

**CHAPTER 2.16 ~~OPEN AND ACCOUNTABLE~~
SMALL DONOR ELECTIONS PROGRAM**

(Chapter added by Ordinance No. 188152; amended
by Ordinance No. 188853, effective March 8,
2018.)

2.16.005 Short Title.

(Added by Ordinance No. 188853, effective March 8, 2018.) Chapter 2.16 of the Portland City Code shall be known as the Small Donor ~~Open and Accountable~~ Elections Program.

2.16.010 Definitions.

(Amended by Ordinance Nos. 188853, 189336, 189531 and 190243, effective January 15, 2021.) As used in this Chapter, unless the context requires otherwise:

- A. **“Allowable Contribution ~~contribution~~”** is a contribution of no more than \$250 that will be further defined by the Portland Elections Commission and the definition will be published in administrative rules. ~~means a monetary donation of no more than \$250 in support of a participating or certified candidate that is:~~
- ~~1. Made by an individual; and~~
 - ~~2. Made during the election cycle in which the candidate is seeking office;~~
- B. **“Campaign Finance Entity ~~finance entity~~”** means a principal campaign committee registered with the Oregon Secretary of State.
- C. **“Candidate”** means:
1. An individual whose name is printed on a ballot, for whom a declaration of candidacy, nominating petition or certificate of nomination to public office has been filed or whose name is expected to be or has been presented, with the individual’s consent, for nomination or election to public office;
 2. An individual who has solicited or received and accepted a contribution, made an expenditure, or given consent to an individual, organization, political party or political committee to solicit or receive and accept a contribution or make an expenditure on the individual’s behalf to secure nomination or election to any public office at any time, whether or not the office for which the individual will seek nomination or election is known when the solicitation is made, the contribution is received and retained or the expenditure is made, and whether or not the name of the individual is printed on a ballot.
- D. **“Candidate’s Campaign Account”** means a campaign finance account established by a Candidate for the exclusive purpose of receiving Allowable Contributions, Matchable Contributions, City Matching Funds and Seed Money Contributions and spending funds in accordance with this Chapter.

- E.** **“Certified Candidatecandidate”** means a Candidatecandidate running for a Covered Officecovered office who is certified as eligible to receive public contribution matching City Matching Funds ~~from the Fund.~~
- F.** **“City Matching Funds”** means money disbursed from the Fund to a Certified Candidate.
- G.E.** **“Commission”** means the ~~Open and Accountable~~ Portland Elections Commission.
- H.F.** **“Contested Electionelection”** means an election in which there are at least two Candidatecandidates for a Covered Office covered office who have a Campaign Finance Entitycampaign finance entity. Contested Election election includes a special election held to fill a vacancy in a Covered Officecovered office.
- I.G.** **“Contribution”** has the meaning set forth in ORS 260.005 and 260.007 ~~at the time of this Chapter’s adoption.~~
- J.H.** **“Covered Office office”** means the office of Mayor, Commissioner or Auditor.
- K.I.** **“Director”** means the Small Donor ~~Open and Accountable Elections Program~~ Director.
- L.J.** **“Election Cyclecycle”** means the Primary Election Periodprimary election period and the General Election Periodgeneral election period for the same term of a Covered Officecovered office. For a special election, it means the Special Nominating Election Periodspecial nominating election period and the Special Runoff Election Periodspecial runoff election period.
- M.K.** **“Expenditure”** has the meaning set forth in ORS 260.005 and 260.007 ~~at the time of this Chapter’s adoption.~~
- N.L.** **“Fund”** means the Small Donor ~~Open and Accountable~~ Elections Fund.
- O.M.** **“General Election Periodelection period”** means the period beginning the day after the biennial primary election and ending the day of the biennial general Election.
- P.N.** **“Independent Expenditureexpenditure”** means an expenditure by a person for a communication in support of or in opposition to a clearly identified Candidatecandidate for City office that is not made with the cooperation or with the prior consent of, or in consultation with, or at the request or suggestion of, a Candidatecandidate or any agent or authorized committee of the Candidatecandidate. The terms “expenditure”, “clearly identified” and “agent” and the phrases “communication in support of or in opposition to a clearly identified Candidatecandidate or measure” and “made with the cooperation or with the prior consent of, or in consultation with or at the request or suggestion of, a Candidatecandidate or any agent or authorized committee of the Candidatecandidate” shall have the meanings set forth in ORS 260.005 and 260.007 ~~at the time of this Chapter’s adoption.~~

- Q.Q.** “**Individual**” means a natural person.
- R.P.** “**In-Kind Contribution**” ~~“In-kind contribution”~~ will be defined by the Portland Elections Commission and the definition will be published in administrative rules. ~~has the meaning set forth in the Oregon Administrative Rule 165-012-005 at the time of this Chapter’s adoption.~~
- S.Q.** “**Matchable Contribution**” ~~“contribution”~~ is an allowable a contribution of at least \$5 that is acknowledged by documentation, as specified by administrative rule made by a Matchable Donor and will be further defined by the Portland Elections Commission and published in administrative rules.
- T.R.** “**Matchable Donor**” ~~“donor”~~ means an individual 18 years of age or older who resides within the City limits of the City of Portland, whose residency is verified pursuant to criteria established by the Director, and who can legally contribute to campaigns under state and federal law. The Director may use voter registration as the sole means of verifying residency if the Director determines other methods are not reliable or expedient. The Portland Elections Commission will determine which Matchable Contributions from the same Matchable Donor to two or more Candidates running for the same seat will be matched, and this determination will be published in administrative rules. Matchable donors may only have their contributions matched for one candidate in each contested election in each election period.
- U.S.** “**Non-Participating Candidate**” ~~“Non-participating candidate”~~ means a person who is running for a Covered Office ~~covered office~~ who chooses not to file a Notice of Intent or, after the certification deadline passes, who did file a Notice of Intent but was not certified apply to be a certified candidate, applies to be a certified candidate but fails to qualify, or a certified candidate who declines to accept a public contribution.
- V.T.** “**Notice of Intent**” ~~“intent”~~ means a notice filed with the Director on the form prescribed by the program that a Candidate ~~candidate~~ intends to seek qualification as a Certified Candidate ~~certified candidate~~.
- W.U.** “**Participating Candidate**” means a person who is a Candidate ~~candidate~~ for a Covered Office ~~covered office~~ and who seeks to be a Certified Candidate ~~certified candidate~~ in a primary election or general election. Limitations imposed on a Participating Candidate ~~participating candidate~~ apply during the entire election cycle, both before and after filing a Notice of Intent ~~notice of intent~~ to participate, whether or not the Candidate ~~candidate~~ has announced an intention to seek public contribution matching City Matching Funds, and continue to apply once the Candidate ~~candidate~~ becomes a Certified Candidate ~~certified candidate~~, unless the Candidate is not certified, in which case the limitations cease to apply once the certification deadline has passed. A Participating Candidate may become a Non-Participating Candidate by withdrawing from the program or withdrawing their Notice of Intent.

- X.V.** ~~“Primary Election Period~~**election period**” means the period beginning on the 45th day after the preceding biennial general election and ending at 8 p.m. on the day of the biennial primary election.
- ~~W. “Public contribution” or “public contribution matching” means money disbursed from the Fund to a certified candidate.~~
- ~~X. “Publicly funded campaign account” means a campaign finance account established by a candidate for the exclusive purpose of receiving allowable contributions, public contribution matching and seed money contributions and spending funds in accordance with this Chapter.~~
- Y.** ~~“Seed Money Contribution~~**money contribution**” will be defined by the Portland Elections Commission and the definition will be published in administrative rules. ~~means a contribution that is not an allowable contribution or in-kind contribution, which is received by a participating candidate before filing a notice of intent. A loan from the candidate or the candidate’s spouse is considered a seed money contribution.~~
- Z.** ~~“Special Nominating Election~~**nominating election**” means a Nominating Election ~~nominating election~~ for a Covered Office~~covered office~~ held on any date other than the biennial primary election date when the Primary Election for that office would normally be held pursuant to City Charter Section 3-304102.
- AA.** ~~“Special Nominating Election Period~~**nominating election period**” means the period beginning on the day a vacancy exists or a Notice of Intent ~~notice of intent~~ to resign from office is filed with the Auditor and ending the day of the Special Nominating Election.
- BB.** ~~“Special Runoff Election~~**runoff election**” means a runoff election for a Covered Office~~covered office~~ held on any date other than the biennial general election date when the General Election for that office would normally be held pursuant to City Charter Section 3-304103.
- CC.** ~~“Special Runoff Election Period~~**runoff election period**” means the period beginning on the day after the Special Nominating Elections~~special nominating election~~ and ending the day of the Special Runoff Elections~~special runoff election~~.

2.16.020 Small Donor Open and Accountable Elections Fund Established.

(Amended by Ordinance No. 189336, effective January 2, 2019.)

- A.** The ~~Open and Accountable~~ Small Donor Elections Fund is established, separate from the General Fund. All monies described in Subsection 2.16.020 E. shall be paid and credited to the Fund. Monies in the Fund shall be invested in the same manner as other City monies, and any interest earned shall be credited to the Fund.
- B.** The Director shall keep a record of all monies deposited into the Fund and the activity or program against which any withdrawal is charged.

Exhibit B

- C. If monies credited to the Fund are withdrawn, transferred, or otherwise used for purposes other than the program or activity for which the Fund is established, interest shall accrue on the amount withdrawn from the date of withdrawal and until the monies are restored.
- D. Monies in the Fund shall provide, and are continuously appropriated for, the financing of election campaigns of Certified Candidates~~certified candidates~~ for nomination or election to City Office, and the payment of administrative, enforcement, and other expenses of the Director in carrying out the Director's functions and duties under this Chapter. The Portland Elections Commission may approve the use of funds of no more than \$10,000 per Election Cycle for increasing accessibility of debates and forums, provided that the funds are available and that the City Matching Funds are not reduced for any Certified Candidate.
- E. The following will be deposited in the Fund:
 - 1. All amounts appropriated to it by the City Council. The annual impact of the appropriation on the City general fund is limited to two-tenths of one percent of the general fund without raising any new taxes or fees;
 - 2. ~~Any unspent money remaining in a certified candidate's publicly funded campaign account after the candidate is no longer a candidate for a covered office that is returned to the Fund as provided in Section 2.16.100;~~
 - 3. ~~Any public contribution funds plus interest returned to the Fund by a participating candidate who withdraws from participation as provided in Section 2.16.110;~~
 - 3.4. All interest earned on money in the Fund;
 - 4.5. Civil penalties and other monies collected under Sections 2.16.160 and .170; and
 - 5.6. Voluntary donations made directly to the Fund.

2.16.030 Administrative Rules, Director's Duties and Authority.

(Amended by Ordinance No. 189336, effective January 2, 2019.) ~~Before any administrative rules proposed by the Director may go into effect, the Director must submit the rules to Council for consideration and approval.~~ The rules proposed by the Director must specify:

- A. How and when information about and documentation for allowable contributions and expenditures from contributors must be submitted to the Director;
- B. The process for applying documents that must be filed with the Director for certification;
- C. ~~The allowable uses of money in publicly funded campaign account; and~~

DC. Other policies necessary to implement this Chapter, including but not limited to:

1. Reporting requirements for Participating and Non-Participating Candidates Contested elections involving special elections, recounts, vacancies, or withdrawals, including qualification, certification, and disbursement of Open and Accountable Elections Fund revenues and return of unspent revenues;
2. Obtaining allowable contributions and matchable contributions; Additional spending prohibitions;
3. Certification as a certified candidate; A process by which Participating Candidates can change which Covered Office they are running for;
4. Collection of revenues for the ~~Open and Accountable~~ Small Donor Elections Fund;
5. Distribution of Fund revenues to Certified Candidates~~certified candidates;~~
6. ~~Investigation and enforcement procedures for misuse of public funds;~~
76. Penalty matrix detailing penalties for potential violations of this Chapter;
8. ~~Return of Fund disbursements, penalties, and other monies to the Fund;~~
97. Inspection of reports and documents for compliance with this Chapter; and
108. Investigation and enforcement of alleged violations of Chapter 2.16.

2.16.040 Contribution and Expenditure Requirements for Participating and Certified Candidates.

(Amended by Ordinance Nos. 189677 and 190243, effective January 15, 2021.)

- A. Before accepting any Allowable~~allowable~~, Matchable, Seed Money~~seed money~~ or In-Kind Contributions~~in-kind contributions~~ governed by this Chapter, a Participating Candidate~~participating candidate~~ must establish a publicly funded Candidate's Campaign Account~~campaign account~~ for the Candidate~~candidate~~ for the purpose of receiving contributions and making expenditures in accordance with this Chapter.
- B. Before accepting any allowable contribution or matchable contribution governed by this Chapter on which a Participating Candidate~~participating candidate~~ intends to rely for certification under Section 2.16.050 and seek a public contribution match City Matching Funds, a Participating Candidate~~participating candidate~~ must:
 1. File a notice of intent using the form prescribed by the program with the Director before the filing deadline for the primary election for the covered office; and

2. Attend mandatory training provided by the City. The Candidate's~~candidate's~~ treasurer must also attend the training.
- C. A Participating Candidate~~participating candidate~~ may accept up to \$5,000 total in Seed Money Contributions~~seed money contributions~~, before filing a notice of intent. A participating candidate may not accept seed money after filing a notice of intent. Certified Candidates~~candidates~~ may not accept Seed Money Contributions~~seed money contributions~~. The Portland Elections Commission will establish a deadline for accepting Seed Money Contributions and the deadline will be published in administrative rules.
- D. Participating and Certified Candidates~~certified candidates~~ may accept In-Kind Contributions~~in-kind contributions~~ in an amount determined by the Portland Elections Commission and published in administrative rules, valued at no more than \$20,000 for the primary election period or special nominating election period and no more than \$20,000 for the general election period or special runoff election period.
- E. During an Election Cycle~~election cycle~~, Participating~~participating~~ and Certified Candidates~~certified candidates~~ may only accept Allowable Contributions~~allowable contributions~~, Matchable Contributions, public contribution matching from the City Matching Funds, and Seed Money Contributions~~seed money~~, and In-Kind Contributions~~in-kind contributions~~ allowed by this Chapter, and other types of Contributions as determined by the Portland Elections Commission.
- F. Participating and Certified Candidates~~certified candidates~~ may not accept Allowable Contributions~~allowable contributions~~ or Matchable Contributions from any one individual totaling more than \$250 in the Primary Election Period~~primary election period~~ and \$250 in the General Election Period~~general election period~~, except as Seed Money Contributions~~as provided in Section 2.16.150~~.
- G. From the date the Primary Election Period~~primary election period~~ begins until filing a Notice of Intent~~notice of intent~~, a Participating Candidate~~participating candidate~~ may not collect any contributions other than Allowable~~allowable~~, Seed Money~~seed~~ and In-Kind Contributions~~in-kind contributions~~ allowed by this Chapter and may only make expenditures from such contributions. After filing a notice of intent, participating and certified candidates may not make expenditures from funds other than public contribution matching City Matching Funds and Allowable~~allowable~~, Matchable Contributions, Seed Money~~seed money~~ or In-Kind Contributions~~in-kind contributions~~, as allowed by this Chapter.

- H. Participating and certified candidates must deposit all Allowable Contributions~~allowable contributions~~, Matchable Contributions, public contribution matching~~City Matching Funds~~, and Seed Money Contributions~~seed money contributions~~ received into the Candidate's~~candidate's~~ publicly funded Campaign Account~~campaign account~~. Participating and Certified Candidates~~certified candidates~~ must deliver to the Director documentation, as specified by administrative rule, for each Allowable Contribution~~allowable contribution~~, Matchable Contribution, Seed Money Contribution~~seed money contribution~~, and In-Kind Contribution~~in-kind contribution~~.
- I. A Participating~~participating~~ or Certified Candidate~~certified candidate~~ may retain a preexisting campaign committee or political activities committee as long as the campaign committee or political activities committee does not accept Contributions~~contributions~~ or make Expenditures~~expenditures~~ during the Election Cycle~~election cycle~~ for which the Candidate~~candidate~~ is seeking a Covered Office~~covered office~~, other than a transfer of Seed Money Contributions~~seed money~~ to the Candidate~~candidate~~, consistent with Subsection 2.16.040 C. The Portland Elections Commission will determine whether preexisting committees may make certain transactions not related to promoting the Candidate in the current Election Cycle, and its determination will be published in administrative rules.
- J. Seed money loans from the candidate or candidate's spouse must be repaid with contributions that are not eligible for public contribution matching or for which public contribution matching is not requested. The Portland Elections Commission will determine how loans are repaid and its determination will be published in administrative rules.
- K. The Portland Elections Commission will set total contributions limits, if any, and these limits will be published in administrative rules. The total contributions a participating or certified candidate may collect during the primary election period or special nominating election period, consisting of allowable contributions, public contributions, seed money and in-kind contributions, cannot exceed:
1. \$380,000 for a candidate for Mayor; and
 2. \$250,000 for a candidate for Commissioner or Auditor.
- L. ~~The total contributions a participating or certified candidate may collect during the general election period or special runoff election period, consisting of allowable~~

~~contributions, public contributions, seed money and in-kind contributions, cannot exceed:~~

- ~~1. \$570,000 for a candidate for Mayor; and~~
- ~~2. \$300,000 for a candidate for Commissioner or Auditor.~~

L. The Portland Elections Commission may set the amount of loans or debt a campaign may accept.

2.16.050 Requirements for Certification.

(Amended by Ordinance No. 190243, effective January 15, 2021.)

A. In addition to the requirements of Section 2.16.040 and the limitations in Section 2.16.120, to qualify as a Certified Candidate~~certified candidate~~:

1. After filing a Notice of Intent~~notice of intent~~, a Candidate~~candidate~~ for Mayor must collect an aggregate total determined by the Portland Elections Commission, if any, of at least \$5,000 in allowable contributions from at least 500 ~~750~~ Matchable Donors~~matchable donors~~.
2. After filing a Notice of Intent~~notice of intent~~, a Candidate~~candidate~~ for Commissioner or Auditor must collect an aggregate total determined by the Portland Elections Commission, if any, of at least \$2,500 in allowable contributions from at least 250 ~~Matchable Donors~~~~matchable donors~~.
3. ~~The participating candidate must have filed for office by petition as provided in Code Section 2.08.080.~~ The Portland Elections Commission may establish additional requirements for certification relating to the Contributions collected from Matchable Donors and filing methods, and any such requirements will be published in administrative rules.

B. The Director may change the number of Contributions required to be eligible as a Certified Candidate in a special election.

CB. A Participating Candidate~~participating candidate~~ must apply to the Director for certification by the application deadline, which shall be no later than the Candidate filing deadline not later than 28 days before the end of the primary election period, or for a special nominating election, 28 days before the election.

2.16.060 Director Determination.

(Amended by Ordinance No. 190243, effective January 15, 2021.)

A. The Director must certify a Participating Candidate~~participating candidate~~ if the Director finds that ~~the election for the covered office is a contested election,~~ the Candidate~~candidate~~ has met the requirements of Sections 2.16.040, .050 and .120, the Candidate~~candidate~~ has received the required ~~aggregate total dollars of~~ allowable Matchable Contribution~~contributions~~ from the required number of

~~Matchable Donors~~ ~~matching donors~~ for the office and the ~~Candidate~~ ~~candidate~~ has submitted all information required by this Code or by administrative rule, and the Candidate has not violated any requirements in the administrative rules, which could result in denial of certification or decertification.

- B.** Before certification, the ~~Participating Candidate~~ ~~participating candidate~~ must submit ~~at least the following information~~ a certification application on the form prescribed by the program to the Director, along with other information as may be required by administrative rule:
- ~~1. A declaration from the candidate agreeing to follow the regulations governing the use of public contribution matching, allowable contributions, seed money and in-kind contributions; and~~
 - ~~2. A campaign finance report that includes:~~
 - ~~a. A list of each allowable contribution received;~~
 - ~~b. A list of each seed money and in-kind contribution received;~~
 - ~~c. A list of each expenditure made by the candidate during the election cycle up to the time of filing; and~~
 - ~~d. Other documentation required by administrative rule.~~
- C.** The Director must make a certification determination no later than 10 business days after receiving the required information and application from the ~~Participating Candidate~~ ~~participating candidate~~ necessary to determine compliance with the requirements of Subsections 2.16.060 A. and B. and Sections 2.16.040, .050 and .120. ~~However, if the covered office is not a contested election at the time the participating candidate applies for certification, the Director will hold the application in abeyance until either the covered office becomes a contested election, in which case the Director will make a certification decision within 10 business days, or the filing deadline for the covered office expires, in which case the Director shall deny certification. Certification decisions may be challenged as provided in Section 2.16.170. The Director may take an additional 10 business days to make a certification determination, provided the Participating Candidate is given notice by the Director that additional time is needed.~~
- D.** A candidate may submit ~~only~~ one application for certification for any election. However, the Director may consider a second application from the candidate if the first application was denied, provided that the initial application was not denied for having submitted falsified documents or fraudulent information to the program.
- E.** If the Director certifies a ~~Candidate~~ ~~candidate~~, the Director will authorize an initial disbursement of a ~~public contribution~~ City Matching Funds to the ~~Candidate's~~ ~~candidate's~~ ~~publicly funded~~ Campaign Account ~~campaign account~~.

2.16.070 Distribution of ~~Public Contribution~~ City Matching Funds.

(Amended by Ordinance No. 190243, effective January 15, 2021.)

- A. ~~Public contributions~~ City Matching Funds from the Fund will be distributed only in a Contested Election~~contested election~~. The Director must distribute a ~~public contribution~~ City Matching Funds from the Fund to each Certified Candidate~~certified candidate~~ in a Contested Election~~contested election~~ as follows:
1. For a Certified Candidate~~certified candidate~~ for a Covered Office~~covered office~~, the City Matching Funds will be distributed according to a formula and system established by the Portland Elections Commission and published in administrative rules. ~~public contribution matching must equal:~~
 - a. ~~\$6 for each dollar of the first \$50 of allowable contributions in aggregate from a matchable donor made after the candidate files a notice of intent;~~
 - b. ~~No match for allowable contributions after the first \$50 in aggregate contributed by a matchable donor.~~
 2. The total ~~public contribution~~ City Matching Funds payable to a Certified Candidate~~certified candidate~~ for a Primary Election~~primary election~~ or Special Nominating Elections~~special nominating election~~ may not exceed ~~\$300,000~~\$304,000 for a Candidate~~candidate~~ for Mayor and \$200,000 for a Candidate~~candidate~~ for Commissioner or Auditor. The total ~~public contribution~~ City Matching Funds payable to a Certified Candidate~~certified candidate~~ for a General Election~~general election~~ or Special Runoff Elections~~special runoff election~~ may not exceed ~~\$450,000~~\$456,000 for a Candidate~~candidate~~ for Mayor and \$240,000 for a Candidate~~candidate~~ for Commissioner or Auditor.
- B. The Director must not distribute ~~public contribution matching~~ City Matching Funds from the Fund to a Certified Candidate~~certified candidate~~ for:
1. Seed money Contributions~~contributions~~;
 2. In-kind Contributions~~contributions~~;
 3. Allowable Matchable Contributions~~contributions~~ from Matchable Donors~~matchable donors~~ made before the candidate files a Notice of Intent~~notice of intent~~;
 4. Allowable Contributions~~contributions~~ from donors who are not matchable donors; or
 5. The Portland Elections Commission may determine how to distribute public funds when Contributions to more than one Candidate running for the same seat is made by a Matchable Donor. This determination will be published in administrative rules.~~Allowable contributions from matchable donors whose donations to another candidate for the same contested election during the~~

~~same election period have resulted in a request for public contribution matching for that other candidate.~~

- C. ~~Public contributions~~ City Matching Funds will be distributed on a schedule determined by the Portland Elections Commission. The schedule will be published ~~in administrative rules. from the Fund will be distributed on at least four dates in addition to the initial distribution to each certified candidate upon certification during the primary election period or special nominating election period and on at least four dates during the general election period or special runoff election period. The final distribution for each election period will be 14 days before the election.~~
- D. Allowable Matchable contributions from Matchable Donors~~matchable donors~~ collected 10 or fewer calendar days prior to a Primary Election~~primary election~~ or Special Nominating Elections~~special nominating election~~ will only be eligible for ~~public contribution matching~~ City Matching Funds for the General Election~~general election~~ or Special Runoff Elections~~special runoff election~~ if the candidate qualifies for the General Election~~general election~~ or Special Runoff Elections~~special runoff election~~, as provided in Subsection 2.16.070 E. ~~Allowable Matchable contributions from matchable donors collected 10 calendar days prior to a General Election general election or Special Runoff Elections special runoff election, as provided in Subsection 2.16.070 E. Allowable Matchable contributions from matchable donors collected 10 calendar days prior to a General Election general election or Special Runoff Elections special runoff election will not be eligible for public contribution matching City Matching Funds.~~
- E. Certified Candidates~~certified candidates~~ in the Special Runoff Elections~~special runoff election~~ who are nominated to the General Election~~general election~~ or Special Runoff Elections~~special runoff election~~ ballot in the same Election Cycle~~election cycle~~ are eligible for ~~public contributions~~ City Matching Funds as provided in this Section.
1. ~~Certified Candidates~~certified candidates who reasonably expect to qualify for the General Election~~general election~~ or Special Runoff Elections~~special runoff election~~ ballot may begin collecting Allowable~~allowable~~ or Matchable Contributions~~contributions~~ for the General Election~~general election~~ or Special Runoff Elections~~special runoff election~~ 10 calendar days prior to the Primary Election~~primary election~~ or Special Nominating Elections~~special nominating election~~.
 2. After certification of the results of the primary or special nominating election, a certified candidate who qualifies for the general or special runoff ballot may use unspent funds in their publicly funded campaign account and seek public contribution matching for allowable contributions collected from matchable donors beginning 10 calendar days prior to the primary or special nominating election.
- F. ~~A certified candidate must submit documentation, as specified by administrative rule, for each allowable contribution from a matchable donor to the Director to receive public contribution matching. The Director must deposit the appropriate public contribution into a certified candidate's publicly funded campaign account on the next distribution date after the Director authorizes the public contribution matching.~~

2.16.080 Use of Contributions.

(Amended by Ordinance No. 189531, effective June 28, 2019.)

- A.** A ~~Participating~~ participating or ~~Certified Candidate~~ certified candidate may only use funds in the Candidate's Campaign Account ~~the seed money, in-kind and allowable contributions and the public contribution matching~~ for direct allowed campaign purposes related to the Candidate's ~~candidate's~~ campaign for nomination or election to the Covered Office ~~covered office~~ for which they are eligible to be or have qualified as a Candidate ~~candidate~~. Guidelines regarding direct allowed campaign Expenditures ~~expenditures~~ may be established by administrative rule.
- B.** Candidates in special elections may use any funds other than City Matching Funds to settle campaign expenses from a prior campaign during the first 45 calendar days of the Special Nominating Election Cycle.
- CB.** Public contributions City Matching Funds distributed to a Participating Candidate ~~participating candidate~~ and qualifying, seed money and in-kind contributions may not be:
1. Used to make any Expenditures ~~expenditures~~ for personal use prohibited by ORS Chapter 260 and Oregon Administrative Rules;
 2. Contributed to, or for the purpose of supporting or opposing, any other Candidate ~~candidate~~, political committee or measure;
 3. Used to make independent expenditures supporting or opposing any Candidate ~~candidate~~, political committee or measure;
 4. Used in connection with the nomination or election of a Participating Candidate ~~participating candidate~~ to any office or at any election other than the office or election for which the Contributions ~~contributions~~ were given;
 5. Used to pay any loans, debts, fines or penalties, except for penalties permitted or required by administrative rule to be paid from the Candidate's ~~publicly funded Campaign Account~~ campaign account;
 6. Used to pay for consulting services to an individual, unless the individual is providing bona fide services to the Candidate ~~candidate~~ and is compensated at no more than fair market value;
 7. Used for out of state travel except as permitted by the Portland Elections Commission and published in administrative rules;
 8. Used for Certain ~~certain~~ vehicle-related expenses, as determined by the Portland Elections Commission and published in administrative rules including vehicle purchases, leases, rental, insurance, repairs or fuel. Vehicle mileage reimbursement for campaign purposes is allowed, using the standard rate used by the City for mileage reimbursement;

9. Attorney, accountant and other professional service fees in conjunction with appealing penalties or decertification, unless permitted by the Portland Elections Commission and published in administrative rules;
 10. Used for salary or payment, other than reimbursable expenses, to a family member;
 11. Used for gifts, not including campaign brochures, buttons, signs or other printed campaign material;
 12. Used to make payments in cash; or
 13. Used in a manner inconsistent with administrative rules.
- C. Public contributions may not be used for penalties or election night and post-election parties, unless permitted by the Portland Elections Commission and published in administrative rules; however, allowable contributions, seed money and in-kind contributions may be used for such events.
- D. Contributions to civic and non-profit organizations are permitted as determined by the Portland Elections Commission and published in administrative rules. ~~from a participating candidate's publicly funded account are permitted only if the payment is for the purpose of attending a specific campaign event open to the public.~~
- E. A complaint alleging an impermissible receipt or use of funds by a Participating Candidate~~participating candidate~~ must be filed with the Director on the form prescribed by the program. Complaints shall be handled in accordance with a process defined in administrative rules.
- F. A Participating Candidate~~participating candidate~~ must provide the Director with reasonable access to the financial records of the Candidate's~~candidate's~~ publicly funded Campaign Account~~campaign account~~, upon request.

2.16.090 Adequate Funds.

(Amended by Ordinance No. 189881, effective March 4, 2020.)

- A. If the Director determines that the amount deposited in the Fund will be insufficient at any point during the Election Cycle~~election cycle~~, the Director shall request the additional amount the Director estimates will be necessary from the City Council, subject to the annual appropriation limit detailed in Section 2.16.020.
- B. If the total amount available for distribution in the Fund is insufficient to meet the allocations required by this Chapter, the Director must reduce ~~each public contribution~~ City Matching Funds to a certified candidate by the same percentage of the total ~~public contribution~~ City Matching Funds or, ~~for special elections only,~~ reduce the total public contribution City Matching Funds cap. The Portland Elections Commission may determine whether the Director may reduce the match rate or City Matching Funds cap in different amounts for different Covered Offices

in order to minimize the impact of the reduction on Participating Candidates who are facing Non-Participating Candidates.

- C. If the match rate or the City Matching Funds cap is reduced, the Director may increase the amount each donor may give each Candidate in the primary election, general election, special nominating election, or special runoff election from \$250 to up to \$500.

2.16.100 Return of ~~Public Contributions~~ City Matching Funds.

- A. Within 15 calendar days after the results of the primary election or special nominating election are certified, a Certified Candidate~~certified candidate~~ who is elected or is not certified to be on the ballot for the general election or special runoff election must return unspent money in the Candidate's publicly funded Campaign Account~~campaign account~~ to the Fund in proportion to the percentage of public to private contributions collected by the Candidate~~candidate~~, excluding In-Kind Contributions~~in-kind contributions~~.
- B. Within 15 calendar days after the results of the general election or special runoff election are certified, all Participating Candidates~~participating candidates~~ must return unspent money in the Candidate's publicly funded Campaign Account~~campaign accounts~~ to the Fund in proportion to the percentage of public to private contributions collected by the Candidate~~candidate~~, excluding In-Kind Contributions~~in-kind contributions~~.

2.16.110 Withdrawal.

(Amended by Ordinance No. 188853, effective March 8, 2018.)

- A. A Participating Candidate~~participating candidate~~ may withdraw an application for a public contribution City Matching Funds any time before the public contribution ~~is~~ City Matching Funds are received by the Candidate's publicly funded Campaign Account~~campaign account~~.
- B. A Certified Candidate~~certified candidate~~ may withdraw from participation if the Candidate~~candidate~~:
1. Files a statement of withdrawal with the Director on a the form prescribed by the Commission program; and
 2. Repays to the Fund any remaining funds in their account up to the full amount of the public contribution City Matching Funds received, ~~together with the applicable interest established by administrative rule.~~

2.16.120 Participating and Certified Candidate Restrictions.

(Amended by Ordinance No. 189336, effective January 2, 2019.) A Participating~~participating~~ or Certified Candidate~~certified candidate~~ must not:

Exhibit B

- A. Accept a ~~Contribution~~ contribution, other than Allowable Contributions, ~~Seed Money~~ seed money or ~~In-Kind Contributions~~ in-kind contributions as permitted by this Chapter, from any group or organization, including a political action committee, a corporation, a labor organization, or a State or local central committee of a political party;
- B. Accept one or more contributions from an individual totaling more than \$250 during the ~~Primary Election~~ primary election or ~~Special Nominating Election Period~~ or special nominating election period and \$250 during the ~~General Election~~ general election or ~~Special Runoff Election Period~~ special runoff election period, other than ~~Seed Money~~ seed money or ~~In-Kind Contributions~~ in-kind contributions as permitted by this Chapter, ~~except as provided in Section 2.16.150~~;
- C. Make an allowable contribution from the candidate's personal funds to the candidate's principal campaign committee, except as permitted by the Portland Elections Commission and published in administrative rules.
- D. Accept ~~Seed Money~~ seed money or ~~In-Kind Contributions~~ in-kind contributions in excess of the amounts established in Section 2.16.040.
- E. Expend funds to benefit or advocate for another ~~Candidate~~ candidate;
- F. Accept a loan from anyone for campaign purposes, other than a loan from the candidate or candidate's spouse within seed money limitations or a loan permitted by the Portland Elections Commission and published in administrative rules; or
- G. Transfer funds:
 - 1. To the ~~Candidate's publicly funded Campaign Account~~ campaign account from any other ~~Campaign Finance Entity~~ campaign finance entity established for the candidate, except as permitted by the Portland Elections Commission and published in administrative rules; and
 - 2. From the ~~Candidate's publicly funded Campaign Account~~ campaign account to any other ~~Campaign Finance Entity~~ campaign finance entity, except as permitted by the Portland Elections Commission and published in administrative rules.
- H. Solicit for or direct contributions to other ~~Campaign Finance Entities~~ campaign finance entities to support their own election.

2.16.130 ~~Open and Accountable~~ Portland Elections Commission.

(Amended by Ordinance Nos. 189078, 189336 and 189531, effective June 28, 2019.)

- A. **Duties.** The ~~Open and Accountable~~ Portland Elections Commission is hereby created. The Commission shall:
 - 1. Provide assistance to the Director and Council in the development and implementation of the ~~Open and Accountable~~ Small Donor Elections Fund.

The Commission may make recommendations to the Director regarding administrative rules necessary to the effective administration of the code.

2. Make ~~recommendations on~~ adjustments to matching ratios, adjustments to contribution limits and other regulations to improve operation of public campaign finance, if necessary to improve the program's ability to achieve program goals.
3. At the request of the Director, advise the Director on administrative judgments, recommended policy changes, administrative rule development, and operation of the ~~Open and Accountable~~ Small Donor Elections Fund.
4. Recommend to the Director for appointment hearings officers or an entity to review cases and make determinations under Section 2.16.160.
5. Adopt such operating policies and procedures as necessary to carry out its duties.
6. Prepare and submit to the Council a biennial report which shall contain an overview and evaluation of the ~~Campaign Finance~~ Small Donor Elections Fund during the previous election period.

B. Membership. The ~~Open and Accountable~~ Portland Elections Commission shall consist of nine members who have demonstrated an interest in campaign finance funding and, insofar as possible, represent diverse interests and diverse communities. The Director shall solicit applications from ~~the Office of Community & Civic Life and~~ the general public in order to recommend nominees to Council for appointment. Any member of the Council may make nominations to the Portland Elections Commission.

C. Appointments and Terms.

1. ~~Open and Accountable~~ Portland Elections Commission members shall be appointed by Council and serve 4 year terms starting May 1 of odd-numbered years, except that the initial appointments shall be as follows.
 - a. Four of the initial appointees will serve terms from January 1, 2019 to April 30, 2021; and
 - b. Five of the initial appointees will serve terms from January 1, 2019 to April 30, 2023.
2. Members of the Commission are limited to a maximum of two full terms, except that members serving an initial term of less than 4 years may serve two subsequent 4 year terms. If a position is vacated during a term, it shall be filled for the unexpired term. Council may replace any member of the Commission for due cause, including but not limited to malfeasance, incapacity, conflict of interest or neglect of duties.

D. Meetings, Officers and Subcommittees.

1. The ~~Open and Accountable~~ Portland Elections Commission shall meet at least four times per year and may meet more often as otherwise necessary to conduct its business. Meetings shall be conducted in accordance with rules of procedure adopted by the Commission. Five members shall constitute a quorum. A quorum shall be necessary to make decisions that represent the position of the Commission and to conduct any other Commission responsibilities. The election of officers shall take place at the first meeting of each calendar year.
2. The officers of the Commission shall consist of a chairperson and a vice-chairperson. The chairperson shall be responsible for conducting the meetings of the committee. The vice-chairperson shall act as chair when the chairperson is not available.
3. The Commission may form subcommittees comprised of Commission members which are authorized to act on behalf of the Commission for an assigned purpose.

E. Attendance. Members of the ~~Open and Accountable~~ Portland Elections Commission are expected to attend each meeting of the Commission. Council may replace any member who accrues unexcused absences from three or more consecutive meetings or more than 50 percent of the meetings in any year.

F. Compensation. ~~Open and Accountable~~ Portland Elections Commission members shall serve without compensation.

2.16.140 Additional Reporting.

(Amended by Ordinance Nos. 189336 and 189677, effective August 28, 2019.)

- A. All candidates and political committees, including Non-Participating Candidates~~non-participating candidates~~, must report Contributions~~contributions~~ and Expenditure~~expenditure~~ transactions electronically in the ORESTAR unless the Candidate~~candidate~~ is not required to create a candidate committee, because Contributions~~contributions~~ and Expenditures~~expenditures~~ remain under the threshold provided by state law.
- B. Participating~~participating~~ or Certified Candidates~~certified candidates~~ must file additional Contribution~~contribution~~ and Expenditure~~expenditure~~ reports to the Director as the Director deems necessary to make certification and ~~public contribution matching~~ City Matching Funds decisions in a timely manner, as established by administrative rule. For the purposes of Subsection 2.16.140 B., the Director is the City's election officer.
- C. ~~In a contested election in which there is at least one participating or certified candidate, beginning on the 180th day before the election and ending on the 42nd day before the election, p~~Participating and Non-Participating Candidates shall report Contribution~~contribution~~ and Expenditure~~expenditure~~ transactions to the

Director within 14 days using the same timeline the candidates are required to report their Contributions and Expenditures to the Oregon Secretary of State's office. Non-Participating Candidates shall report Contribution and Expenditure transactions to the Director using the timeline and in a manner prescribed by administrative rule.

~~D. In a contested election in which there is at least one participating or certified candidate, beginning on the 180th day before the election and ending on the 42nd day before the election, persons or political committees making an independent expenditure in an amount of \$1,000 or more, or independent expenditures in an aggregate of \$1,000 or more, supporting or opposing a candidate or candidates for nomination or election to City office shall report such expenditures to the Director within 14 days.~~

2.16.150 Removal of Certain Contribution Limits.

If contributions to a non- participating candidate exceed the total contribution amounts in Subsection 2.16.040 K. for a primary election period or special nominating election period or the amounts in Subsection 2.16.040 L. for a general election period or special runoff election period, then any participating candidates for the same covered office may:

- A. Exceed the total contribution amounts in Subsection 2.16.040 K. or L. for the election period in which the non- participating candidate exceeds those amounts; and
- B. Accept up to \$500 in aggregate in allowable contributions from an individual during the relevant election period, notwithstanding the \$250 limit in Subsections 2.16.010 A., 2.16.040 F. and 2.16.120 B.

2.16.160 Penalties, Revocation of Certification and Repayment of Funds.

(Amended by Ordinance Nos. 189531 and 190243, effective January 15, 2021.)

A. Civil Penalties.

1. The Director shall establish in administrative rules a timeline by which Candidates may cure failures to comply with this Chapter.

~~12.~~ The Director may impose a civil penalty as provided in this Section, in addition to any other remedies that are provided by this Code or other law, for:

- a. Uncured Violationviolation of any provision of this chapter by a Participatingparticipating or Certified Candidatecertified candidate; or
- b. Failure to timely file a Participating or Non-Participating Candidatenon-participating candidate or independent expenditure report or to include information required by Section 2.16.140.

~~3.2.~~ The City may establish a penalty matrix by administrative rule detailing civil penalties for potential violations of this chapter. A civil penalty

imposed under this section shall not exceed \$10,000 for any violation except as otherwise provided in this Section or as permitted by the Portland Elections Commission and published in administrative rules. Limits on penalties imposed under this Section do not include interest. Penalties are subject to interest at a rate determined by the Portland Elections Commission and published in administrative rules. ~~of 12 percent of the total amount per annum.~~

- 4.3.** The Director shall send a notice of proposed penalty to any ~~Candidate~~candidate, person or political committee against whom the Director is imposing a civil penalty.
- a. The notice shall describe the proposed penalty and outline the procedures for requesting a penalty hearing.
 - b. The notice shall be sent by both certified and regular mail.
 - c. If a penalty hearing is not requested, the proposed penalty shall become final on the date specified in the notice, which date shall be the first day following the last day to file a request for a hearing.
- 5.4.** If a civil penalty has been imposed under this Section against a ~~Candidate~~candidate or the principal campaign committee of a ~~Candidate~~candidate, the ~~Candidate~~candidate shall be personally liable for the amount to be paid under this Section.
- 6.5.** If a civil penalty has been imposed under this Section against a political committee other than a principal campaign committee, the directors of the political committee shall be jointly and severally liable for any amount to be paid under this Section.
- 7.6.** Penalties may be paid from any private source and must be reported as an In-Kind Contributions~~in-kind contributions~~ unless paid by the ~~Candidate~~candidate or the Candidate's publicly funded Campaign Account~~campaign account~~. A penalty may not be paid from a ~~Candidate's publicly funded Campaign Account~~campaign account unless permitted by the administrative rules. Penalties for violating reporting requirements may be paid in excess of contribution limits in this Chapter only if paid by the ~~Candidate's~~candidate's treasurer.
- 8.7.** Civil penalties may be paid at any time after receiving the notice of proposed penalty, but are due immediately after the penalty has become final.
- 9.8.** Penalties imposed under this Section are subject to interest at a rate set by the Portland Elections Commission and published in administrative rules ~~of 12 percent of the total amount per annum.~~

~~10.9.~~ All moneys received under this Section for violations of any provision of this Chapter shall be paid and credited to the Fund.

~~11.10.~~ At the request of the Director, the City Attorney may seek civil penalties and enforcement of any provision of this Chapter, in addition to any other remedies provided by this Code or other law, in Circuit Court or other appropriate venue.

B. Denial and Revocation of Certification.

1. The Director may deny or revoke certification of a Participating ~~participating~~ or Certified ~~certified~~ Candidate ~~candidate~~ for violation of this Chapter. Which violations are subject to denial or revocation of certification shall be determined by the Portland Elections Commission and published in administrative rules. ~~against whom a civil penalty has been imposed for violation of Section 2.16.080 shall be revoked by the Director and the~~ A candidate whose certification was denied or revoked shall not be eligible to receive ~~public contributions~~ City Matching Funds from the Fund during the Primary ~~primary~~ and General Election Periods ~~general election periods~~, or Special Nominating ~~special nominating~~ and Special Runoff Election Periods ~~special runoff period~~ during which the denial or revocation of certification took place. ~~penalty is imposed. However, revocation of a candidate's certification is permissive, not mandatory, if all of the following conditions are met:~~

- ~~a. — The candidate has been found to have committed only one violation of Section 2.16.080; and~~
- ~~b. — It is the candidate's first violation of Section 2.16.080.~~

2. If it is determined that a participating candidate violated any other provision of this Chapter during the primary election period or after certification, the Director has the authority to revoke the candidate's certification. The Portland Elections Commission may determine a cure period for violations and this determination will be published in administrative rules.

C. Repayment of Funds.

1. A Participating Candidate against whom a civil penalty has been imposed for violation of Section 2.16.080 shall return to the Director an amount of money equal to all revenues distributed to the Candidate ~~candidate~~ from the Fund after the date the Candidate ~~candidate~~ was certified, plus interest on the total amount of revenues received at a rate set by the Portland Elections Commission, if any. ~~of 12 percent per annum, in addition to the penalty and interest on the penalty.~~

2. The Director shall seek immediate recovery of ~~public contributions~~ City Matching Funds for any violation of this Chapter.

2.16.170 Hearings.

(Amended by Ordinance Nos. 189336 and 189531, effective June 28, 2019.)

- A. Purpose. The purpose of this Section is to provide persons or political committees adversely affected by administrative determinations made under this Chapter with a timely, effective, and impartial appeal and review of the determination by a Hearings Officer or entity, to be recommended by the ~~Open and Accountable~~ Portland Elections Commission and appointed by the Director.
- B. The Director may contract with an entity, including but not limited to a vendor or a government body, to conduct hearings on behalf of the Program.
- C. The Hearings Officer or entity conducting hearings may delay a hearing to 21 business days after the request for the hearing is filed or 3 weeks prior to the relevant election, whichever is sooner.
- D. Types of Hearings.
 - 1. Certification Hearings. A ~~Candidate~~candidate who has received a determination denying certification or an opponent of a candidate who has been granted certification may challenge a certification decision with a written request for reconsideration as outlined in Subsection 2.16.170 ~~FE~~. and, if still dissatisfied, a written request for a hearing as outlined in Subsection 2.16.170 ~~ED~~.
 - 2. Matching Fund Hearings. A ~~Candidate~~candidate who has received a determination granting or denying ~~public contribution matching~~ City Matching Funds or an opponent of a ~~Candidate~~candidate who has been granted ~~public contribution matching~~ City Matching Funds may challenge the ~~public contribution matching~~ City Matching Funds decision by filing a written request for reconsideration as outlined in Subsection 2.16.170 ~~FE~~. and, if still dissatisfied, a written request for a hearing as outlined in Subsection 2.16.170 ~~ED~~.
 - 3. Penalty Hearings. A ~~Candidate~~candidate, person or political committee who has received a notice of proposed penalty from the Director may challenge the proposed penalty by filing a written request for reconsideration as outlined in Subsection 2.16.170 ~~FE~~. and, if still dissatisfied, a written request for a hearing as outlined in Subsection 2.16.170 ~~ED~~.
- E. Requests for Hearings.
 - 1. The written request for a hearing shall be filed not later than:
 - a. 7 calendar days after the mailing of the certification reconsideration decision or
 - b. 7 calendar days after the mailing of the proposed penalty reconsideration decision.

- c. 7 calendar days after the mailing of the notification of the matching reconsideration decision:
 - (1) For an opponent of the ~~Candidate~~candidate who requested the ~~public contributions~~ City Matching Funds, 7 calendar days after the mailing of the notification of the reconsideration decision.
 - (2) For an opponent of the ~~Candidate~~candidate who requested the ~~public contributions~~ City Matching Funds, 7 calendar days after the mailing information about the matching determination from the Director, which will be provided upon request.
2. The request shall be filed pursuant to forms and procedures published on the Program website. The written request shall contain either a copy of, or a full and complete description of, the decision or determination appealed and a statement of grounds upon which it is contended that the decision or determination is invalid, unauthorized, or otherwise improper, together with such other information as the Director may require by rule.
3. No person or political committee other than those described in Subsection 2.16.170 ~~DC~~. may be a party to any hearing conducted under this Section.

F. Request for reconsideration.

1. The written request for reconsideration must be filed with the Director not later than:
 - a. For certification determination, within 7 calendar days after the date of determination by the Director.
 - b. For a proposed penalty, within 7 calendar days after the date the Director imposes the penalty.
 - c. For a matching determination,
 - (1) For the ~~Candidate~~candidate who requested the ~~public contribution~~ City Matching Funds, within 7 calendar days of the determination by the Director.
 - (2) For the opponent of the ~~Candidate~~candidate who requested the ~~public contribution~~ City Matching Funds or a member of the public, within 7 calendar days after the date of the determination, which is available upon written request filed with the Director.
 - d. The Director must provide a final response to the request for reconsideration within 10 business days of receiving the request.

G. Conduct of Hearings.

1. As provided in Section 2.16.130, the ~~Open and Accountable~~ Portland Elections Commission shall recommend to the Director for appointment a panel of hearings officers, or an outside entity to perform the hearings function, to review cases and make determinations under this Section.
2. The Director shall designate and appoint hearings officers or an entity, including but not limited to a vendor or another government body, based upon the recommendations of the ~~Open and Accountable~~ Portland Elections Commission.
3. Written requests for hearings shall be filed within the deadlines established in Subsection 2.16.170 ~~ED~~. A hearing must be held within the timelines established in Subsection 2.16.170 ~~CF~~.4.
4. The date set for hearings under this Section shall be:
 - a. Not later than 7 calendar days after the request for a certification or ~~public contribution matching~~ City Matching Funds hearing is filed as outlined in Subsections 2.16.170 ~~ED.1.a. and e.~~; or
 - b. Not more than 14 calendar days after the request for a penalty hearing is filed as outlined in Subsection 2.16.170 ~~ED.1.b.~~
5. Notice.
 - a. In the case of certification hearings requested under Subsection 2.16.170 ~~ED.1.a.~~:
 - (1) Notice of receipt of a request for a hearing, together with a copy of the request, shall be given to all other candidates for the same office. The notice shall be sent not later than one business day after the request is filed.
 - (2) Notice of the hearing, together with a copy of the request for a hearing, shall be given to the Person who requested the hearing and all other candidates for the same office. The notice shall be sent not later than one business day after the date is set for the hearing. The notice shall specify the time, date, and place set for the hearing.
 - (3) The notices required in Subsections 2.16.170 ~~GF~~.5.a.(1) and (2) may be combined.
 - b. In the case of penalty hearings requested under Subsection 2.16.170 ~~ED~~.1.b., notice shall be given of the hearing to the person or political committee who requested the hearing. The notice shall be sent not later than one business day after the date is set for the hearing under

Subsection 2.16.170 ~~CF~~.4. The notice shall specify the time, date, and place set for the hearing.

- c. Notices may be given by any method or combination of methods which, under the circumstances, is reasonably likely to apprise the parties of the hearing. Notice may be given by United States mail, phone, e-mail or other method authorized by rule. If notice is given by mail, such notice shall be deemed given and received 3 ~~three~~ calendar days (Sundays and holidays not included) after the notice is deposited in the United States mail. The failure of any Person to receive actual notice of the proceeding shall not invalidate the hearing or any determination, decision, or order of the hearings officer.

6. The hearings shall be conducted in accordance with the provisions of Chapter 22.10, except as otherwise provided in this Section.

H. Order of the Hearings Officer.

1. The hearings officer shall issue an order not later than 5 business days after a certification ~~public contribution matching~~ City Matching Funds or penalty hearing.
2. In the case of a certification hearing, the hearings officer may uphold or revoke the certification.
3. In the case of a ~~public contribution matching~~ City Matching Funds hearing, the hearings officer may uphold or revoke ~~public contribution matching~~ City Matching Funds, or modify a ~~public contribution matching~~ City Matching Funds decision by revoking some or all ~~public contribution matching~~ City Matching Funds or granting additional ~~public contribution matching~~ City Matching Funds.
4. In the case of a penalty hearing, the hearings officer may uphold, revoke or modify the penalty.
5. The order of the hearings officer is a final decision of the City.
6. Judicial review of an order made under this Section shall be as provided in Title 22.

I. Return of Funds and Payment of Cost of Hearing.

1. If the certification of a ~~Candidate~~candidate is revoked following a hearing under this Section, the candidate shall return to the Director an amount of money equal to all revenues distributed to the ~~Candidate~~candidate from the ~~Open and Accountable~~ Small Donor Elections Fund after the date the candidate was certified, ~~plus~~ the Director may also charge interest on the total amount of revenues received at a rate set by the Portland Elections

~~Commission of 12 percent per annum, in addition to the penalty and interest on the penalty.~~

2. If ~~public contribution matching~~ City Matching Funds is revoked, the ~~Candidate~~candidate shall return to the Director an amount of money equal to the amount of revoked ~~public contribution matching~~ City Matching Funds distributed to the ~~Candidate~~candidate from the ~~Open and Accountable~~ Small Donor Elections Fund, plus interest on the total amount of ~~public contribution matching~~ City Matching Funds received ~~at a rate of 12 percent per annum.~~
3. If the hearings officer or a court finds that a request for a hearing under this Section was made frivolously or to cause delay or hardship, the hearings officer or the court may require the person who filed the request for a hearing to pay costs of the hearings officer, court and opposing parties, and attorney fees of the opposing parties, if any.

2.16.180 Implementation.

(Amended by Ordinance Nos. 189336 and 189531, effective June 28, 2019.) This Chapter applies to elections after November 1, 2019.

2.16.190 Program Management.

(Added by Ordinance No. 188853; amended by Ordinance Nos. 189336, 189531 and 190243, effective January 15, 2021.) The Commissioner of Public Utilities shall provide oversight to the ~~Open and Accountable~~ Small Donor Elections Program until December 31, 2022.