<b>PAYMENT SOURCE</b>
Late Filings	Submitted a contribution or expenditure late	0.5% of the transaction amount(s) per calendar day	-	Campaign account*
Insufficient Filings	Missing one or more fields of required information or with inaccurate/inadequate information	0.5% if the transaction amount(s) per calendar day if not remedied in time	25% of the transaction amount	Campaign account*
	Remedied in time	-	-	-
	Proven to be impossible to remedy but returned full amount	-	-	-
Fully Omitted Contributions and Expenditures	Not submitted on time or within the subsequent filing period	1% of the transaction amount(s) per calendar day	50% of transaction amount	Campaign account*

<b>VIOLATION TYPE</b>	<b>DESCRIPTION</b>	<b>PENALTY</b>	<b>CAP</b>	<b>PAYMENT SOURCE</b>
Prohibited Contributions	Returned/reimbursed within 7 days of the transaction's reporting deadline and reported as refunded at the next reporting deadline	-	-	Campaign account
	Not returned/reimbursed	Equal to the prohibited amount collected	-	Campaign account
Prohibited Contributions Collected Before Filing Notice of Intent	Returned/reimbursed within 30 days of filing Notice of Intent	25% of the total amount	-	Campaign account
	Provides documentation as to why it's not possible to return	Total amount of the prohibited contribution	-	Campaign account
	Not remedied by the campaign	Ineligibility for certification in to the program	-	Campaign account
Prohibited Expenditures	Expenditure made prior to filing Notice of Intent	Personal funds to campaign account in the same amount as the prohibited expenditure and 25% of the prohibited amount. If multiple or egregious prohibited expenditures are made, the candidate may be ineligible for certification.	-	Campaign account and Candidate's personal funds
	Prohibited expenditures after being certified	Curing the prohibited expenditure in time or decertification	Repayment of all public funds plus interest	Campaign account and Candidate's personal funds

<b>VIOLATION TYPE</b>	<b>DESCRIPTION</b>	<b>PENALTY</b>	<b>CAP</b>	<b>PAYMENT SOURCE</b>
In-Kind Contributions in Excess of the Caps (accrued cumulatively)	Violation totaling \$1,000 or less	Equal to the violation amount	-	Campaign account
	Violation totaling \$1,001-\$5,000	Equal to 2x the violation	-	Campaign account
	Violation totaling more than \$5,000	Equal to 3x the violation	\$10,000	Campaign account
Soliciting/Directing Contributions to Other Campaign Finance Entities	Soliciting or directing contribution to a political committee for the purpose of independent expenditures to support one's own election	At the discretion of the Director	\$10,000	Candidate's personal funds
Misrepresentation of Program Status	Misrepresentation that a candidate is participating in the program when they are not, committed by candidates, campaign staff, or campaign surrogates	\$1,000 per incident	\$5,000	Candidate's personal funds
Falsifying Documents	Submitting to the Director documentation that has been falsified by candidate, campaign staff, or a third party that they do or should have known about	Decertification, repayment of all Public Contributions with 12% interest per annum.	-	Campaign account and candidate's personal funds

<b>VIOLATION TYPE</b>	<b>DESCRIPTION</b>	<b>PENALTY</b>	<b>CAP</b>	<b>PAYMENT SOURCE</b>
Campaign Account Violation	Minor violations	Up to 1x the violation amount	1x the violation amount	Candidate's personal funds
	Serious violation	Up to 3x the violation amount	3x the violation amount	Candidate's personal funds
Egregious Violations	Includes failure to timely and accurately reports of expenditures or contributions that violate Program requirements, failure to remedy a violation within a reasonable time period, and failure to pay penalties totaling a large percentage of their privately raised funds within a reasonable time.	May increase penalties by 3x and/or decertification, which requires repayment of all public matching funds with interest.	-	
Other Violations	Campaign violates any other part of the law or rules not delineated here.	Up to \$10,000 or decertification, repayment of all public funds with interest.	\$10,000, not including repayment	Director will specify

\*Reporting related violations may be paid by the campaign treasurer if paying such fines is part of the contract with the treasurer.

## Documentation, Audits, and Investigations

Any documents participating candidates are required to collect must be retained by the campaign for at least six months after the November 3, 2020 election, unless the original document was given to the program Director.

In addition to the required documentation listed above, participating candidates must provide any records or documentation the Director requests and cooperate with any investigatory measures deemed relevant. The program may conduct unannounced site visits to campaigns to inspect documents.

## Honest Elections Compliance

In 2018, Portland voters passed a series of campaign finance reforms in a ballot measure called Honest Elections. Multnomah County passed similar reforms in 2016. The City reforms begin to apply on September 1, 2019. A trial court has struck down the contribution and expenditure limits in the Honest Elections ballot measure, though the state Supreme Court is hearing an appeal. Other provisions were upheld, such as requirements for reporting donors on campaign ads. The City Auditor is responsible for enforcing the Honest Elections law, and can answer any questions you have about it.

If the Supreme Court upholds the contribution limits, it will have no effect on candidates participating in the Open & Accountable Elections program, as candidates participating in the program are carved out by the Honest Elections law. As long as candidates participating in the Open & Accountable Elections program follow program rules, they are in compliance with Honest Elections. For example, it is prohibited to accept a \$5,000 contribution under Honest Elections rules, but because it is permitted under Open & Accountable Elections rules as seed money, a candidate who later files a Notice of Intent to participate in the Open & Accountable Elections program may collect it without violating Honest Elections rules. This section will be updated after the state Supreme Court rules on the appeal. A candidate may always choose to comply with both Honest Elections and Open & Accountable Elections rules to ensure compliance.

## Glossary of Commonly Used Terms

Below is a chart of terms that are commonly used in the Open & Accountable Elections program. Please see the Open & Accountable Elections Code and Administrative Rules for legal definitions of all defined terms.

<b>COMMONLY USED TERMS</b>	
Participating candidate	A candidate who has filed a Notice of Intent to use the program and has not been rejected from certification nor has the deadline for certification passed without the candidate applying for certification, or A candidate who has been certified to use the program and has not been decertified.
Certified candidate	A candidate who has been certified to use the program and has not been decertified.
Nonparticipating candidate	A candidate who has not filed a Notice of Intent to use the program, A candidate who has filed and withdrawn a Notice of Intent to use the program, A candidate who filed a Notice of Intent to use the program but did not apply for certification before the deadline passed, A candidate who was applied for and was rejected from certification, or A candidate who was certified and then decertified.
Primary matching period	For the 2020 election cycle, July 1, 2019 through April 28, 2020. Matchable contributions for the primary election collected in this period will be matched if the candidate has filed a Notice of Intent and the candidate and treasurer completed the mandatory training, and the donation is eligible for a match, and the candidate is certified to use the program.
General matching period	For the 2020 election cycle, April 29, 2020 through October 13, 2020. Matchable contributions for the general election collected in this period will be matched for certified candidates.
Election cycle	For the 2020 election cycle, December 21, 2018 through November 3, 2020. Candidates who use the Open & Accountable Elections program must follow program rules for this period.
Publicly funded bank account	The participating candidate’s campaign bank account.
Allowable contribution	A contribution of up to \$250 per donor per election that is from an individual.

Matchable contribution	A contribution of up to \$250 per donor per election that is from an individual of at least 18 years of age who lives in Portland and who has not already contributed to another candidate running for the same office.
Matchable donor	An individual of at least 18 years of age who lives in Portland.
Qualifying contribution(s)	A contribution submitted to the Director for the purpose of meeting the required number of contributions to qualify for certification in the program.
Contested election	An election in which there are at least two candidates who have a campaign finance entity.
Family	This includes a spouse, child, parent or step-parent, domestic partners, parents-in-law, grandparents or grandchildren, and household members.
Loan or debt	Participating candidates are prohibited from taking loans for their campaigns. This is not intended to prohibit the use of a campaign credit card, prohibit campaigns from being able to have vendors bill them after goods or services are provided, or pay reimbursable expenses (within reasonable limits in Administrative Rule 3).
Total permitted contributions	Participating candidates must abide by a total fundraising cap, unless they have a non-participating opponent who has raised more than the cap.
Independent expenditure	An expenditure in support of or opposing a candidate or measure that was not coordinated with the candidate that benefits from the expenditure.
Individual	A person, as opposed to an entity (e.g. corporation).
Public contribution or public matching funds	Money from the Open & Accountable Elections Fund that is paid to a certified candidate to match eligible contributions.
Seed money	Up to \$5,000 of money from any source(s) that a candidate who participates in the program may collect without restriction prior to filing a Notice of Intent to participate in the program.