

# Chapter 2.14 Reporting by Political Consultants

(Chapter added by Ordinance 187689, effective May 20, 2016. Implementation date September 1, 2016.)

## 2.14.010 Purpose.

The purpose of this Chapter is to improve transparency by requiring ~~Political Consultants~~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~~Councilors, or Auditor, regardless of whether the person assumes the position as a result of an election, by appointment, or through succession.
- B.** "Day" means a calendar day by 5:00 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 5:00 p.m.
- C.** "Political ~~Consultant~~consultant" means:
- 1.** a person or entity that provides ~~Political Consulting Services~~political consulting services to:
    - a.** a City elected official~~-or,~~
    - b.** a successful candidate for City elected office, or a successful City candidate's principal campaign committee, registered with the Oregon Secretary of State,or
    - c.** a person appointed or succeeding to the position of City elected official pursuant to Charter Section 2-206.

**2.** The term “~~Political Consultant~~[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~~[political consultant](#)” also does not include a person who:

~~1. a.~~ Does not engage in ~~Political Consulting Services~~[political consulting services](#) as a trade or profession, or

~~2. b.~~ Is a City employee.

**D.** “Political ~~Consulting Services~~[consulting services](#)” include actions in campaign management and political strategy services, including but not limited to: advocacy and strategy; 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, and 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~~[political consulting services](#) to a City elected official, a ~~Political Consultant~~[political consultant](#) must register with the ~~City~~-Auditor.

~~1.~~The registration must include at least the following information:

**a1.** The name, address and contact information of the ~~Political Consultant~~[political consultant](#), including the organization, if applicable, with which the ~~Political Consultant~~[political consultant](#) is associated and the address and contact information of that organization if different than that of the ~~Political Consultant~~[political consultant](#).

**b2.** If the ~~Political Consultant~~[political consultant](#) is an entity, the names, addresses and contact information of principals, employees and

contractors that provide ~~Political Consulting Services~~political consulting services to a City elected official.

**€3.** If an entity registers, the individual employees or contractors of the entity do not need to register separately.

**24.** The name of the City elected official to whom the ~~Political Consultant~~political consultant provides ~~Political Consulting Services~~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.~~

**5.** If services are provided to a City elected official in support of a City referred measure under Chapter 2.04, then the name of the City elected official, identification of the measure, the date when services commenced and all information in Subsection A.1.-3.

**B.** A ~~Political Consultant~~political consultant must ~~file an updated statement~~update their registration information within 15 days if any previously reported information changes.

**C.** If a person for whom ~~Political Consulting Services~~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.~~whether by election, appointment, or succession, and the political consultant has provided services for the City elected official in the calendar quarter of the City elected official's election, appointment, or succession, a political consultant must register within:

- 1.** Fifteen days after the end of the calendar quarter in which the elections results were certified, if the political consultant provided services to a person who was elected to the position of City elected official, or
- 2.** Fifteen days after the end of the calendar quarter in which the person became a City elected official, if the political consultant provided services to a person who was appointed or succeeded to the position of City elected official.

## 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 ~~must~~**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 ~~must~~**shall** file a statement with the ~~City~~ Auditor identifying the ~~Political Consultant~~political consultant(s) 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 2.04, the City elected official ~~must~~**shall** identify the measure and the ~~Political Consultant~~political consultant that will perform or performed ~~Political Consulting Services~~political consulting services for the measure. Sponsorship of a City referred measure by a City elected official ~~will~~**shall** be determined by the City elected official who signed a resolution filed pursuant to Chapter 2.04.

**B.** The statement in this Section ~~must~~**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 ~~must~~**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 ~~must~~**shall** file the statement required in this Section ~~at~~for the ~~next~~ quarterly reporting period that ~~follows~~ includes the date of certification of elections results. This statement will cover any political consulting services the person received during the quarter in which the election results were certified. The deadline to file the statement is fifteen days after the end of the calendar quarter in which the elections results were certified.

**F.** If a person is appointed or succeeds to the position of City elected official pursuant to Charter Section 2-206, the person ~~must~~**shall** file the statement

required in this Section ~~at the next quarterly reporting period following appointment~~for the quarterly reporting period that includes the date of appointment or succession. This statement will cover any political consulting services the person received during the quarter in which they became a City elected official. The deadline to file the statement is fifteen days after the end of the calendar quarter in which the person became a City elected official.

## 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~~ three business days after the receipt, except if the information is subject to amendment under this Chapter, the Auditor will post the information within ~~3~~ three business days after the amendment period has closed.

## 2.14.070 Prohibited Conduct.

A. A City elected official ~~may~~shall not knowingly utilize a ~~Political Consultant~~ political consultant who is in violation of this Chapter.

B. A Political ~~Consultant~~consultant ~~may~~shall not provide ~~Political Consulting Services~~political consulting services without reporting as required under this Chapter.

C. No person ~~may~~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.

## 2.14.080 ~~City~~-Auditor's Duties.

(Amended by Ordinance 188842, effective March 30, 2018.)

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.

For information and records sought from City offices, employees or officials, the Auditor or any employee or agent of the Auditor employed for the purpose of auditing or investigating the City may obtain confidential and legally privileged information and records held by the City so long as privilege is not waived as to third parties. The Auditor ~~will~~shall not disclose confidential or legally privileged information and records and ~~will~~shall be subject to the same penalties as the legal custodian of records for any unlawful or unauthorized disclosure.

## 2.14.090 Penalties for Violation of this Chapter.

- A. A person who fails to report as required by this Chapter ~~will~~shall be subject to a civil penalty ~~and~~or 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.

(Amended by Ordinance 188842, effective March 30, 2018.)

If facts supporting an enforcement action exist, the ~~City~~ Auditor, in the name of the City, may initiate action in Multnomah County Circuit Court to enforce the provisions of this Chapter, including collection of any unpaid fees or civil penalties. The Auditor may bring such an action through independent legal counsel retained or employed by the Auditor, or may request that the City ~~a~~Attorney provide such representation. 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 ~~will~~shall be entitled to recover any costs and attorneys' fees incurred as a result of the violation(s) of this Chapter.