

## **TITLE 2 - LEGISLATION AND ELECTIONS**

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# **TITLE 2 - LEGISLATION AND ELECTIONS**

## TITLE 2 LEGISLATION AND ELECTIONS

### CHAPTER 2.02 - GENERAL PROVISIONS

(Chapter added by Ordinance No. 177200, effective  
February 21, 2003,)

#### Sections:

- 2.02.010 Definitions.
- 2.02.020 City Elections Officer.
- 2.02.030 Campaign Finance Regulations.
- 2.02.040 Applicability of State Law; Limitations.
- 2.02.050 Computation of Dates.

#### **2.02.010 Definitions.**

(Amended by Ordinance No. 179258, effective June 17, 2005.) As used in this title, unless the context requires otherwise:

- A. **"Auditor"** means the Auditor of the City of Portland, or designee.
- B. **"Candidate"** means an individual whose name is or is expected to be printed on the official ballot.
- C. **"City Elections Officer"** means the Auditor, or designee.
- D. **"Elector"** or **"Eligible Elector"** means a person qualified to vote who is a resident of the City and a legal registered voter of the City and state of Oregon.
- E. **"General Election"** means the statewide election held on the first Tuesday after the first Monday in November of each even-numbered year.
- F. **"Initiative Petition"** means a petition to initiate a measure for which a prospective petition has been filed but that is not yet a measure.
- G. **"Measure"** means any city legislation, advisory question, property tax levy, tax base, or bond measure proposed for adoption, amendment, revision, repeal or referral through the initiative or referendum procedures prescribed by this title.
- H. **"Nonpartisan"** means not representing any national or state political party, committee or convention or acting for any political party. All City elected offices are nonpartisan.
- I. **"Perfectured Petition"** or **"Petition"** means the information, including signatures and other identification of petition signatures, required to be contained in a completed petition.
- J. **"Primary Election"** means the statewide election held the third Tuesday in May of each even-numbered year.

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- K. "Prospective Petition"** means the information, except signatures and other identification of petition signers, required to be contained in a completed petition.
- L. "Referendum Petition"** means a petition to refer a measure for which a prospective petition has been filed but that is not yet a measure.
- M. "Regular Election"** means the biennial statewide primary or general election date.
- N. "Special Election"** means any election at which a measure is submitted to the electors or candidates are nominated or elected on a date other than a regular election date.
- O. "Statement of Understanding"** means a document provided by the Auditor and signed by the Chief Petitioner of a prospective petition indicating receipt of all forms and requirements necessary to file a perfected petition.

**2.02.020 City Elections Officer.**

- A.** The Auditor, or designee, shall serve as the City Elections Officer.
- B.** The City Elections Officer may accept for filing and verify elections documents, maintain elections registers and historical records, prepare and publish a voters' pamphlet, and prepare and publish an election notice.
- C.** All documents involving filing as a candidate, organizing a principal campaign committee or a political action committee, reporting campaign contributions, filing an initiative, referendum or recall petition, and preparing and forwarding a measure for the election ballot shall be filed with the City Elections Officer.
- D.** The City Elections Officer shall verify the sufficiency of the content and form of the documents and shall immediately stamp the date and time of receipt on the documents. The City Elections Officer's review does not include verification of factual representations contained in submitted documents or verification that filings are free of substantive legal defects.

**2.02.030 Campaign Finance Regulations.**

(Amended by Ordinance No. 179258, effective June 17, 2005.) Campaign finance regulations, procedures and forms shall be governed by state law and this title.

**2.02.040 Applicability of State Law; Limitations.**

(Amended by Ordinance No. 179258, effective June 17, 2005.)

- A.** The provisions of this title and the City Charter shall prevail over any conflicting provisions of state law relating to the exercise of initiative and referendum powers and matters subject to legislation by the City.

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- B.** The procedures for nominating and electing city officers shall be as provided by state law, the City Charter, and this title.
- C.** The campaign finance system and reporting requirements for city candidates, political committee, and chief petitioners shall be as provided by state law, the City Charter, and this title.
- D.** All elections for city officers shall be held at the same time and place as elections for state and county officers in accordance with state law, except in the case of a special election to fill a vacancy in office or providing a runoff for two candidates nominated at a general election or special nominating election.
- E.** Except as otherwise provided in the Charter or this title, the Auditor shall maintain and preserve all documents related to an election matter for the retention period prescribed by state law. The Auditor shall retain nominating petitions and declarations of candidacy for six years after the election.
- F.** An emergency ordinance shall not be subject to the referendum process; however, the City Attorney shall be consulted by the Auditor prior to refusal to accept a referendum petition.

#### **2.02.050 Computation of Dates.**

- A.** The filing deadline shall be 5 p.m. on the date the document or fee is due unless the deadline falls on a Saturday, Sunday or other legal holiday specified in ORS 187.010, in which case the due date shall be the next business day at 5 p.m. Documents will be accepted after 5 p.m. if the document is physically in the office at 5 p.m.
- B.** In computing the due date for documents due X months prior to an election date, the time is computed by using months; e.g. if the document is due six months prior to an election date which is November 6, it must be filed on or before May 6 at 5 p.m. If May 6 is a Saturday, Sunday or holiday, the provisions in 2.02.050 apply.

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**CHAPTER 2.04 - INITIATIVE AND  
REFERENDUM PROCEDURES**

(Chapter replaced by Ordinance No. 163790,  
effective February 15, 1991.)

**Sections:**

- 2.04.030 Pre-election Publication.
- 2.04.040 Submission of Measure to Voters.
- 2.04.050 Prospective Petition.
- 2.04.055 One Subject Determination.
- 2.04.060 Ballot Title; Publication; Legal Effect.
- 2.04.070 Legal Challenge to Ballot Title.
- 2.04.080 Circulation of Petition.
- 2.04.090 Filing Deadlines, Percentage Requirements and Signature Verification.
- 2.04.100 Council Action; Competing Measure and Certification.
- 2.04.110 Measures Proposed by the Charter Commission.
- 2.04.120 Measures Referred by the Council.
- 2.04.125 Advisory Questions Referred by Council.
- 2.04.130 Election Dates; Special Election.
- 2.04.140 Ballot Designations.
- 2.04.150 Computation of the Vote.
- 2.04.160 Effective Date.

**2.04.010 Definitions.**

(Repealed by Ordinance No. 177200, effective February 21, 2003.)

**2.04.020 Applicability of State Law; Limitations.**

(Repealed by Ordinance No. 177200, effective February 21, 2003.)

**2.04.030 Pre-election Publication.**

No City voters pamphlet shall be required for an election subject to this chapter unless the Council directs it specifically.

**2.04.040 Submission of Measures to Voters.**

(Amended by Ordinance Nos. 177200 and 184947, effective November 18, 2011.)

**A. Council Submission of Measures**

1. A measure may be submitted to the legal voters of the City by resolution of the Council. No petition is required.
2. An advisory question, measure or proposition may be submitted to the voters by resolution of the Council. No petition is required. The vote shall not enact the matter into law, preclude the Council from adopting an

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ordinance enacting the matter into law, or require the Council to enact the measure into law.

#### **B. Elector's Submission of Petition on Legislation**

- 1.** A petition initiating or referring city legislation may be submitted by electors. The petition shall comply with the requirements of Section 2.04.050 and meet the signature requirements of Section 2.04.090.

#### **C. Charter Commission Measures**

- 1.** A measure proposing a charter amendment that is supported by an affirmative vote of at least 15 members of the Charter Commission after a public hearing process prescribed by the Council shall be submitted to the legal voters of the City in conformance with the Charter and this Chapter.

#### **2.04.050 Prospective Petition.**

(Amended by Ordinance No. 177200, effective February 21, 2003.)

- A.** The chief petitioner(s) shall file a prospective petition with the Auditor prior to circulating the petition. The petition shall be in a form required by the Auditor.
- B.** State law with regard to the form of the petition shall apply except that the City shall provide on the form a place for the chief petitioners to state at which election date the measure is to be placed on the ballot.
  - 1.** In the case of an initiative petition:
    - a.** The chief petitioners shall specify the date at which the measure shall be submitted to the voters. The specified election date shall be a regular election date within two years and four months of the time the prospective petition is filed with the Auditor.
    - b.** Each signature sheet shall contain the caption of the ballot title.
    - c.** A full and correct copy of the legislation to be initiated must also be submitted with the prospective petition.
  - 2.** In the case of a referendum petition:
    - a.** Each signature sheet shall contain the title, and charter section or ordinance number or section numbers proposed for referral and the date it was adopted by Council.
    - b.** A full and correct copy of the legislation to be referred must also be submitted with the prospective petition.



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- 3. If one or more persons will be paid for obtaining signatures of electors on the petition, each signature sheet shall contain a notice stating: "Some Circulators For This Petition Are Being Paid."
- C. The Auditor shall provide each chief petitioner with a "Statement of Understanding" and with a copy of each of the forms and requirements listed on the Statement. A Statement of Understanding signed by each chief petitioner shall be a prerequisite to acceptance of the petition.
- D. Prospective petitions which meet the requirements of Sections 2.04.050 A., B., and C. shall be accepted by the Auditor. The Auditor shall inscribe the date of filing upon the petition. The Auditor shall forward two copies to the City Attorney for the preparation of a ballot title not later than the sixth business day after the prospective petition is filed with the Auditor.

**2.04.055 One Subject Determination.**

(Added by Ordinance No. 177200, effective February 21, 2003.)

- A. The Auditor shall determine in writing no later than the fifth business day after receiving a prospective initiative petition whether the petition meets the requirements of Section 1(2)(D), Article IV of the Oregon Constitution.
- B. If the Auditor determines that the prospective initiative petition meets the requirements, the Auditor shall publish the ballot title as required in Section 2.04.060, including a statement that the petition has been determined to meet the requirements of Section 1(2)(D), Article IV of the Oregon Constitution.
- C. If the Auditor determines that the initiative petition does not meet the requirements, the Auditor shall immediately notify the petitioner of the determination in writing by certified mail, return receipt requested.
- D. Any elector dissatisfied with a determination of the Auditor under Section 2.04.055 A. may petition the circuit court to overturn the determination as provided by state law.

**2.04.060 Ballot Title; Publication; Legal Effect.**

(Amended by Ordinance No. 177200, effective February 21, 2003.)

- A. The City Attorney shall prepare a ballot title within five business days after receiving the prospective petition from the Auditor, or in the case of measures referred by Council, within five business days of the request. The ballot title shall comply with the requirements of state law. The purpose of the ballot title is to accurately describe the proposed measure, and does not constitute an opinion as to whether the proposed measure is free of legal defects.
- B. The ballot title shall consist of:

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1. A caption of not more than 10 words which reasonably identifies the subject matter of the petition.
  2. A question of not more than 20 words which plainly phrases the chief purpose of the measure so that an affirmative response to the question corresponds to an affirmative vote; and
  3. A concise and impartial statement of not more than 175 words summarizing the measure and its major effects.
- C. In the case of a prospective petition, the City Attorney shall transmit the ballot title to the Auditor who shall inscribe the date of receipt on it and shall:
1. Transmit a copy of the petition and the ballot title to one of the chief petitioners; and,
  2. Publish in the next available edition of a newspaper of general circulation in the City, a notice of receipt of the ballot title, that an elector may file a petition for review of the ballot title, and the date by which the appeal must be filed.
- D. Ballot titles for measures referred by Council shall be published by the Auditor as provided in Section 2.04.120 B.

#### **2.04.070 Legal Challenge to Ballot Title.**

(Amended by Ordinance No. 177200, effective February 21, 2003.) A ballot title filed with the Auditor by the City Attorney or adopted by the City Council may be challenged as provided by state law.

#### **2.04.080 Circulation of Petition.**

(Added by Ordinance No. 177200, effective February 21, 2003.)

- A. The Auditor shall certify the petition to one of the chief petitioners for circulation at the conclusion of the seventh business day after the ballot title is received from the City Attorney or immediately upon final adjudication as prescribed by the court, except a referendum petition which is found by the Auditor to satisfy the provisions of Section 2.04.050 may be circulated prior to the preparation of the ballot title.
- B. The Auditor shall advise the chief petitioner in writing that the preparation of the ballot title by the City Attorney and certification of the petition by the Auditor does not certify that the proposed measure is a proper matter for the initiative or referendum process or that it is legal or free of legal defects.
- C. Each copy of the petition which is circulated shall consist of a cover page including the ballot title and the text of the legislation being initiated or referred backed with the signature sheet. If the text of the legislation is too lengthy to fit on the cover sheet, each person obtaining signatures on the petition shall carry at least one full

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and correct copy of the measure to be initiated or referred and shall allow any person to review a copy upon request.

- D.** Each elector signing the petition shall do so by affixing the elector's signature to the signature sheet. Space shall also be available on the signature sheet for the elector's, printed name, residence address, precinct number, and date of signing.
- E.** No signature sheet shall be circulated by more than one person. Each signature sheet shall contain a certification signed by the circulator that each elector who signed the sheet did so in the circulator's presence and to the best of the circulator's knowledge, each elector signing the sheet is a legal voter of the City and that compensation received by the circulator, if any, was not based on the number of signatures obtained for this petition.

**2.04.090 Filing Deadlines, Percentage Requirements and Signature Verification.**

(Amended by Ordinance Nos. 177200 and 178799, effective November 5, 2004.)

- A.** The Auditor shall not accept a petition for signature verification which does not satisfy the requirements of this chapter and other applicable law. Petitions shall be verified in the order in which they are filed with the Auditor.
- B.** A petition shall not be accepted for signature verification unless it contains at least 100 percent of the required number of signatures.
- C.** In computing the required number of signatures, the required number shall be a percentage, as provided in this section, of the number of electors registered in the city on the date of the primary municipal election immediately preceding the date the prospective petition is filed.
- D.** An initiative petition shall:
  - 1.** Be filed with the Auditor for signature verification no less than four months before the election date specified on the petition. Failure to meet this filing deadline shall render the petition void.
  - 2.** Be signed by a number of electors equal to or greater than 9 percent of the number of electors registered in the city on the date of the primary municipal election immediately preceding the date the prospective petition is filed.
- E.** A referendum petition shall:
  - 1.** Be filed with the Auditor for signature verification no later than 30 days after passage of the ordinance sought to be referred, however, it must be submitted to the Auditor at least four months before an election date in order to be placed on the ballot for that election. The four months submission requirement may be waived if the Auditor can complete the signature

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verification process and meet the counties' elections filing deadlines, and the provisions of Section 2.04.130 B. are satisfied.

2. Be signed by a number of legal voters equal to or greater than 6 percent of the number of electors registered in the city on the date of the primary municipal election immediately preceding the date the prospective petition is filed, except that a petition signed by 2,000 registered voters shall be sufficient to call a referendum upon any franchise ordinance.
- F. Upon acceptance of the petition, the Auditor shall arrange for verification of the validity of the signatures with the County Elections Officers. Verification may be performed by random sampling in a manner approved by the Secretary of the State of Oregon.
- G. The Auditor shall complete the verification process within 30 days after receipt of the petition and shall advise a chief petitioner whether the petition qualifies to be submitted to the voters.
- H. A date shall be placed on the petition or on a certificate attached to the petition which shows the date the verification process was completed. Measures which qualify for placement on the ballot shall be certified by the Auditor as meeting the requirements of this chapter and shall be submitted to the Council for action as provided by 2.04.100. The Auditor shall certify to the County Elections Offices each measure which qualifies for placement on the ballot, unless the measure has been enacted by the Council.

#### **2.04.100 Council Action; Competing Measure and Certification.** (Amended by Ordinance No. 177200, effective February 21, 2003.)

- A. The Auditor shall file with the Council each initiative and referendum measure submitted by the electors which qualifies for placement on the ballot for action by the Council as follows:
1. The Council may adopt an ordinance which codifies an initiative measure proposing a change to the City code. The Council shall act by a non-emergency ordinance not later than the 30th day after the measure has been certified by the Auditor for Council action and not later than the date the measure must be certified to the County for placement on the ballot. Approval of the ordinance shall void the initiative petition.
  2. The Council may repeal an ordinance provision which is the subject of a referendum petition. The Council shall act by a non-emergency ordinance not later than the 30th day after the measure has been certified by the Auditor for Council action and not later than the date the measure must be certified to the County for placement on the ballot. Repeal of the referred ordinance provision shall void the referendum petition.

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- B.** All measures involving charter language which qualify for placement on the ballot shall be submitted to the voters.
- C.** The Council may refer a competing measure, however, it shall prepare the measure not later than the 30th day after the measure has been filed with the Auditor for signature verification.

**2.04.110 Measures Proposed by the Charter Commission.**

(Added by Ordinance No. 184947, effective November 18, 2011.)

**A. Preparation of Ballot Title**

- 1.** When a measure proposing a charter amendment is supported by an affirmative vote of at least 15 members of the Charter Commission after a public hearing process prescribed by the Council:
  - a.** The Commission shall notify the Auditor and submit to the Auditor the text of a proposed measure.
  - b.** Within seven business days after submission of the proposed measure to the Auditor, the Auditor shall file the measure as a report from the Charter Commission to the Council and place it on the Council agenda.
  - c.** Within two business days after the Charter Commission presents the measure to the Council at a Council meeting, the Auditor shall forward the measure to the City Attorney for preparation of a ballot title and explanatory statement in conformance with the requirements of state law.
  - d.** Within five business days after receiving the measure from the Auditor, the City Attorney shall prepare and transmit to the Auditor the ballot title and explanatory statement.
  - e.** After receiving the ballot title, the Auditor shall publish in the next available edition of a newspaper of general circulation in the City, a notice of receipt of the ballot title, that an elector may file a petition for review of the ballot title, and the date by which the appeal must be filed.
  - f.** Following completion of the ballot title challenge process, the Auditor shall file the measure, ballot title and explanatory statement with county elections officers.
  - g.** A measure shall be considered referred under this Section as soon as the measure is certified to the ballot. The measure shall be placed on the next primary or general election ballot that is at least 120 days

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after the date the Charter Commission presents the measure to Council. As part of its affirmative vote supporting a measure, the Charter Commission may specify whether the measure shall be submitted to the voters at the primary election or at the general election.

#### **2.04.120 Measures Referred by the Council.**

(Amended by Ordinance No. 177200, effective February 21, 2003.)

##### **A. Preparation of Ballot Title and Resolution; Effective Date.**

- 1.** Prior to final Council action on a measure to be referred to the electors, an elected City official shall submit a resolution and ballot title to the Council Clerk for placement on the Council agenda. The ballot title may be prepared by:

- a.** the City Attorney at the request of the Council or elected official;
- b.** the Council; or
- c.** an elected City official.

If the City Attorney is asked by the Council or an elected official to prepare the ballot title and resolution, the ballot title and resolution shall be transmitted to the Council or elected official within five business days of the request, unless a longer time period is specified by the Council or elected official.

- 2.** The ballot title shall comply with the requirements of Section 2.04.060 B.
- 3.** A measure shall be placed on the ballot if the Council enacts a resolution directing that a measure be placed on the ballot.
- 4.** A measure shall be considered referred under this section as of the date the Council adopts the resolution directing placement of the measure on the ballot.

- B.** Publication. Upon referral of the measure as outlined in Section 2.04.120 A., the Auditor shall publish in the next available edition of a newspaper of general circulation in the City, a notice of receipt of the ballot title, that an elector may file a petition for review of the ballot title, and the date by which the appeal must be filed.
- C.** Legal Challenge to Ballot Title. A ballot title adopted by Council may be challenged as provided by state law.

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**2.04.125      Advisory Questions Referred by Council.**

(Added by Ordinance No. 177200, effective February 21, 2003.)

**A.      Preparation of Ballot Title and Resolution; Effective Date.**

- 1.**      Prior to final Council action on an advisory question to be referred to the electors, an elected City official shall submit a resolution and ballot title to the Council Clerk for placement on the Council agenda. The ballot title may be prepared by:

- a.**      the City Attorney at the request of the Council or elected official;
- b.**      the Council; or
- c.**      an elected City official.

If the City Attorney is asked by the Council or an elected official to prepare the ballot title and resolution, the ballot title and resolution shall be transmitted to the Council or elected official within five business days of the request, unless a longer time period is specified by the Council or elected official.

- 2.**      The ballot title shall comply with the requirements of Section 2.04.060 B.
- 3.**      An advisory question shall be placed on the ballot if the Council enacts a resolution directing that a measure be placed on the ballot.
- 4.**      An advisory question shall be considered referred under this Section as of the date the Council adopts the resolution directing placement of the question on the ballot.

- B.**      Publication. Upon referral of the measure as outlined in Section 2.04.125 A, the Auditor shall publish in the next available edition of a newspaper of general circulation in the City, a notice of receipt of ballot title, that an elector may file a petition for review of the ballot title, and the date by which the appeal must be filed.

- C.**      Legal Challenge to Ballot Title. A ballot title adopted by Council may be challenged as provided by state law.

**2.04.130      Election Dates; Special Election.**

(Amended by Ordinance No. 177200, effective February 21, 2003.)

- A.**      An initiative measure shall be placed on the ballot at the primary or general election date specified on the petition.
- B.**      A referendum measure shall be placed on the ballot at the next primary or general election unless the Council finds that the public interest in a prompt resolution of

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the question outweighs the costs associated with a special election. If the Council chooses not to place the matter on the ballot at the next primary or general election, the Council may call for a special election at the next available date or call for a special election at an election date when other measures are on the ballot thus reducing the cost.

- C. A measure or advisory question referred by Council shall be placed on the election ballot specified in the resolution directing the measure or question to be referred to the voters. This shall be a primary or general election date, unless the Council finds that the public interest in a prompt resolution of the question outweighs the costs associated with a special election. If the Council chooses not to place the matter on the ballot at the next primary or general election, the Council may call for a special election at the next available date or call for a special election at an election date when other measures are on the ballot thus reducing the cost. If no date is specified in the Council resolution, the measure shall be placed on the ballot at the next available primary or general election.

#### **2.04.140 Ballot Designations.**

(Amended by Ordinance Nos. 177200 and 184947, effective November 18, 2011.)

- A. Measures referred by the Council shall be designated on the ballot "Referred to the People by the City Council."
- B. Advisory questions referred by the Council shall be designated on the ballot "Advisory Question Referred to the People by the City of Portland."
- C. Measures proposed by referendum petition shall be designated on the ballot "Referred by Petition of the People."
- D. Measures proposed by initiative petition shall be designated on the ballot "Proposed by Initiative Petition."
- E. Measures proposed by the Charter Commission supported by an affirmative vote of at least 15 members of the Charter Commission shall be designated on the ballot "Referred to the People by the Charter Commission."

#### **2.04.150 Computation of the Vote.**

(Amended by Ordinance No. 177200, effective February 21, 2003.)

- A. No measure shall be adopted unless it receives an affirmative majority of the total number of votes.
- B. A measure that falls under the requirements of Article 11, Section 11 (8) of the Oregon Constitution shall be adopted only if it receives an affirmative majority of the total number of votes and:
  - 1. At least 50 percent of registered voters of the City cast a ballot; or



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2. The election is a general election in an even-numbered year.
- C. If there are two or more measures on the ballot on the same subject or containing conflicting provisions, the measure receiving the greatest number of affirmative votes shall be the measure adopted.

**2.04.160 Effective Date.**

(Amended by Ordinance No. 177200, effective February 21, 2003.)

- A. The Auditor shall submit the abstract of votes for each measure from the County Elections office to the Council within 30 days after the date of the election. The Mayor shall issue a proclamation giving the number of votes cast for or against a measure and declare the approved measure as the law on the effective date of the measure. If two or more approved measures contain conflicting provisions, the Mayor shall proclaim which is paramount, as provided by Section 2.04.150 B.
- B. An initiative or referendum measure adopted by the electors shall take effect upon proclamation by the Mayor unless the measure expressly provides a different effective date.

**2.04.170 Computation of Dates.**

(Repealed by Ordinance No. 177200, effective February 21, 2003.)

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### **CHAPTER 2.08 - NOMINATION AND ELECTION OF CANDIDATES**

(Chapter replaced by Ordinance No. 167654,  
effective May 18, 1994.)

#### **Sections:**

- 2.08.040 City Offices.
- 2.08.050 Qualifications of Candidates.
- 2.08.060 Filing as a Candidate for Office.
- 2.08.070 Filing by Declaration of Candidacy.
- 2.08.080 Filing by Nominating Petition
- 2.08.090 Withdrawal of Candidate Before certification to County.
- 2.08.100 Register of Candidates for primary Election.
- 2.08.110 Statement of Candidates & Measures for Primary and General Elections Ballots.
- 2.08.120 Post-Election Procedures for Primary and General Election.
- 2.08.130 Tie Vote.
- 2.08.140 Candidate Elected by Write-in Vote.
- 2.08.150 Withdrawal after Nomination.
- 2.08.160 Filling Vacancy in Nomination.
- 2.08.170 Recall.

#### **2.08.010 Definitions.**

(Repealed by Ordinance No. 177200, effective February 21, 2003.)

#### **2.08.020 Applicability of State Law.**

(Repealed by Ordinance No. 177200, effective February 21, 2003.)

#### **2.08.030 City Elections Officer.**

(Repealed by Ordinance No. 177200, effective February 21, 2003.)

#### **2.08.040 City Offices.**

(Amended by Ordinance Nos. 177200 and 178799, effective November 5, 2004.)

- A.** All elective city offices shall be nonpartisan. Petitions or declarations of candidacy shall contain no reference to any political party affiliation. No reference to any political party affiliation shall be included in any notice, voters' pamphlet, ballot or other elections publication concerning a city candidate.
- B.** The Mayor, Auditor and Commissioners shall be nominated and elected subject to provisions in Charter Section 2-206 and Charter Chapter 3, Article 1 concerning filling vacancies in office and provisions in Code Chapter 2.08.160 concerning absence of a nominee after the Primary Election. If a City candidate receives a majority of the votes cast for an office at the Primary Election, the candidate shall be elected. If no candidate receives a majority of the votes cast for the office at the Primary Election, the two candidates receiving the highest number of votes for that

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office shall appear on the General Election ballot. The candidate receiving the majority of votes cast at the General Election shall be elected. In case no nomination is made at the Primary Election, nominations may be made at the General Election, and any candidate receiving a majority of votes shall be deemed elected at the General Election.

**2.08.050      Qualifications of Candidates.**

(Amended by Ordinance No. 177200, effective February 21, 2003.)

- A.** Eligible electors filing for city offices shall meet the qualifications for elected officials described in Charter Section 2-202. The candidate shall be a citizen of the United States and of the State of Oregon, and a registered voter in the City of Portland who shall have been a resident of the City of Portland or of an area which has become part of the City prior to filing the declaration of candidacy or petition for nomination, for a period of not less than one year immediately preceding the nominating election.
- B.** In addition to the requirements of Section 2.08.050 A., candidates for Auditor must at the time of filing a declaration of candidacy or a nominating petition, be a Certified Public Accountant, Certified Internal Auditor, or Certified Management Accountant and remain certified as such throughout the term of office, if elected.
- C.** The City Elections Officer shall reject the filing for candidacy if the City Elections Officer finds that a candidate is not a registered voter in the City of Portland, would otherwise be unable to qualify as an officer if elected, or if the filing is not in compliance with the law or the requirements of this Chapter in any other way.

**2.08.060      Filing as a Candidate for Office.**

(Amended by Ordinance No. 177200, effective February 21, 2003.)

- A.** An eligible elector may become a candidate for nonpartisan office by filing a declaration of candidacy accompanied by a filing fee or by filing a nominating petition.
- B.** A nominating petition or declaration of candidacy shall contain the name of only one candidate.
- C.** No person shall file a nominating petition or declaration of candidacy for more than one lucrative office on the ballot at the same time. If a person has filed for another office, the person shall first withdraw the prior filing before a nominating petition or declaration of candidacy shall be accepted.
- D.** A nominating petition or declaration of candidacy shall be filed within the time period prescribed by state law.

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#### **2.08.070 Filing by Declaration of Candidacy.**

(Amended by Ordinance Nos. 173369 and 177200, effective February 21, 2003.)

- A.** The Declaration of Candidacy shall be accompanied by the filing fee.
  - 1.** \$50 for the office of the Mayor.
  - 2.** \$30 for the office of Commissioner or Auditor.
- B.** A Declaration of Candidacy shall be on a Filing of Candidacy form provided by the Auditor as prescribed by state law and shall provide qualifications and fees for city candidates. It shall include:
  - 1.** The candidate's name and the manner in which the name should appear on the ballot;
  - 2.** The candidate's residence and mailing addresses and other contact information;
  - 3.** The candidate's county of residence;
  - 4.** The position and position number, if applicable, for which the candidate seeks nomination;
  - 5.** A statement of the candidate's occupation, educational and occupational experience and prior government experience;
  - 6.** A statement the candidate will accept nomination or election;
  - 7.** A statement the candidate will qualify if elected;
  - 8.** A statement the required fee is included with the declaration; and
  - 9.** The candidate's signature.
- C.** The Filing of Candidacy form shall state pursuant to ORS 260.715 that any person who supplies any information on the form, knowing it to be false, is subject upon conviction to imprisonment in the penitentiary for up to five years or to a fine of \$100,000 or both; and pursuant to ORS 249.013 that no person shall file a nominating petition or declaration of candidacy for more than one lucrative office before the date of the primary election unless the person first files a written withdrawal with the officer who accepted the initial filing.

**2.08.080 Filing by Nominating Petition.**

(Amended by Ordinance No. 177200, effective February 21, 2003.)

- A.** As an alternative method of filing as a candidate without the expense of the filing fee, a candidate may file a nominating petition. A nominating petition shall contain no fewer than 100 original signatures of electors registered in the City of Portland.
- B.** Before circulating a nominating petition, the candidate shall file with the City Elections Officer a prospective petition signed by the candidate. The prospective petition shall be a copy of the signature sheet intended for circulation and filing, a statement whether petition circulators will be paid or unpaid, a Filing of Candidacy form. The copy of the signature sheet shall be in the form prescribed by state law and signed by the candidate.
- C.** The Filing of Candidacy form shall be on a form provided by the Auditor as prescribed by state law and shall provide qualifications and signature requirements for city candidates. It shall include the items listed in Section 2.08.070 B. 1. - 7., and 9. and 2.08.070 C. It shall also include a statement that the required prospective petition forms are included with the declaration.
- D.** No petition shall be circulated for signatures without the approval of the prospective petition by the City Elections Officer.
- E.** After circulating the petition, the candidate shall submit to the City Elections Filing Officer the signature sheets including no less than 100 percent of the required signatures and the circulator's signed certification on each signature sheet that all signatures were obtained in the circulator's presence and the circulator believes the signatures to belong to eligible electors.
- F.** Upon receipt of signature sheets containing the required number of signatures, the City Elections Officer shall arrange for verification of the validity of the signatures with the County Elections Officers.
- G.** Upon verification of the validity of 100 signatures, the candidate shall file the perfected petition, including a Declaration of Candidacy labeled "perfected petition" with the City Elections Officer.
- H.** Any eligible elector may sign a nominating petition of any candidate for nonpartisan city office.

**2.08.090 Withdrawal of Candidate before Certification to County.**

(Amended by Ordinance No. 177200, effective February 21, 2003.) A candidate who has filed a Declaration of Candidacy or nominating petition may withdraw as a candidate provided the withdrawal is made by the deadline prescribed by state law and the withdrawal is made on a form provided by the City Elections Officer and signed by the candidate under

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oath. If the withdrawal is filed before the statutory deadline, the City Elections Officer shall refund any filing fee.

#### **2.08.100 Register of Candidates for Primary Election.**

The City Elections Officer shall keep a register of candidates for nomination at the primary election. The register shall contain the title of each office, the name and residence mailing address of each candidate for nomination at the primary election, the date of filing of the prospective petition for nomination of the candidate, the date of filing of the perfected petition for nomination, the date of filing of the declaration of candidacy, and such other information as may aid the City Elections Officer to provide the Multnomah County Elections Officer with information for the official ballot for the primary election.

#### **2.08.110 Statement of Candidates & Measures for Primary and General Elections Ballots.**

- A.** The City Elections Officer shall file with the Multnomah County Elections Officer a statement of the candidates' names as they will appear on the ballot, the city offices for which candidates are to be nominated or elected, and city measures to be voted on, including the ballot title for each measure. The City Elections Officer shall file this statement no later than the deadline prescribed by state law for notification to county offices.
- B.** The City shall reimburse the County for expenses incurred in changing the ballot if the City Elections Officer makes changes after the deadline for filing the statement with the County.

#### **2.08.120 Post-Election Procedures for Primary and General Elections.**

(Amended by Ordinance No. 177200, effective February 21, 2003.)

- A.** Upon receipt of the abstract of the vote tally for nominated or elected officers and measures from the County, the City Elections Officer shall act as follows no later than 30 days after the election.
- B.** The City Elections Officer shall:
  - 1.** Prepare a register of nominations, including the name of each candidate nominated, the position for which the candidate was nominated, and the date of entry;
  - 2.** Proclaim to the City Council the candidates nominated or elected and the measures approved;
  - 3.** Proclaim which measure is paramount if approved measures contain conflicting provisions; and
  - 4.** Prepare and deliver to each candidate a certificate of nomination or election, provided each candidate has filed financial statements relating to the

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election that the candidate is required to file under ORS 260.058 and 260.068.

- C. The certificate is primary evidence of nomination or election. No candidate shall take the oath of office before receiving a certificate of election from the City Elections Officer. The City Elections Officer shall not grant a certificate of nomination or election to any candidate until the candidate has filed the statements relating to the election that the candidate is required to file under ORS 260.058 and 260.068.
- D. A contested election and recount of votes for any City office shall be determined according to state law regulating these proceedings.
- E. Any write-in candidate for a city office who wishes a tally of votes shall file a written request for the tally with the City Elections Officer. The City Elections Officer shall forward the request to the Multnomah, Clackamas and Washington County Elections Officers. The request shall be filed with the City Elections Officer by the deadline prescribed in state law.

**2.08.130 Tie Vote.**

After a recount of the vote, if two candidates have an equal and highest number of votes at the General Election, the Auditor shall have the candidates meet publicly to decide by lot who is elected after providing notice to the candidates and public.

**2.08.140 Candidate Elected by Write-in Vote.**

An individual nominated or elected by write-in votes shall sign and file a form indicating that the individual accepts the nomination or office before the City Elections Officer may issue a certificate of nomination or election. The form shall be provided by the City Elections Officer.

**2.08.150 Withdrawal after Nomination.**

(Amended by Ordinance No. 177200, effective February 21, 2003.) Any person who has been nominated at a nominating or Primary Election may withdraw from nomination by filing a statement declining the nomination and stating the reasons for withdrawal. The request for withdrawal shall be on a form provided by the City Elections Officer and signed by the candidate under oath before the City Elections Officer no later than the deadline prescribed by state law.

**2.08.160 Filling Vacancy in Nomination.**

- A. If the only candidate nominated to a nonpartisan office dies, withdraws, is removed or disqualified or becomes ineligible before the deadline for filing statements with the County, the nomination process shall be initiated and candidates for the office shall file nominating petitions in the manner provided for nonpartisan office. The General Election shall serve as the nominating election. The City Elections Officer

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shall consult with the Secretary of State in adopting a schedule for filing nominating petitions and subsequent elections documents.

- B.** If a candidate nominated under the provisions of this Chapter receives a majority of the votes cast for the office at the General Election, that candidate shall be deemed elected. If no nominee receives a majority of the vote at a nominating election held at a General Election, the two candidates receiving the highest number of votes shall be in a runoff election, and the candidate receiving a majority of the votes shall be the winner. Any special runoff election required by this Chapter shall be according to provisions of Charter Section 2-206 for filling vacancies in office.

#### **2.08.170 Recall.**

Procedures and forms for a recall petition and election shall be according to state law.



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**CHAPTER 2.10 – CAMPAIGN FINANCE  
FUND**

(Chapter repealed by Ordinance No.  
185552, effective September 21, 2012.)

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### **CHAPTER 2.12 - REGULATION OF LOBBYING ENTITIES**

(Chapter added by Ordinance No. 179843, effective  
April 1, 2006.)

#### **Sections:**

- 2.12.010 Purpose.
- 2.12.020 Definitions.
- 2.12.030 Registration for Lobbying Entities.
- 2.12.040 Quarterly Reporting Requirements for Lobbying Entities.
- 2.12.050 Exemptions to Registration and Reporting Requirements for Lobbying Entities.
- 2.12.060 Declaration Required by Lobbyists
- 2.12.070 Reporting Requirements for City Officials.
- 2.12.080 Prohibited Conduct.
- 2.12.090 Verification of Reports, Registrations and Statements.
- 2.12.100 Public Nature of Reports, Registrations and Statements.
- 2.12.110 Auditor to Prescribe Forms, Accept Voluntary Filings and Provide Public Access to Filed Information.
- 2.12.120 Penalties.
- 2.12.130 Severability.

#### **2.12.010 Purpose.**

The City finds that, to preserve the integrity of its decision making processes, lobbying entities that engage in efforts to influence City officials, should report their lobbying efforts to the public.

#### **2.12.020 Definitions.**

(Amended by Ordinance Nos. 180205, 180620, 180917, 181204, 182389, 182671, 184046, 184882, 185304, 186028 and 186176, effective August 30, 2013.) As used in this Chapter unless the context requires otherwise:

- A. “Calendar quarter” means one of the four three-month periods of January 1 to March 31, April 1 to June 30, July 1 to September 30 and October 1 to December 31.
- B. “Calendar year” means the period of January 1 through December 31.
- C. “City director” means the director or individual in charge of the following or its successors: the Bureau of Transportation, the Office of Management and Finance, the Office of Government Relations, the Office of Neighborhood Involvement, the Bureau of Planning and Sustainability, the Portland Bureau of Emergency Management, the Bureau of Emergency Communications, Portland Fire & Rescue, the Bureau of Police, the Bureau of Parks and Recreation, the Bureau of Environmental Services, the Portland Water Bureau, the Bureau of Development Services, the Portland Housing Bureau, the Bureau of Revenue, the City Budget

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Office, the Office of Equity and Human Rights, the Bureau of Fire and Police Disability and Retirement, the Bureau of Human Resources, the Bureau of Internal Business Services, the Bureau of Technology Services and the Portland Development Commission.

- D.** “City official” means any City elected official; the at will staff of a City elected official; any City director as defined in this section; or appointee to the Portland Development Commission, the Planning and Sustainability Commission, the Design Commission, and the Fire and Police Disability and Retirement Board.
- E.** “Consideration” includes a gift, payment, distribution, loan, advance or deposit of money or anything of value, and includes a contract, promise or agreement, whether or not legally enforceable.
- F.** “Official action” means introduction, sponsorship, testimony, debate, voting or any other official action on any ordinance, measure, resolution, amendment, nomination, appointment, or report, or any matter, including administrative action, that may be the subject of action by the City.
- G.** “Lobby” or “Lobbying” or “Lobbies” means attempting to influence the official action of City officials. Lobbying includes time spent preparing emails and letters and preparing for oral communication with a City official. Lobbying does not include:

  - 1. Time spent by an individual representing his or her own opinion to a City official.
  - 2. Time spent participating in a board, committee, working group, or commission created by City Council through approval of resolution or ordinance.
  - 3. Time spent by a City official or City employee acting in their official capacity as an official for the City.
  - 4. Time spent submitting a bid, responding to related information requests, and negotiating terms on a competitively bid contract or intergovernmental agreement.
  - 5. Oral or written communication made by a representative of a labor organization that is certified or recognized, pursuant to ORS 243.650 et seq., as the exclusive bargaining representative of employees of the City of Portland, to the extent that such communications do not deal with actual or potential ordinances that are unrelated to the collective bargaining process, or implementation or application of any collective bargaining agreement provision.

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6. Formal appearances to give testimony before public hearings or meetings of City Council.
  7. Work performed by a contractor or grantee pursuant to a contract with or grant from the City.
  8. Time spent by any person holding elected public office, or their specifically authorized representative, acting in their official capacity.
- H.** “Lobbying entity” means any individual, business association, corporation, partnership, association, club, company, business trust, organization or other group who lobbies either by employing or otherwise authorizing a lobbyist to lobby on that person’s behalf.
- I.** “Lobbyist” means any individual who is authorized to lobby on behalf of a lobbying entity.
- J.** “Person” means any individual, business association, corporation, partnership, association, club, company, business trust, organization or other group.
- K.** “Gift” means something of economic value given to a City official without valuable consideration of equivalent value, including the full or partial forgiveness of indebtedness, which is not extended to others who are not City officials on the same terms and conditions; and something of economic value given to a City official for valuable consideration less than that required from others who are not City officials. However, “gift” does not mean:
1. Campaign contributions, as described in ORS Chapter 260.
  2. Gifts from family members.

#### **2.12.030 Registration for Lobbying Entities.**

(Amended by Ordinance Nos. 180205 and 181204, effective September 7, 2007.)

- A.** Within three working days after a lobbying entity has spent 8 hours or more or estimates that it has spent cumulative 8 hours or more during any calendar quarter lobbying, the lobbying entity shall register with the City Auditor by filing with the Auditor a statement containing the following information:
1. The name, address, email, website and telephone number of the lobbying entity;
  2. A general description of the trade, business, profession or area of endeavor of the lobbying entity;

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3. The names, addresses, email, website and telephone number of all lobbyists who are employed by or otherwise authorized to lobby on behalf of the lobbying entity. The list must include:
    - a. Individuals who are paid to lobby for the interests of the lobbying entity.
    - b. Other persons, including lobbying entity employees or volunteers, who are authorized to lobby on behalf of the lobbying entity.
  4. The subjects and any specific official actions of interest to the lobbying entity.
- B.** A business, organization, or association who anticipates registering as a lobbying entity is encouraged to register at the beginning of each calendar year.
- C.** Registrations shall expire December 31 of every year. Lobbying entities shall renew their registrations once the 8-hour threshold has been reached in each calendar year.
- D.** An authorized representative of the lobbying entity must sign the registration required by this Section.

**2.12.040 Quarterly Reporting Requirements for Lobbying Entities.**

(Amended by Ordinance Nos. 180205, 180620, 181204 and 186176, effective August 30, 2013.)

- A.** A lobbying entity registered with the City Auditor or required to register with the City Auditor shall file a report, if the lobbying entity has spent an estimated 8 hours or more during the preceding calendar quarter lobbying, with the City Auditor, by April 15, July 15, October 15, and January 15, showing:
1. The specific subject or subjects of the official action of interest to the lobbying entity, including but not limited to the names of City officials a lobbying entity met with or contacted through direct mail, email or telephone regarding such subject or subjects, the name of the registered lobbyist representing the entity and the date of the contact
  2. A good faith estimate of total moneys, if the total exceeds \$1,000, expended by the lobbying entity or any lobbyist employed by or otherwise authorized to lobby on behalf of the lobbying entity, for the purpose of lobbying City officials on behalf of the lobbying entity in the preceding calendar quarter reporting period for:
    - a. Food, refreshments, travel and entertainment;
    - b. Printing, postage and telephone;

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- c.** Advertising, direct mail and email;
    - d.** Miscellaneous and gifts;
    - e.** Compensation paid to lobbyists; and
    - f.** Reimbursements to lobbyists for their expenses.
  - 3.** The name of any City official to whom or for whose benefit, on any one occasion, the lobbying entity made an expenditure in excess of \$25 in the preceding calendar quarter for the purposes of lobbying, and the date, name of payee, purpose and amount of that expenditure.
- B.** Statements required by this section need not include amounts expended by the lobbying entity for personal living and travel expenses and office overhead, including salaries and wages paid for staff and secretarial assistance, and maintenance expenses. If the amount of any expenditure required to be included in a statement is not accurately known at the time the statement is required to be filed, an estimate of the expenditure shall be submitted in the statement and designated as an estimate. The exact amount expended for which a previous estimate was made shall be submitted in a subsequent report when the information is available.
- C.** A lobbying entity shall update any information submitted in Section 2.12.030 that has changed since registration.
- D.** A statement required by this section shall include a copy of any notice provided to a City official under ORS 244.100.
- E.** An authorized representative of the Lobbying Entity must sign the declaration required by Section 2.12.090 A for each quarterly report.
- F.** Lobbying entities who do not anticipate spending over \$1,000 per calendar quarter for the purpose of lobbying may sign and file a certificate of limited expenditure provided by the Auditor's office in lieu of the financial portion of the quarterly report described in Section 2.10.040 A.2. The certificate affirms that the lobbying entity will spend less than the threshold required for quarterly financial reporting of moneys expended under Section 2.12.040 A.2. If a lobbying entity that files a certificate of limited expenditure spends over \$1,000 in a calendar quarter for the purpose of lobbying, the lobbying entity shall withdraw the certificate of limited expenditure and shall report moneys expended pursuant to Section 2.12.040 A.2.
- G.** A lobbying entity may amend a quarterly report without penalty if it files the amended report within 25 days after the end of the calendar quarter.

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**2.12.050 Exemptions to Registration and Reporting Requirements for Lobbying Entities.**

(Amended by Ordinance Nos. 180620 and 181204, effective September 7, 2007.) In addition to the thresholds set forth in Section 2.12.030 and 2.12.040 for the registration, reporting and financial reporting of lobbying entities, Sections 2.12.030 and 2.12.040 do not apply to the following persons:

- A. News media, or their employees or agents, that in the ordinary course of business directly or indirectly urge official action but that engage in no other activities in connection with the official action.
- B. Lobbying entities that spent fewer than 8 hours lobbying during every calendar quarter in a calendar year.
- C. Any lobbying entity that satisfies all three of the following requirements:
  - 1. Complies with state public record and meeting laws or with the standards referenced in Section 3.96.020 G.;
  - 2. Is classified as a non-profit organization, registered with the Oregon Secretary of State Corporation Division; and
  - 3. Is formally recognized by the Office of Neighborhood Involvement or through City Council resolution or ordinance.

**2.12.060 Declaration Required by Lobbyists.**

(Amended by Ordinance No. 180205, effective June 7, 2006.) Prior to offering public testimony before City officials, at the beginning of any meetings or phone calls with City officials, or in emails and letters to City officials, a lobbyist must declare which lobbying entity he or she is authorized to represent for that communication.

**2.12.070 Reporting Requirements for City Officials.**

(Amended by Ordinance Nos. 180205 and 180620, effective December 22, 2006.)

- A. City officials shall file written reports documenting any gifts, meals or entertainment in excess of \$25.00 received from a lobbying entity or any person authorized to lobby on the lobbying entity's behalf. Such reports shall include:
  - 1. Name of lobbying entity, and if applicable, name of lobbyist;
  - 2. Subject of lobbying;
  - 3. Value of gift, meal or entertainment; and
  - 4. Date of receipt.

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- B.** City officials shall file written reports after a lobbyist or lobbying entity has agreed to make a donation of personal or real property to the City. Such reports shall include:

  - 1. Name of lobbying entity, and if applicable, name of lobbyist;
  - 2. Gift or donation requested;
  - 3. Purpose of donation; and
  - 4. Date of request.
- C.** The reports, if any, required by subsections 2.12.070 A. and B. shall be filed with the City Auditor 15 days after the end of the calendar quarter. City officials, other than elected officials, are not required to file reports with the Auditor if the amount of the gift, meal or entertainment is less than \$25.00 or if no gifts or donations have been requested in the calendar quarter.
- D.** Elected officials and City directors shall post their calendars of activities related to official City business to the lobbyist website designated by the City Auditor 15 days after the end of the calendar quarter for the previous calendar quarter, unless an elected official or City director determines that such posting poses a safety threat.
- E.** A City Official may amend a quarterly report without penalty if he or she files the amended report within 25 days after the end of the calendar quarter.

#### **2.12.080 Prohibited Conduct.**

- A.** No former City elected official, City director or other employee shall, for a period of one year after the termination of the employee's term of office or employment, lobby for money or other consideration a City official, regarding any subject matter on which the employee participated personally and substantially during the employee's term of office or employment; provided, that if the employee exercised contract management authority with respect to a contract, this prohibition shall be permanent as to that contract.
- B.** The prohibitions in this Section shall not apply to:

  - 1. Prevent any former City elected official or other City employee from representing himself or herself, or any member of his or her immediate family, in their individual capacities, in connection with any matter pending before the City;
  - 2. The activities of any former City elected official or other City employee who is an elected or appointed officer or employee of any public body, when that former City elected official or other City employee is solely



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representing that agency in his or her official capacity as an officer or employee of the public body;

3. Any ministerial action. For purposes of this subsection, a ministerial action is one that does not require a City official or other City employee to exercise discretion concerning any outcome or course of action.
4. Prevent City officials or other City employees from seeking information or participation from former City elected officials or other City employees where the public interest would be served by the information or participation.

**2.12.090 Verification of Reports, Registrations and Statements.**

(Amended by Ordinance No. 181204, effective September 7, 2007.)

- A. Each report, registration or statement required by this Chapter shall contain or be verified by a written or electronic declaration that it is made under the penalties of false swearing. Such declaration shall be in lieu of any oath otherwise required.
- B. No person shall willfully make and subscribe any document which contains or is verified by a written or electronic declaration for false swearing which the person does not reasonably believe to be true and correct to every matter.

**2.12.100 Public Nature of Reports, Registrations and Statements.**

(Amended by Ordinance No. 186176, effective August 30, 2013.) All information submitted to the City Auditor in any report, registration or statement required by this Chapter is a public record and will be posted on Office of the Auditor website within three business days after receipt, except if the information is subject to amendment under this Chapter, the Auditor will post the information within three business days after the amendment period has closed.

**2.12.110 Auditor's Duties.**

In carrying out the provisions of this Chapter, the City Auditor:

- A. Shall prescribe forms for registrations, statements and reports, and provide such forms to persons required to register and to file such statements and reports;
- B. Shall accept registrations and reports in an electronic format;
- C. Shall accept and file any information voluntarily supplied that exceeds the requirements of this Chapter;
- D. Shall make registrations, statements and reports filed available for public inspection and copying during regular office hours, and make copies available. The Auditor may charge fees to recover the cost of retrieval and copying;

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- E.** May audit whether registrations and reports required by this Chapter have been completed properly and within the time frames specified in this Chapter;
- F.** Is authorized to adopt administrative rules to carry out the duties and to administer the provisions of this Chapter.

#### **2.12.120 Penalties.**

A person who violates any provision of this Chapter or fails to file any report, registration or statement or to furnish any information required by this Chapter shall be subject to a civil penalty in an amount not to exceed \$500.00 per violation. At the request of the Auditor, the City Attorney may seek civil penalties and enforcement of any provision of this Chapter in Multnomah County Circuit Court or other appropriate venue.

#### **2.12.130 Severability.**

If any provision of this Chapter, or its application to any person or circumstance, is held invalid by any court, the remainder of this Chapter and its application to other persons and circumstances, other than that which has been held invalid, shall not be affected by such invalidity, and to that extent the provisions of this Chapter are declared to be severable.

**CHAPTER 2.14 - REPORTING BY  
POLITICAL CONSULTANTS**

(Chapter added by Ordinance No. 187689, effective  
May 20, 2016.)

Sections:

- 2.14.010 Purpose.
- 2.14.020 Definitions.
- 2.14.030 Registration for Political Consultants.
- 2.14.040 Termination of Registration.
- 2.14.050 Quarterly Reporting by City Elected Official.
- 2.14.060 Public Nature of Reports and Registrations.
- 2.14.070 Prohibited Conduct.
- 2.14.080 City Auditor's Duties.
- 2.14.090 Penalties for Violation of this Chapter.
- 2.14.100 Enforcement.

**2.14.010 Purpose.**

The purpose of this Chapter is to improve transparency by requiring Political Consultants advising City elected officials to meet certain registration and reporting requirements.

**2.14.020 Definitions.**

As used in this Chapter unless the context requires otherwise:

- A. "City elected official" means the Mayor, City Commissioners, or Auditor.
- B. "Day" means a calendar day by 5 p.m. unless "business day" is specified. If the computed date for action falls on a Saturday, Sunday or legal City holiday, then the "day" shall be the next business day by 5 p.m.
- C. "Political Consultant" means a person or entity that provides Political Consulting Services to a City elected official or successful candidate for elected office, or a successful candidate's principal campaign committee, registered with the Oregon Secretary of State. The term "Political Consultant" does not include attorneys who provide only legal services, accountants who provide only accounting services, professional fundraisers, or pollsters who provide only polling services. The term "Political Consultant" does not include a person who
  - 1. Does not engage in Political Consulting Services as a trade or profession, or
  - 2. Is a City employee.
- D. "Political Consulting Services" include actions in campaign management and political strategy services, including but not limited to: advocacy and strategy;

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political polling; advising or assisting in voter contact strategies and services; advising in media strategy, buying and advertisement; providing candidate development, policy training, political image consulting, and designing, implementing and analyzing polls and surveys; performing issues research and opposition research; developing, assisting in strategic communication such as news releases, talking points and speech writing; and advising on negative information handling and political crisis management. This Chapter does not regulate the content and viewpoint of the services provided to a City elected official.

#### **2.14.030 Registration for Political Consultants.**

- A.** Within 15 days after providing any Political Consulting Services to a City elected official, a Political Consultant must register with the City Auditor.
  - 1.** The registration must include at least the following information:
    - a.** The name, address and contact information of the Political Consultant, including the organization, if applicable, with which the Political Consultant is associated and the address and contact information of that organization if different than that of the Political Consultant.
    - b.** If the Political Consultant is an entity, the names, addresses and contact information of principals, employees and contractors that provide Political Consulting Services to a City elected official.
    - c.** If an entity registers, the individual employees or contractors of the entity do not need to register separately.
  - 2.** The name of the City elected official to whom the Political Consultant provides Political Consulting Services, and the date when services commenced. If services are provided in support of a City referred measure under Chapter 2.08, then the name, address and contact information for the lead representative for the measure, and the date when services commenced.
- B.** A Political Consultant must file an updated statement within 15 days if any previously reported information changes.
- C.** If a person for whom Political Consulting Services has been provided later becomes a City elected official, a Political Consultant must file a statement as required by this Section within 15 days from certification of election results.

#### **2.14.040 Termination of Registration.**

When a Political Consultant who is required to register under this Chapter later terminates all Political Consulting Services to a City elected official, the Political Consultant shall file a termination statement on the form required by the City Auditor within 15 days of service termination.

**2.14.050      Quarterly Reporting by City Elected Official.**

- A.**     A City elected official shall file a statement with the City Auditor identifying the Political Consultant who provides or provided services to the City elected official, and the date when services commenced. If a City elected official sponsors a City referred measure under Chapter 2.08, the City elected official shall identify the measure and the Political Consultant that will perform or performed Political Consulting Services for the measure. Sponsorship of a City referred measure by a City elected official shall be determined by the City elected official who signed a resolution filed pursuant to Chapter 2.04.
- B.**     The statement in this Section shall be filed with the City Auditor 15 days after the end of the calendar quarter as proscribed in Subsection 2.12.020 A.
- C.**     Amendments to statements submitted under this Section may be made without penalty within 25 days after the end of the calendar quarter.
- D.**     The City elected official shall file an updated statement within 15 days of change of any information reported.
- E.**     If a person through election becomes a City elected official, the person shall file the statement required in this Section at the next quarterly reporting period that follows certification of elections results. If a person is appointed to the position of City elected official pursuant to Charter Section 2-206, the person shall file the statement required in this Section at the next quarterly reporting period following appointment.

**2.14.060      Public Nature of Reports and Registrations.**

All information submitted to the City Auditor in any statement required by this Chapter will be posted on the City Auditor's website within 3 business days after the receipt, except if the information is subject to amendment under this Chapter, the Auditor will post the information within 3 business days after the amendment period has closed.

**2.14.070      Prohibited Conduct.**

- A.**     A City elected official shall not knowingly utilize a Political Consultant who is in violation of this Chapter.
- B.**     A Political Consultant shall not provide Political Consulting Services without reporting as required under this Chapter.
- C.**     No person shall submit false, fraudulent or misleading information on statements, including but not limited to misrepresenting the scope or nature of services provided or the identity of clients to whom services are provided.

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#### **2.14.080 City Auditor's Duties.**

The City Auditor is authorized to adopt, amend and repeal administrative rules, policies, procedures and forms for the regulation and enforcement of this Chapter, including but not limited to prescribing forms for registration and reporting, determining the method for filing, conducting appropriate inquiry and audit of reports or statements for completeness and accuracy, establishing fees for late filing or non-filing, and imposing civil penalties for non-compliance.

#### **2.14.090 Penalties for Violation of this Chapter.**

- A.** A person who fails to report as required by this Chapter shall be subject to a civil penalty and other administrative sanctions until the registration or reporting is complete and in compliance with this Chapter.
- B.** A person who provides false or misleading information may be subject to a civil penalty and other administrative sanctions.
- C.** A person who violates any section of this Chapter may be subject to a civil penalty of up to \$1,000 per violation.

#### **2.14.100 Enforcement.**

The City Auditor may request that the City Attorney initiate action in Multnomah County Circuit Court to enforce the provisions of this Chapter, including collection of any unpaid fees or civil penalties. Upon such a request by the Auditor, the City Attorney shall make a determination of whether facts supporting a prima facie enforcement action exist. If so, the City Attorney shall either initiate an enforcement action on behalf of the City or shall retain outside counsel to work with the Auditor to do so. The City may seek enforcement of all provisions of this Chapter in the enforcement action, including but not limited to recovery of all fees and civil penalties assessed under this Chapter as well as enforcement of any other provision of this Chapter. In any enforcement action, the City shall be entitled to recover any costs and attorneys' fees incurred as a result of the violation of this Chapter.