



ARA 13.02 CAMPAIGN FINANCE: DEFINITIONS

Background: These rules are based on a voter-approved Charter amendment, related City Code, and subsequent court rulings.

For purposes of this rule, the definitions set forth in Portland City [Charter Section 3-308](#) and Portland [City Code Section 2.10.080](#) apply, and:

- A. "Complainant" means any person who has filed a complaint with the Auditor's Office alleging a violation of the City's campaign finance regulations.
- B. "Complaint" means a written statement, filed with the Auditor's Office in accordance with this rule, alleging one or more violations of the City's campaign finance regulations, provided that the alleged violation(s) were subject to investigation and enforcement by the Auditor's Office at the time of the alleged violation(s). Alleged violations are subject to investigation and enforcement by the Auditor's Office as of the following dates:
 - o Registration violations ([Code Section 2.10.020 B.](#)): September 1, 2019.
 - o Payroll deduction violations ([Code Section 2.10.010 C.](#)): September 1, 2019.
 - o Disclosure violations ([Code Section 2.10.030.](#)): September 1, 2019.
 - o Campaign contribution limit violations ([Code Section 2.10.010](#)): May 4, 2020.
- C. "Dominant contributor" means any individual or entity that contributes more than the amount defined by Charter, as adjusted for inflation in [Appendix A](#).
- D. "Dominant independent spender" means any individual or entity that expends more than the amount defined by Charter, as adjusted for inflation in [Appendix A](#).
- E. "Election cycle" means the following:
 - a. For candidates:
 - i. For an incumbent candidate, the period starting from the day the Auditor's Office certifies the official election results for the relevant position to the next time the Auditor's Office certifies the official election results for the same position. Certification occurs after all votes

are counted and City Council approves the results, which usually occurs approximately one month after an election.

- ii. For a candidate who is not an incumbent, the period starting from the earliest of the following days:
 - 1. An individual qualifies as a candidate under ORS 260.005(1);
 - 2. An individual declares they are a candidate on any publicly accessible source, including social media; or
 - 3. An individual expresses consent to be named as a candidate for nomination or election to a City office. Expressions of consent include, but are not limited to, agreeing to be a write-in candidate or accepting a campaign contribution.

b. For independent spenders:

- 1. The period starting from the day the Auditor's Office certifies the official election results for the position that is the subject of a communication to the next time the Auditor's Office certifies the official election results for the same position.
- 2. For a communication related to more than one City position, the relevant election cycle is connected to the position with the earliest previous election certification date.

c. Election cycle does not include any intervening primary or special election(s).

- F.** "Good faith effort" means what a reasonable person would determine is a diligent attempt to comply with the City campaign finance regulations under the circumstances.
- G.** "Interested parties" means the subject(s) of the complaint, the complainant, anyone who has previously requested notice of the complaint outcome, and any individual or entity that the Auditor's Office has deemed relevant to the complaint.
- H.** "Social media" means any online platform through which users create or share content such as photos, videos, and text-based communications to and with various

audiences. Examples include but are not limited to: Facebook, Twitter, YouTube, Reddit, and Instagram.

- I. "Written communication," as included in the definition of "communication" in [City Code Section 2.10.080 D.](#), is defined by its plain meaning except that it excludes government documents, such as candidate filing forms, petitions for nomination, any documents or envelopes required for candidates participating in the Open and Accountable Elections Program, or any other documents provided by a state, city, county, or any public agency.

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.

Amended by the City Auditor on [date], following a notice and comment period of at least 30 days.