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## ARA 13.04 CAMPAIGN FINANCE: DISCLOSURE REQUIREMENTS

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

### A. Disclosure Requirements

1. Portland [City Code Section 2.10.030 A](#), requires all communications to voters related to a City of Portland candidate election to prominently disclose the true original sources of the money used to provide or present the communication.
2. Disclosures must include the names of any individuals, candidate committees, political committees and other entities that paid to provide or paid to present the communication.

**Example:** “Paid for by Friends of Candidate X” or “Paid for by Elect Candidate Y.”

3. The disclosure requirements in Subsection (A)(4) apply only if the individual, committee, or entity that paid to provide or paid to present the communication has received contributions or made expenditures for the purpose of supporting or opposing a candidate, measure, or political party when the contribution or expenditure total during the election cycle is at least the amount listed for communication cost in [Appendix A](#).
4. Communications are also required to disclose information about the individual, candidate committee, or political committee that paid to provide or paid to present the communication by including the following information, if applicable:
  - a. Dominant **contributors**, as defined in ARA 13.02(C):
    - i. The names of the top five dominant contributors in the current election cycle, listed in the order specified in Subsection C;
    - ii. The type(s) of business(es) from which each listed dominant contributor received the majority of its income over the previous five years, using the business category names available through the [North American Industry Classification System \(NAICS\)](#); and

- b. The names of the top three funders during the current election cycle of each dominant contributor that is a nonprofit organization or political committee (but not a small donor committee as defined in [Code Section 2.10.080 P](#)).
- c. Dominant independent **spenders**, as defined in ARA 13.02(D), as follows:
  - i. The names of the top five dominant independent spenders that paid to provide or paid to present the communication, in the order specified in Subsection C;
  - ii. The type of business from which each listed dominant independent spender received the majority of its income over the previous five years, using the business category names available through the [North American Industry Classification System \(NAICS\)](#); and
  - iii. The names of the top three funders during the current election cycle for each dominant independent spender that are nonprofit organizations or political committees (but not a small donor committee as defined in [Code Section 2.10.080 P](#)).
5. Communications by unpaid volunteers that are customized, personalized, or individualized are exempt from the disclosure requirements.
6. Disclosures must be current to within 10 business days of the printing of material or as required for electronic communications in Subsection (B)(3).

## **B. Electronic Communication**

1. In addition to other types of communications, disclosure requirements 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.
2. Automated or autogenerated communications are subject to the City's disclosure requirements. These types of communications are prepared by a campaign and distributed by volunteers using their own devices.
3. Disclosures must be current to within 10 business days of the communication's transmission, except video and audio communications, which must be current to within five business days of transmission.
4. For communications on social media:

- a. The communication may satisfy the disclosure requirements by either:
  - i. Identifying who paid to provide or present the communication, if the communication also includes an active link to a website that prominently displays all additional required disclosures; or
  - ii. Disclosing all required information at a static location, such as a profile page, available on the same platform. If the static page profile section of a social media account is character limited, political committees or other entities paying to provide or paying to present the communication may opt to provide a link to the disclosures, provided that the disclosures are easily accessible to voters.
- b. 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.

### **C. Order of Top Dominant Contributors and Dominant Independent Spenders**

1. The top five dominant contributors or dominant independent spenders disclosed on a communication to voters must be listed in decreasing order, with the largest dominant contributor or dominant independent spender listed first.
2. *Tiebreaker for first through fourth place:* If two or more dominant contributors or dominant independent spenders donated the same amount of money or in-kind goods or services in an election cycle, the contributor or spender who made the most recent contribution or expenditure should be listed first.
3. *Tiebreaker for fifth place:* If two or more dominant contributors or dominant independent spenders donated or spent the same amount of money as the fifth largest dominant contributor or dominant independent spender, the contributor or spender who made the most recent contribution or expenditure must be listed.

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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.

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