

Exhibit A

Title 2 Legislation & Elections

Chapter 2.02 General Provisions

(Chapter added by Ordinance 177200, effective February 21, 2003.)

2.02.010 Definitions.

(Amended by Ordinances 179258 and 191552, effective January 1, 2025.)

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 or has been certified as a write-in candidate in accordance with Section 2.08.080.

C. “Chief petitioner” means one to three City electors, who have the responsibilities delineated in the Oregon Secretary of State’s administrative rules.

D. “Eligible elector” means an individual qualified to vote under Section 2, Article II of the Oregon Constitution and who is also 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 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 elective City offices are nonpartisan.

I. “Perfectured petition” means the information, including signatures and other identification of petition signers, 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. City measures, but not candidates, may appear on the primary election ballot.

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 recall election or election at which a measure is submitted to the electors 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(s) of a prospective petition indicating receipt of all forms and requirements necessary to file a perfected petition.

2.02.020 City Elections Officer.

(Amended by Ordinance 191552, effective January 1, 2025.)

A. The Auditor ~~will serve~~serves 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 to appear on the ballot; filing an initiative, referendum or recall petition; and preparing and forwarding a measure to appear on the ballot must be filed with the City Elections Officer.

D. The City Elections Officer will verify the sufficiency of the content and form of the documents and will immediately inscribe 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 179258 and 191552, effective January 1, 2025.)

Campaign finance regulations, procedures and forms are governed by state law, the City Charter, and this title.

2.02.040 Applicability of State Law; Limitations.

(Amended by Ordinance 179258 and 191552, effective January 1, 2025.)

- A. The provisions of this ~~t~~itle and the City Charter ~~will~~ 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.
- B. The procedures for electing city officers ~~will be~~are as provided by state law, the City Charter, and this title, as well as any administrative rules adopted pursuant to this title.
- C. The campaign finance system and reporting requirements for city candidates, political committees, and chief petitioners ~~will be~~are as provided by state law, the City Charter, and this title, as well as any administrative rules adopted pursuant to this title.
- D. All elections for city officers ~~will~~must be held at the same time and place as the general election for state and county officers. Any recall election ~~will~~must be held in the time and manner specified in state law. Vacancies as a result of a recall election ~~will~~must be filled in accordance with City Charter.
- E. Except as otherwise provided in the Charter or this title, the Auditor ~~will maintain~~s and ~~preserve~~s all documents related to an election matter for the retention period prescribed by state law. The Auditor ~~will retain~~s nominating petitions and declarations of candidacy for six years after the election.
- F. An emergency ordinance ~~will is~~ not ~~be~~ subject to the referendum process; however, the Auditor will consult with legal counsel prior to refusal to accept a referendum petition.

2.02.050 Computation of Dates.

(Amended by Ordinance 191552, effective January 1, 2025.)

- A. The filing deadline ~~will be is~~ 5:00 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 ~~will is be~~ the next business day at 5:00 p.m. Documents will be accepted after 5:00 p.m. if the document is physically present in the required City office at 5:00 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 5:00 p.m. If May 6 is a Saturday, Sunday or legal holiday, the provisions in Subsection 2.02.050 A. apply.

Chapter 2.04 Petition and Measure Procedures

(Chapter replaced by Ordinance 163790; amended by Ordinance 191552, effective January 1, 2025.)

2.04.010 Definitions.

(Repealed by Ordinance 177200, effective February 21, 2003.)

2.04.020 Applicability of State Law; Limitations.

(Repealed by Ordinance 177200, effective February 21, 2003.)

2.04.030 Pre-election Publication.

(Amended by Ordinance 191552, effective January 1, 2025.)

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

2.04.040 Submission of Measures to Voters.

(Amended by Ordinances 177200, 184947 and 191552, effective January 1, 2025.)

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, advisory measure or advisory proposition may be submitted to the voters by resolution of the Council. No petition is required. The vote will not enact the matter into law, preclude the Council from adopting an ordinance enacting the matter into law, or require the Council to enact the measure into law.

B. Eligible elector's submission of petition on legislation

1. Eligible- electors may submit City legislation to the legal voters of the City by initiative petition or referendum petition. The petition must 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 ~~will~~must be submitted to the legal voters of the City in conformance with the Charter and this Chapter.

2.04.050 Prospective Petition.

(Amended by Ordinances 177200 and 191552, effective January 1, 2025.)

A. The chief petitioner(s) must file a prospective petition with the Auditor prior to circulating the petition. The petition must be in a form required by the Auditor.

B. State law with regard to the form of the petition ~~will apply~~applies except that the City will require the chief petitioners to state at a designated place on the form which election date the measure is to be placed on the ballot.

1. In the case of an initiative petition:

a. The chief petitioners must specify the date at which the measure will be submitted to the voters. The specified election date must be a general or primary election date within two years and four months of the time the prospective petition is filed with the Auditor.

b. Each signature sheet must 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 must 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.

3. If one or more persons will be paid for obtaining signatures of eligible electors on the petition, each signature sheet must contain a notice stating: "Some Circulators For This Petition Are Being Paid."

C. The Auditor will provide each chief petitioner with a "Statement of Understanding" and with a copy or digitally accessible location of each of the forms and requirements listed on the Statement. A Statement of Understanding signed by each chief petitioner is a prerequisite to acceptance of the petition.

D. Prospective petitions which meet the requirements of Subsections 2.04.050 A., B., and C. will be accepted by the Auditor. The Auditor will inscribe the date of filing upon the petition. The Auditor will forward one copy 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 Constitutionality Determination.

(Added by Ordinance 177200; amended by Ordinance 191552, effective January 1, 2025.)

A. The Auditor will determine in writing no later than the fifth business day after receiving a prospective initiative petition whether the petition meets the requirements of Subsections (2)(d) and (5), Article IV, Section 1 of the Oregon Constitution.

B. If the Auditor determines that the prospective initiative petition meets the requirements, the Auditor will inform the chief petitioner and initiate the publication required in Section 2.04.060.

C. If the Auditor determines that the prospective initiative petition does not meet the requirements, the Auditor will immediately notify the chief petitioner of the determination in writing by certified mail, return receipt requested.

D. Any eligible elector dissatisfied with a determination of the Auditor under Subsection 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 Ordinances 177200 and 191552, effective January 1, 2025.)

A. The City Attorney will 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 ~~will~~must 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 ~~will~~must consist of a caption, question and statement in the manner proscribed by state law.

C. In the case of a prospective petition, the City Attorney will transmit the ballot title to the Auditor who will inscribe the date of receipt on it and will:

- 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 eligible elector may file a petition for review of the ballot title, and the date by which the appeal must be filed. In the case of an initiative petition, the publication notice must also include a statement that the petition has been determined to meet the requirements of Subsections (2)(d) and (5), Article IV, Section 1 of the Oregon Constitution.

D. Ballot titles for measures referred by Council ~~will be~~are published by the Auditor as provided in Subsection 2.04.120 B.

2.04.070 Legal Challenge to Ballot Title.

(Amended by Ordinance 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 177200; amended by Ordinance 191552, effective January 1, 2025.)

A. An initiative petition which is found by the Auditor to satisfy the provisions of Section 2.04.050 may be circulated after the ballot title is finalized (either 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) and after the Auditor has approved the proposed signature sheet in writing.

B. A referendum petition which is found by the Auditor to satisfy the provisions of Section 2.04.050 may be circulated after the proposed signature sheet has been approved in writing and prior to the preparation of the ballot title.

C. The Auditor will advise the chief petitioner in writing that the preparation of the ballot title by the City Attorney and provision of the official signature sheet template 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.

D. Each copy of the petition which is circulated ~~will~~must 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 must carry at least one full and correct copy of the measure to be initiated or referred and must allow any person to review a copy upon request.

E. Submission of an electronic signature sheet (e-sheet) for circulation must be filed with the Auditor on a form designated by state law. The Auditor must grant approval in writing to a chief petitioner prior to circulation.

F. Each eligible elector signing the petition must do so by affixing the eligible elector's signature to the signature sheet. Space must also be available on the signature sheet for the eligible elector's, printed name, residence address, and date of signing.

G. No signature sheet may be circulated by more than one person. Each signature sheet must contain a certification, to the extent required by state law, signed by the circulator that each eligible elector who signed the sheet did so in the circulator's presence and to the best of the circulator's knowledge, each eligible 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 Ordinances 177200, 178799 and 191552, effective January 1, 2025.)

A. The Auditor will not accept a petition for signature verification which does not satisfy the requirements of this chapter and other applicable law. Petitions will be verified in the order in which they are filed with the Auditor.

B. A petition will 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 will be a percentage, as provided in this ~~s~~Section, of the number of eligible electors registered in the City on the date of the primary election immediately preceding the date the prospective petition is filed.

D. An initiative petition must:

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 ~~will~~-renderss the petition void.

2. Be signed by a number of eligible electors equal to or greater than ~~nine~~9 percent of the number of eligible electors registered in the City on the date of the primary election immediately preceding the date the prospective petition is filed.

E. A referendum petition must:

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

2. Be signed by a number of legal voters equal to or greater than ~~six~~6 percent of the number of eligible electors registered in the City on the date of the primary election immediately preceding the date the prospective petition is filed, except that a petition signed by 2,000 registered voters ~~will~~is ~~be~~ sufficient to call a referendum upon any franchise ordinance.

F. Upon acceptance of the petition, the Auditor will 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 will complete the verification process within 30 days after receipt of the petition and will advise a chief petitioner on whether the petition qualifies to be submitted to the voters.

H. A date will 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 will be certified by the Auditor as meeting the requirements of this chapter and will be submitted to the Council for action as provided by Section 2.04.100. The Auditor will 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 Ordinances 177200 and 191552, effective January 1, 2025.)

A. The Auditor will file with the Council each initiative and referendum measure submitted by the eligible 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 will 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 counties for placement on the ballot. Approval of the ordinance ~~will~~voids the initiative petition.

2. The Council may repeal an ordinance provision which is the subject of a referendum petition. The Council will 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 counties for placement on the ballot. Repeal of the referred ordinance provision ~~will-void~~s the referendum petition.

B. All measures involving Charter language that qualify for placement on the ballot will be submitted to the voters.

C. The Council may refer a competing measure; however, it ~~will~~must 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 184947; amended by Ordinance 191552, effective January 1, 2025.)

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 ~~will~~must 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 will 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 will 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 will prepare and transmit to the Auditor the ballot title and explanatory statement.

e. After receiving the ballot title, the Auditor will 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 eligible 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 will file the measure, ballot title and explanatory statement with county elections officers.

g. A measure ~~will be~~is considered referred under this Section as soon as the measure is certified to the ballot. The measure will be placed on the next primary or general election ballot that is at least 120 days 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 will be submitted to the voters at the primary election or at the general election.

2.04.120 Measures Referred by the Council.

(Amended by Ordinances 177200 and 191552, effective January 1, 2025.)

A. Preparation of ballot title, explanatory statement and resolution; effective date.

1. Prior to final Council action on a measure to be referred to the eligible electors, an elected City official or committee of the Council will submit a resolution, ballot title and explanatory statement to the Auditor in accordance with [Portland City Code](#) Section 3.02.020. The ballot title and explanatory statement may be prepared by:

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

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

2. The ballot title must comply with the requirements of Subsection 2.04.060 B.

3. The explanatory statement must comply with the requirements of state law.

4. A measure will be placed on the ballot if the Council enacts a resolution directing that a measure be placed on the ballot.

5. A measure ~~will be~~is considered referred under this ~~s~~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 Subsection 2.04.120 A., the Auditor will 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 eligible elector may file a petition for review of the ballot title, and the date by which the appeal must be filed.

2.04.125 Advisory Questions Referred by Council.

(Added by Ordinance 177200, amended by Ordinance 191552, effective January 1, 2025.)

A. Preparation of ballot title and resolution; effective date.

1. Prior to final Council action on an advisory question to be referred to the eligible electors, an elected City official or committee of the Council will submit a ballot title, explanatory statement and resolution to the Auditor in accordance with Section 3.02.020. The ballot title may be prepared by:

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

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

2. The ballot title must comply with the requirements of Subsection 2.04.060 B.

3. The explanatory statement must comply with the requirements of state law.

4. An advisory question will be placed on the ballot if the Council enacts a resolution directing that a measure be placed on the ballot.

5. An advisory question ~~is~~ ~~will 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 Subsection 2.04.125 A., the Auditor will publish in the next available edition of a newspaper of general circulation in the City, a notice of receipt of ballot title, that an eligible elector may file a petition for review of the ballot title, and the date by which the appeal must be filed.

2.04.130 Election Dates; Special Election.

(Amended by Ordinances 177200 and 191552, effective January 1, 2025.)

A. An initiative measure will be placed on the ballot at the primary or general election date specified on the petition.

B. A referendum measure will 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 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 will be placed on the election ballot specified in the resolution directing the measure or question to be referred to the voters. This will 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 will be placed on the ballot at the next available primary or general election.

2.04.140 Designation Language Required on the Ballot.

(Amended by Ordinance 177200, 184947 and 191552, effective January 1, 2025.)

A. Measures referred by the Council will be designated on the ballot “Referred to the People by the City Council.”

B. Advisory questions referred by the Council will be designated on the ballot “Advisory Question Referred to the People by the City of Portland.”

C. Measures proposed by referendum petition will be designated on the ballot “Referred by Petition of the People.”

D. Measures proposed by initiative petition will 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 will be designated on the ballot “Referred to the People by the Charter Commission.”

2.04.150 Computation of the Vote.

(Amended by Ordinances 177200 and 191552, effective January 1, 2025.)

A. No measure will be adopted unless it receives an affirmative majority of the total number of votes.

B. A measure that falls under the requirements of Article XI, Section 11(8) of the Oregon Constitution, and is not excepted by Article XI, Section 11k, will be adopted only if it receives an affirmative majority of the total number of votes and at least 50 percent of registered voters of the City cast a ballot.

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 ~~will~~ must be the measure adopted.

2.04.160 Effective Date.

(Amended by Ordinances 177200, 191060 and 191552, effective January 1, 2025.)

A. The Auditor ~~will~~ must submit the abstract of votes for each measure from the county elections office to the Council within 12 business days after receipt of the abstract from the county. The Council President ~~will~~ must issue a proclamation giving the number of votes cast for or against a measure and, if the measure is approved by the voters, declare the approved measure as the law as of the effective date of the measure. If two or more approved measures contain conflicting provisions, the Council President will proclaim which is paramount, as provided by Subsection 2.04.150 C.

B. An initiative or referendum measure adopted by the eligible electors ~~will~~ takes effect as of the date specified in Charter Section 3-202. The day of the adoption of a measure, as that term is used in Charter Section 3-202, will be the date the Auditor certifies the results of any election on that measure.

2.04.170 Computation of Dates.

(Repealed by Ordinance 177200, effective February 21, 2003.)

Chapter 2.08 Election of Candidates

(Chapter replaced by Ordinance 191244, effective May 19, 2023.)

2.08.010 Definitions.

A. “Active ballot” means any ballot that is not an inactive ballot.

B. “Active candidate” means any candidate who has not been defeated or elected.

C. “City eElections eOfficer” means the eCity official in charge of elections for the City of Portland.

D. “County elections officer” means the county clerk or the county official in charge of elections for a particular county.

E. “District” means one of the four geographic areas within ~~the City of~~ Portland where voters vote to fill three Councilor seats.

F. “Elector” means an individual qualified to vote under Section 2, Article II, Oregon Constitution.

G. “Highest-ranked active candidate” means the active candidate a voter has assigned to a higher ranking than any other active candidate in the contest being tallied, excluding overvotes. Overvotes do not indicate a clear and unmistakable ranking for any particular candidate. Therefore, an overvote may not be interpreted as a ranking of any of the overvoted candidates.

H. “Inactive ballot” means a ballot that, in any round of tabulation, does not count for any candidate. A ballot becomes inactive for the contest being tallied at the point any one of the following is true:

1. In any round after the first round, the ballot no longer contains any votes for any active candidates for the contest being tallied.
2. In any round, the ballot has reached an overvote for the contest being tallied and there are no lower-ranked active candidates on the ballot that are not also overvotes.

I. “Overvote” means a voter has ranked more than one candidate at the same ranking in the same contest. For example, a ballot has an overvote if a voter assigns two candidates the number 1 ranking in the same contest.

J. “Ranking” is the number available to be assigned by a voter to a candidate to express the voter’s choice for that candidate. The number 1 is the highest available ranking, followed by 2, and then 3 and so on.

K. “Skipped ranking” means a voter has left a ranking or multiple consecutive rankings unassigned in a contest but ranked a candidate at a subsequent ranking in that contest. For example, a ballot has a skipped ranking if a voter assigns a candidate the number 1 ranking, skips the number 2 ranking, and assigns a candidate the number 3 ranking. A ballot also has a skipped ranking if a voter assigns a candidate the number 1 ranking, skips the number 2 and number 3 rankings, and assigns a candidate the number 4 ranking.

L. “Undervote” means a ballot that does not contain a marking for any candidate at any ranking in a contest. For example, a ballot has an undervote for the mayoral contest if a voter does not rank any candidate for Mayor.

2.08.020 City Offices.

A. All elective eCity offices are nonpartisan. No reference to any political party affiliation ~~will~~ may be included in any declaration of candidacy, nominating petition, notice, voters’ pamphlet, ballot or other elections publication concerning a eCity candidate.

B. The Mayor, Auditor and Councilors are elected subject to Charter Chapter 3, Article 1 and this Chapter. Vacancies are filled subject to Charter Section 2-206 and this Chapter.

C. The Mayor and the Auditor are elected at-large using a method of ranked choice voting known as instant runoff voting. Councilors of each district are elected using a proportional method of ranked choice voting known as single transferable vote, except that, in any election to fill a single Councilor vacancy in a district, the method of instant runoff voting is used.

2.08.030 Ranked Choice Voting.

A. General Provisions.

1. Ranking Cchoices. Except as otherwise provided in this Section, voters may rank six candidates. Voters may rank fewer candidates if they prefer. When the total number of filed candidates and write-in lines for a contest is less than six, the number of available rankings ~~will~~ must equal that total, unless the voting equipment can only accommodate a lower number of rankings as described in Subsections a. and b. below. For example, in a mayoral contest with three filed candidates, a voter may rank up to four candidates (three filed candidates plus one write-in candidate).

a. Election Aadministered by Ssingle Ccounty. If a eCity candidate election is administered by a single county elections officer, and that officer determines the voting equipment cannot accommodate six rankings on the ballot, the number of candidates a voter may rank for that election ~~will~~ must be the maximum number that the officer determines can be accommodated by the voting equipment, except that if the maximum number is greater than the total number of filed candidates and write-in lines for a contest, the number of available rankings in that contest will equal that total.

b. Election Aadministered by Mmultiple Ccounties. If a eCity candidate election is administered by county elections officers in more than one county, and one or more officers determines the voting equipment cannot

accommodate six rankings on the ballot, the number of candidates a voter may rank for that election ~~will~~must be the maximum number that can be accommodated by the voting equipment that can accommodate the lowest maximum number of rankings, except that if the maximum number is greater than the total number of filed candidates and write-in lines for a contest, the number of available rankings in that contest will equal that total.

2. Write-ins. Voters may rank write-in candidates. Voters are given as many write-in lines as there are seats to fill in the contest. For example, in a contest to fill three Councilor seats in the same district, voters ~~will~~must be provided three write-in candidate lines.

3. Skipped ~~R~~rankings. In the event of a skipped ranking, the voter's vote is transferred to the next highest-ranked active candidate on the voter's ballot after the skipped ranking, if any.

4. Overvote. If a ballot contains an overvote, the voter's vote is transferred to the next highest-ranked active candidate on the voter's ballot, if any.

5. Inactive ~~B~~ballots and ~~U~~ndervotes. In any round of tabulation, an inactive ballot does not count for any candidate. An undervote does not count as an active or inactive ballot in any round of tabulation.

6. Elimination ~~T~~ies. If two or more candidates are tied with the fewest votes in a round, and tabulation cannot continue until the candidate with the fewest votes is defeated, then the candidate to be defeated is determined by lot by the county elections officer or officers responsible for tabulating the contest. The result of the tie resolution must be recorded and reused in the event of a recount.

B. Instant ~~R~~unoff ~~F~~orm of ~~R~~anked ~~C~~hoice ~~V~~oting (~~F~~or Mayor, Auditor, and ~~S~~ingle Councilor).

1. Application. The instant runoff form of ranked choice voting is used in contests for Mayor and Auditor and in any contest to fill a single Councilor vacancy in a district.

2. Tabulation. Each active ballot counts as one vote for the highest-ranked active candidate. If a candidate receives a majority of votes after the initial round of tabulation, that candidate is declared elected. **“Majority of votes”** means, for each round being tabulated, more than 50 percent of votes cast on active ballots for active candidates in that round. If no candidate receives a majority of votes after the initial round of tabulation, subsequent rounds are tabulated as follows:

a. If no candidate has a majority of votes, the active candidate with the fewest votes is defeated and the non-defeated active candidates retain the

number of votes counted for them in any prior round. Each vote on a ballot that was counted for a defeated candidate in the prior round is then transferred to the next highest-ranked active candidate on that voter's ballot that is not an overvote, if any.

b. If, after this transfer of votes, any candidate has a majority of votes, that candidate is declared elected. If no candidate has a majority of votes, a new round begins with Subsection a.

C. Single Transferable Vote Form of Ranked Choice Voting (For Multiple Councilors).

1. Application. The single transferable vote form of ranked choice voting is used in any contest to fill multiple Councilor seats in the same district.

2. Tabulation. Each active ballot counts, at its current transfer value, for the highest-ranked active candidate. **“Transfer value”** means the proportion of a vote that an active ballot contributes to its highest-ranked active candidate. Each active ballot begins with a transfer value of 1. If an active ballot contributes to the election of a candidate, it receives a new transfer value (as calculated in Subsection b.(1) below). Tabulation for each contest proceeds in rounds as follows:

a. If the number of elected candidates is equal to the number of seats to be filled in a contest, tabulation for that contest is complete. Alternatively, if the number of elected candidates plus the number of active candidates is less than or equal to the number of seats to be filled, then all active candidates are declared elected and tabulation is complete. Otherwise, the tabulation proceeds pursuant to Subsection b.

b. If any active candidate has a number of votes greater than or equal to the contest's election threshold, that candidate is declared elected. **“Election threshold”** means the number of votes sufficient for a candidate to be elected in a multi-winner contest conducted by single transferable vote. The election threshold equals the total votes on active ballots counted for active candidates in the first round of tabulation, divided by the sum of one plus the number of seats to be elected, then adding one, and disregarding any fractions.

$$\text{Election Threshold} = \frac{(\text{Total Votes Counted})}{(\text{Seats to be Elected} + 1)} + 1, \text{ disregarding any fractions}$$

(1) Each ballot counting for an elected candidate is assigned a new transfer value by multiplying the ballot's current transfer value by the surplus fraction for the elected candidate, with the result

truncated after four decimal places. **“Surplus fraction”** is calculated by subtracting the election threshold (“T”) from an elected candidate’s vote total (“V”), then dividing that number by that elected candidate’s vote total, and then truncating that number after four decimal places, where the candidate’s **“vote total”** is the total transfer value of all ballots counting for a candidate in a round of tabulation.

$$\text{Surplus Fraction} = \frac{(V - T)}{V}$$

(2) After determining the active ballots’ new transfer value in accordance with Subsection (1) above, the active ballots cast for any candidate elected under this Subsection b. are then transferred at their current transfer value to those ballots’ next highest-ranked active candidate, if any. If two or more candidates have more votes than the election threshold for the contest in the same round, their surpluses are transferred simultaneously.

(3) For the purpose of tabulating future rounds, a candidate elected under this Subsection ~~shall~~will be considered to have a number of votes equal to the election threshold in all future rounds.

(4) If one or more candidates is elected under this Subsection b., a new round begins pursuant to Subsection a. If no candidate is elected under this Subsection b., the tabulation proceeds pursuant to Subsection c.

c. If no candidate is elected pursuant to Subsection b., the candidate with the fewest votes is defeated and votes for the defeated candidate are transferred at their current transfer value to each ballot’s next highest-ranked active candidate and a new round begins pursuant to Subsection a.

2.08.040 Qualifications of Candidates.

A. Eligible electors filing for eCity offices must meet the qualifications described in Charter Section 2-202. Eligible electors filing for the eCity office of Auditor must also meet the qualifications described in Charter Section 2-502.

B. The eCity eElections eOfficer ~~will~~must reject a filing for candidacy if the eCity eElections eOfficer finds that the candidate would be unable to qualify for the office if elected, or if the filing does not comply with the law in any other way.

2.08.050 Filing as a Candidate.

A. An eligible elector may become a candidate for office by filing a declaration of candidacy accompanied by a filing fee, by filing a nominating petition, or by certifying the elector's candidacy as a write-in.

B. A declaration of candidacy or a nominating petition must be filed within the time set by state law.

2.08.060 Candidacy by Declaration.

A. An eligible elector may file a declaration of candidacy with a filing fee. The filing fee will be set by administrative rule.

B. The eCity eElections eOfficer will provide a declaration of candidacy consistent with state law.

2.08.070 Candidacy by Nominating Petition.

As an alternative method of filing without the expense of the filing fee, an eligible elector may file a nominating petition.

The eCity eElections eOfficer will provide a nominating petition consistent with state law.

2.08.080 Candidacy by Certification as Write-in.

By no later than ~~7~~seven calendar days before the date of an election, an eligible elector wishing to run as a write-in candidate in that election must submit to the eCity eElections eOfficer, on a form provided by the eCity eElections eOfficer, a certification that the potential candidate meets the necessary qualifications for the eCity office and will serve if elected. No later than ~~4~~four calendar days before the date of an election, the eCity ~~shall~~will provide the county elections officer or officers with a list of any write-in candidates that the eCity determines meet the qualifications for a contest, and individual write-in votes ~~will~~may be counted only for write-in candidates on that list.

2.08.090 Candidate Withdrawal.

A candidate who has filed a declaration of candidacy or nominating petition may withdraw if the withdrawal is made by the deadline set by state law and the withdrawal is made on a form provided by the eCity eElections eOfficer and signed by the candidate under oath. If the withdrawal is filed before the state deadline, the eCity eElections eOfficer ~~will~~must refund any filing fee.

2.08.100 Register of Candidates.

The eCity eElections eOfficer keeps a register of candidates. The register contains the title of each office, the name and residence mailing address of each candidate relevant

filing dates, and other information to provide county elections officers with information for the ballot.

2.08.110 Tie Vote.

The outcome of a tie vote is determined by state law.

2.08.120 Recall.

A recall is conducted consistent with state law.

Chapter 2.09 Accessibility of Candidate Debates and Forums

(Chapter added by Ordinance 190598, effective December 10, 2021.)

2.09.005 Short Title.

Chapter 2.09 of the Portland City Code ~~shall be~~is known as Accessibility of Candidate Debates and Forums.

2.09.010 Election Event Accessibility.

A. If a debate or forum for candidates running for City ~~O~~office is open to the general public, the debate or forum must be accessible.

B. Candidates for City office may participate in candidate debates and forums that are open to the general public if that debate or forum is accessible.

C. If a debate or forum is hosted at a physical location, accessible means wheelchair accessible and reasonable provision of the following upon request, if the request is made at least 10 business days prior to the event or at least ~~2~~two business days prior to the event if the event is first publicized fewer than 12 business days in advance: language services, as defined in administrative rules; removing physical barriers; providing modifications, accommodations, alternative formats, auxiliary aids, or other services that ensure access. If a debate or forum is hosted remotely, accessible means providing language services and any other reasonable accommodation requested at least 10 business days prior to the event or at least ~~2~~two business days prior to the event if the event is first publicized fewer than 12 business days in advance.

Chapter 2.10 Campaign Finance in Candidate Elections

[No Changes.]

Chapter 2.12 Regulation of Lobbying Entities

(Chapter added by Ordinance 179843, effective April 1, 2006.)

2.12.010 Purpose.

(Amended by Ordinance 191877, effective January 1, 2025.)

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 Ordinances 180205, 180620, 180917, 181204, 182389, 182671, 184046, 184882, 185304, 186028, 186176, 189078, 189556, 190644, 191008, 191150, 191736 and 191877, effective January 1, 2025.)

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 City Administrator, the Assistant City Administrator, the Equity Officer, the Sustainability Officer, the Deputy City Administrators or persons otherwise responsible for City service areas, and the directors or individuals in charge of City bureaus or other similar offices, excluding the Office of the City Attorney. A list of positions covered by this definition will be included in an Auditor's Office administrative rule.

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 any appointee to the Prosper Portland Board of Commissioners, the Planning 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 their 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 participating in a board, committee, working group, or commission created by the Mayor that adheres to state public meeting requirements.
4. Time spent by a City official or City employee acting in their official capacity as an official for the City.
5. Beginning when the City publishes any competitively bid request for proposals;
 - a. Time or funds spent submitting a response to the City's bid;
 - b. Time or funds spent responding to related City information requests; and
 - c. Time or funds spent negotiating terms of any contract resulting from a competitively bid request for proposals.
6. Time spent negotiating terms of an intergovernmental agreement.
7. 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.
8. Formal appearances to give testimony before public hearings or meetings of City Council.
9. Work performed by a contractor or grantee pursuant to a contract with or grant from the City.
10. Time spent by any person holding elected public office, or their specifically authorized representative, acting in their official capacity.
11. Time spent responding to requests for information made by City officials if:

a. the request is made for the purpose of evaluating any actual or potential administrative action of the City;

b. any person providing the requested information confines their responses to information sought by City officials; and

c. to the extent any person providing the requested information attempts to influence the official action of City officials during the course of providing such information, no such person, and no lobbying entity represented by such person, stands to obtain any direct financial benefit as a result of such action.

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. Office of the City Administrator means the City Administrator, the Assistant City Administrator, the Equity Officer, the Sustainability Officer, and the Deputy City Administrators.

L. 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 Ordinances 180205, 181204, 187854 and 191877, effective January 1, 2025.)

A. Within three business days after a lobbying entity has (i) spent eight hours or more or estimates that it has spent cumulative eight hours or more during any calendar quarter lobbying, or (ii) has spent at least \$1,000 during any calendar quarter lobbying,

the lobbying entity must register with the Auditor by filing with the Auditor a statement in the manner provided by the Auditor's Office and 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;
3. The names, addresses, emails, websites and telephone numbers 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.
 - c. Previous City ~~of Portland~~ employment status of individuals who are paid or otherwise authorized to lobby on the entity's behalf, the affiliated bureau(s) or office(s) of employment, and the years of employment.
4. The subjects and any specific official actions of interest to the lobbying entity.

B. A business, organization, or association that anticipates registering as a lobbying entity is encouraged to register at the beginning of each calendar year.

C. Registrations ~~will~~ expire December 31 of every year. Lobbying entities must renew their registrations once the eight-hour or \$1,000 threshold has been reached in any quarter during a calendar year.

D. An authorized representative of the lobbying entity must sign the registration required by this Section.

E. Business day in this Section refers to a weekday other than a City holiday and days when the City is not otherwise closed for business.

2.12.040 Quarterly Reporting Requirements for Lobbying Entities.

(Amended by Ordinances 180205, 180620, 181204, 186176, 187854 and 191877, effective January 1, 2025.)

A. A lobbying entity required to be registered with the Auditor must file a report with the Auditor if the lobbying entity has, within the preceding calendar quarter, spent either an estimated eight hours or more or at least \$1,000 lobbying. Such reports are due by April 15, July 15, October 15, and January 15, unless the deadline falls on a weekend, City

holiday, or a day when the City is otherwise not open for business, in which case the deadline moves to the next business day. The reports must show:

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, online meeting platform, 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 expended in the preceding calendar quarter for the purpose of lobbying City officials if the total meets or exceeds \$1,000 and is expended by the lobbying entity or any lobbyist employed by or otherwise authorized to lobby on its behalf for:

- a.** Food, refreshments, travel and entertainment;
- b.** Printing, postage and telephone;
- 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 of \$25 or more 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 personal travel expenses and office overhead, including salaries and wages paid for staff providing clerical assistance and others not engaged in lobbying activities 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 must be submitted in the statement and designated as an estimate. The exact amount expended for which a previous estimate was made must be submitted in a subsequent report when the information is available.

C. A lobbying entity must update any information submitted in Section 2.12.030 that has changed since registration.

D. A statement required by this Section must include a copy of any notice provided to a City official for honoraria or other item as authorized under ORS 244.100.

E. An authorized representative of the lobbying entity must sign the declaration required by Subsection 2.12.090 A. for each quarterly report.

F. 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, unless the deadline falls on a weekend, City holiday, or a day when the City is otherwise not open for business, in which case the deadline moves to the next business day.

2.12.050 Exemptions to Registration and Reporting Requirements for Lobbying Entities.

(Amended by Ordinances 180620, 181204, 188286, 189078 and 191877, effective January 1, 2025.)

In addition to the thresholds set forth in Sections 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. 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 Subsection 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 Community & Civic Life or through City Council resolution or ordinance.

2.12.060 Declaration Required by Lobbyists

(Amended by Ordinances 180205 and 191877, effective January 1, 2025.)

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 they are authorized to represent for that communication.

2.12.070 Reporting Requirements for City Officials.

(Amended by Ordinances 180205, 180620, 187854, 187961 and 191877, effective January 1, 2025.)

A. City officials must file written reports documenting any gifts, meals or entertainment of \$25 or more received from a lobbying entity, regardless of the entity's registration status, or any person authorized to lobby on the lobbying entity's behalf. Such reports must 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.

B. City officials must file written reports after a lobbyist or lobbying entity, regardless of the entity's registration status, has agreed to donate personal or real property to the City. Such reports ~~will~~must 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. must be filed with the 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 or if no gifts or donations have been requested in the calendar quarter.

D. City elected officials and City directors must post their calendars of activities that reflect official City business 15 days after the end of the calendar quarter for the previous calendar quarter, unless the City Attorney or their designee determines that doing so would pose a safety threat pursuant to criteria contained in administrative rules developed by the Auditor in conjunction with the City Attorney's Office.

1. Unless otherwise exempted, calendars required by this Section must note the date and length of scheduled official business that includes other City elected officials, City directors or outside parties. Calendar items must list primary participants or organizations in attendance.
2. Elected officials' and City directors' quarterly calendars required by this Section will be retained in accordance with City Administrative Rules, be posted publicly on the originating office's website, and remain posted for a period of at least one calendar year.

E. A City official may amend a quarterly report or published calendar without penalty if they file the amended report within 25 days after the end of the calendar quarter, unless the deadline falls on a weekend, City holiday, or a day when the City is otherwise not open for business, in which case the deadline moves to the next business day

2.12.080 Prohibited Conduct.

(Amended by Ordinances 187854 and 191877, effective January 1, 2025.)

A. No former City elected official ~~will~~may, for a period of two years after the termination of the official's term of office, lobby for money or other consideration the Office of the City Administrator, a City elected official, or a City elected official's salaried at-will staff.

B. No former salaried at-will staff of a City ~~e~~Councilor, ~~will~~may, for a period of one year after the termination of employment, lobby for money or other consideration any City elected official or their salaried at-will staff.

C. No former salaried at-will staff of the Mayor, ~~will~~may, for a period of one year after the termination of employment, lobby for money or other consideration the Office of the City Administrator, the Mayor, or the Mayor's salaried at-will staff.

D. No former salaried at-will staff of the Auditor, ~~will~~may, for a period of one year after the termination of employment, lobby for money or other consideration the Auditor or the Auditor's salaried at-will staff.

E. No former City director ~~will~~may, for a period of two years after termination of the director's appointment, lobby for money or other consideration the current City director of the office or bureau to which the former City director was appointed. In addition, no former City director ~~will~~may, for a period of two years after the termination of their appointment lobby for money or other consideration the Mayor or the Office of the City Administrator regarding matters within the powers and duties of the bureau or office to which the former City director was appointed.

F. No former City employee ~~will~~may lobby a City Official for money or other consideration regarding a contract if the employee exercised contract management authority with respect to that contract while employed by the City. This prohibition will be for the duration of the contract.

G. The prohibitions in this Section ~~shall~~does not apply to:

1. Prevent any former City elected official or other City employee from representing themselves, or any member of their 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 representing that agency in their 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 Ordinances 181204 and 191877, effective January 1, 2025.)

A. Each report, registration or statement required by this Chapter must contain or be verified by a written or electronic declaration that it is made under the penalties of false swearing. Such declaration will be in lieu of any oath otherwise required.

B. No person ~~will~~ may willfully make and subscribe any document that 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 Ordinances 186176 and 191877, effective January 1, 2025.)

All information submitted to the Auditor in any report, registration or statement required by this Chapter is a public record and will be posted on the 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, unless the date falls on a weekend, City holiday, or a day when the City is otherwise not open for business, in which case the deadline moves to the next business day.

2.12.110 Auditor's Duties.

(Amended by Ordinances 187854, 188842 and 191877, effective January 1, 2025.)

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

A. Will prescribe forms for registrations, statements and reports, and provide such forms to persons required to register and to file such statements and reports;

B. Will accept registrations and reports in an electronic format;

- C. Will accept and file any information voluntarily supplied that exceeds the requirements of this Chapter;
- D. Will 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;
- 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. May initiate investigations and accept and investigate complaints of alleged violations of this Chapter;
- G. May make such inquiries and obtain such reasonable assistance and information, including records, from any office or person as the Auditor will require for enforcement purposes, including requests to produce documentary or other evidence that is reasonably relevant to the matters under investigation;
 - 1. For information and records sought from City offices, employees or officials, the Auditor or any agent or employee 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 not disclose confidential or legally privileged information and records and will be subject to the same penalties as the legal custodian of records for any unlawful or unauthorized disclosure.
- H. May recover all reasonable costs incurred in enforcement in this Chapter, including but not limited to attorney's fees.
- I. Is authorized to adopt administrative rules to carry out the duties and to administer the provisions of this Chapter.

2.12.120 Penalties.

(Amended by Ordinances 187854, 188842 and 191877, effective January 1, 2025.)

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 may be subject to warnings or civil penalties in an amount not to exceed \$3,000 per violation. By administrative rule, the Auditor will establish enforcement criteria with increased fines for repeated violations. In the name of the City, the Auditor may seek civil penalties and enforcement of any provision of this Chapter in Multnomah County Circuit Court or other appropriate venue. The Auditor may bring such an action through independent legal counsel retained or employed by the Auditor, or may request that the City Attorney provide such representation.

2.12.130 Severability.

(Amended by Ordinance 191877, effective January 1, 2025)

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, will 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 187689, effective May 20, 2016. Implementation date September 1, 2016.)

2.14.010 Purpose.

(Amended by Ordinance 91552, effective January 1, 2025.)

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.

(Amended by Ordinance 191552, effective January 1, 2025.)

As used in this Chapter unless the context requires otherwise:

A. “City elected official” means the Mayor, 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~~ is the next business day by 5:00 p.m.

C. “Political consultant” means:

1. ~~a~~ A person or entity that provides political consulting services to:

a. a City elected official,

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" 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" also does not include a person who:

a. Does not engage in political consulting services as a trade or profession, or

b. 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; 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.

(Amended by Ordinance 191552, effective January 1, 2025.)

A. Within 15 days after providing any political consulting services to a City elected official, a political consultant must register with the Auditor. The registration must include at least the following information:

1. 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.

2. 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.

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

4. The name of the City elected official to whom the political consultant provides political consulting services, 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 [s](#) A.1.-3.

B. A political consultant must update their registration information 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, 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.

(Amended by Ordinance 191552, effective January 1, 2025.)

When a [P](#)political [C](#)onsultant who is required to register under this Chapter later terminates all [P](#)political [C](#)onsulting [S](#)ervices to a City elected official, the [P](#)political [C](#)onsultant must file a termination statement on the form required by the Auditor within 15 days of service termination.

2.14.050 Quarterly Reporting by City Elected Official.

(Amended by Ordinance 191552, effective January 1, 2025.)

A. A City elected official must file a statement with the Auditor identifying the 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 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 will be determined by the City elected official who signed a resolution filed pursuant to Chapter 2.04.

B. The statement in this Section must be filed with the 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 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 file the statement required in this Section for the quarterly reporting period that 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 file the statement required in this Section 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.

(Amended by Ordinance 191552, effective January 1, 2025.)

All information submitted to the Auditor in any statement required by this Chapter will be posted on the 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.

(Amended by Ordinance 191552, effective January 1, 2025.)

A. A City elected official may not knowingly utilize a -political consultant who is in violation of this Chapter.

B. A **P**political consultant may not provide political consulting services without reporting as required under this Chapter.

C. No person may 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 Auditor's Duties.

(Amended by Ordinances 188842 and 191552, effective January 1, 2025.)

The 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 not disclose confidential or legally privileged information and records and will 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.

(Amended by Ordinance 191552, effective January 1, 2025.)

A. A person who fails to report as required by this Chapter ~~will be~~ is subject to a civil penalty 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 ~~s~~ Section of this Chapter may be subject to a civil penalty of up to \$1,000 per violation.

2.14.100 Enforcement.

(Amended by Ordinances 188842 and 191552, effective January 1, 2025.)

If facts supporting an enforcement action exist, the 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 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 be~~ is entitled to recover any costs and attorneys' fees incurred as a result of the violation(s) of this Chapter.

Chapter 2.16 Small Donor Elections Program

[No changes.]