

City Campaign Finance regulations were passed by voters in 2018 and act to limit contributions candidates can receive as well and provide “paid for by” disclaimers on certain political ads in City candidate elections. This guidance is intended to provide helpful direction only and any controlling charter, code, rules, or statutes are the ultimate legal authority.

General Qs:

1. What is a slate?
 - a. For the purposes of this guidance, the term “slate” refers to any group of two or more candidates for any City office coordinating together for purposes of campaigning in an upcoming City election. A slate doesn’t include individuals that support or oppose candidates through Independent Expenditures or a third-party political committee. Slates can exist for any length of time, whether for parts of campaigns or throughout multiple elections.
2. What is the importance of a slate with regard to campaign finance?

Slates may participate in coordinated candidate or candidate committee expenditures that may trigger campaign finance regulatory requirements. The purpose of this guidance is to provide helpful information to inform how that coordination may impact state and local campaign finance law. This guidance focuses more specifically on City campaign finance requirements. Coordinated candidate expenditures can include sharing expenses, materials, or other resources to put on a fundraising event, design mailers, or make other types of communications to voters in order to support or oppose City candidates.
3. Can slates be referred to in the voters’ pamphlet?
 - a. Candidates may wish to appear in the county voters’ pamphlet but must file individually and with each county elections office to do so. However, a candidate can include endorsements from another candidate or group of candidates running as a slate. As with other endorsements, a form may be required documenting the endorsement. For the forms, contact [the relevant county elections office](#).

Contribution Qs:

1. Can coordinated candidate or candidate committee expenditures be counted as contributions to a candidate?
 - a. Yes. It is possible that candidates coordinating expenditures could result in a contribution to one or more of the candidates and impact a candidate’s and donor’s contribution limits. For example, if three candidates for Councilor in a district decide to run as a slate and agree to a coordinated advertising strategy, and one candidate pays for a mailer to residents in the district on which all three candidates appear, the candidate that pays the vendor may be considered to have made an in-kind contribution to the other two candidates in the amount of each candidate’s pro rata (proportional) share of the mailer. Depending on the cost of the mailer, both the candidate who pays for the mailer, and the other two candidates in the slate, could be in violation of the

City's campaign finance contribution regulations for contributing or accepting a contribution of an amount that exceeds the maximum permissible contribution.

- b. In general, if coordinated expenditures amongst a slate can be deemed to be of equal value and are split equally and paid for independently, there is a lower likelihood of one campaign providing another campaign an in-kind contribution which could impact the City's campaign finance contribution limits.
 - c. Any resulting contribution could also require reporting in the Oregon Secretary of State's ORESTAR (Oregon Election System for Tracking and Reporting) or the City's matchable public campaign financing program, Small Donor Elections (SDE). A contribution from a candidate could also result in disclaimer requirements on a candidate's political communications required by the City Charter, if appropriate.
 - d. Expenditures should be apportioned as equally as possible amongst coordinating candidates. It is advised that candidates:
 - 1. Decide who should pay for and report goods and services among the relevant campaigns ahead of any coordinated purchases.
 - 2. Ask vendors to bill all candidates in the slate for their own share of any coordinated costs directly, to avoid one candidate paying costs on behalf of one or more other candidates.
 - 3. Make good faith and documented efforts to determine fair market values of goods and services.
 - 4. Consider and notify campaigns of any in-kind contribution regulations that may apply.
 - 5. Consult with Secretary of State's Elections Division about best proportional practices in divvying up expenses and reporting any resulting contributions.
2. What if a City candidate wants to contribute to another City candidate? Is there a limit?
- a. City candidates can contribute to each other and to multiple candidates. Similar to each individual, though, a candidate or candidate's committee can only contribute up to the value of \$579 to any individual City candidate, for candidates not participating in SDE. This includes in-kind and direct contributions.
 - b. SDE participating candidates, in contrast, can receive up to \$350 from other candidates, unless the contribution is otherwise allowed by that program (consult the [SDE program administrators and their administrative rules](#)).
3. How do I report contributions received while coordinating with other candidates, such as at joint fundraisers, house parties, or through coordinated fundraising communications to potential donors?
- The Elections Office does not recommend that donors make a joint contribution to a slate of candidates, including by making a contribution to one candidate with the intent the candidate will distribute proceeds to other candidates or make expenditures on the other candidates' behalf. Instead, we advise that the donor make contributions to individual candidates, and directly to the candidate. Donors deciding how much to

contribute directly to a candidate rather than to a slate of candidates will help avoid errors in reporting and help both donors and candidates track their compliance with campaign contribution limits and political ad disclaimers at the City and state level.

4. How does participation in the Small Donor Elections (SDE) program impact candidates running as part of a slate?
 - a. While reporting in ORESTAR remains the same, the contribution limits that will apply to a candidate depend on whether the candidate participates in SDE. Unless otherwise allowable, individual contribution limits for non-SDE candidates is \$579 in value per donor, while SDE participating candidates may receive \$350 per donor. Remember that SDE has other In-Kind and Democracy Building carveouts that may apply (consult the [SDE program](#) administrators and their [administrative rules](#)).
 - b. If you are coordinating with SDE and non-SDE candidates, the SDE candidate will have different definitions, elections cycles, and contribution limits they must follow compared to the non-SDE candidate.
5. What about Independent Expenditures and slates?
 - a. If done lawfully and without candidate coordination, expenditures by Independent Spenders for communications that promote or oppose candidates have no impact on an individual candidate's City contribution limits. In other words, Independent Spending does not impact campaign contribution limits. It is unlawful for Independent Expenditures (and Independent Expenditure Filers) to be in coordination with candidates or slates of candidates to promote or oppose a candidate. State law governs these filings and reporting requirements which include when a person (including an entity or group of persons) makes an expenditure of over \$250 in a calendar year for a communication to support or oppose any candidate. See page 12 of [Oregon Secretary of State's Campaign Finance Manual](#).
 - i. Once an Independent Expenditure Filer coordinates with a campaign or candidate, they may become a political action committee that is subject to contribution limits. Consult definitions, nonpartisan communication exceptions, and other registration requirements in the [Oregon Secretary of State's Campaign Finance Manual](#).
 - ii. Independent Expenditures are subject to disclaimer regulations in the City's Charter for political communications. Disclaimers may require listing the top five independent spenders that paid to present the communication, in addition to other disclaimers. The format, length, size, and type may vary. Specific requirements for independent expenditures and disclaimers can be found in the [City Auditor's Administrative Rules ARA 13.01-ARA 13.05](#) and the City's [2024 Campaign Finance Manual](#).

Disclaimer Qs:

1. How do City candidates jointly disclaim their funders on coordinated communications to voters that promote or oppose candidates (also known as political communications)?

- a. When candidates coordinate on political communications expenditures such as flyers, each individual campaign should include the appropriate full disclaimers relevant to each candidate.
 - b. Required disclaimers depend on the total cost of the communication itself, and not on how much any given candidate or candidate committee pays. Once the disclaimer passes the \$250 mark, **ALL** candidates that helped to pay for it, even if they paid less than \$250, would need to be on the disclaimer. Note that the cost threshold is connected to the communication's total cost for the communication, not how much was contributed by each candidate.
- 2. Are dominant contributors reported collectively or per committee?
 - a. Dominant contributors are reported per candidate committee. If two committees pay for an advertisement together, there could be up to 10 dominant contributors listed, 5 from each committee. Each candidate is responsible for their own full and correct disclaimer required by the City Charter Campaign Finance requirements.
 - b. If two candidate committees have the same dominant contributor, each candidate will need to list the same dominant contributor.
 - c. For digital communications specifically (except for videos), if including all required disclaimer information for coordinating candidates would take 40% or more of the message space on the digital platform, each coordinating candidate may satisfy the disclaimer requirements by including the following two elements:
 - i. Identify who paid to either provide or present the communication, and
 - ii. Provide a link to an active website that prominently displays the remaining required information. For more on how current the website must be kept and on website archiving requirements, see [Auditor Administrative Rule ARA 13.04 \(Campaign Finance: Disclosure Requirements\)](#).

General Questions:

- 1. Outside of a slate, what is the impact on campaign finance regulations of endorsements and providing in-kind or volunteer services to candidates, whether between two candidates or a candidate and a member of the public?
 - a. Simply endorsing a candidate is not a contribution under any regulations.
 - b. Volunteering time, services, or goods to a candidate or campaign can be complicated and understanding their limits and disclaimer requirements can depend on whether a candidate is participating in SDE and whether the services are professional or personal in nature.

At the state level, volunteering one's personal time for personal services, such as for childcare, is not a required disclosure in ORESTAR because volunteering personal services is not considered a contribution. The same is true for the City Charter

contribution limits and disclaimers as well as for SDE candidates. However, candidates should review SDE and state definitions for any applicable regulations and exceptions.

Professional services are treated differently. If professional services are rendered to a candidate at below fair market value, such as campaign management and public affairs services, these may be considered an in-kind contribution under state law requiring disclosure in ORESTAR and subject to certain limits.

- For SDE candidates, these services would likely not be subject to the contribution limits a candidate could receive ([see Small Donor Elections Administrative Rules, Section 3.D](#)) to remain in good standing, but are likely still disclosable in ORESTAR.
- For candidates not participating in SDE, these and most professional services volunteered to a candidate in general, are likely to be considered in-kind contributions under state law that must both be reported in ORESTAR and subject to City Charter contribution limits and political ad disclaimers.

Main Resources Mentioned in this guidance:

City of Portland Elections Office

Outgoing communications from the City Elections Office to candidates or interested parties will be primarily by email, unless specified otherwise.

Web: <https://www.portland.gov/elections>

Email: elections@portlandoregon.gov

Phone: (503) 823-4022

Office: Portland City Hall
1221 SW 4th Avenue, Room 130
Portland, OR 97204

Small Donor Elections:

Web: <https://www.portland.gov/smalldonorelections>

Email: smalldonorelections@portlandoregon.gov

Phone: (503) 823-4345

Office: Portland Building
1120 SW 5th Avenue, 10th Floor
Portland, OR 97214

Program Administrators:

- Susan Mottet, Director of Small Donor Elections (503) 823-4345 | Susan.Mottet@portlandoregon.gov
- Daniel Lewkow, Deputy Director of Small Donor Elections (503) 865-6185 | Daniel.Lewkow@portlandoregon.gov

Oregon Secretary of State Elections Division:

Web: <https://www.sos.oregon.gov/elections>

Email: elections.sos@oregon.gov

Phone: (503) 986-1518 or toll free 1-866-673-VOTE (1-866-673-8683)

Office: Public Service Building, Suite 126

255 Capitol Street NE Salem, OR 97310

- Campaign Finance Transparency & Education (CLEAR Initiative)
(<https://sos.oregon.gov/elections/Pages/campaign-finance.aspx>)
- State Campaign Finance Manual (pdf)
(<https://sos.oregon.gov/elections/Documents/campaign-finance.pdf>)
- Transaction Filing in ORESTAR – Quick Guide (pdf)
(https://sos.oregon.gov/elections/Documents/Transaction_Filing_Quick_Guide.pdf)
- ORESTAR’s User’s Manual: Transaction Filing (pdf)
(<https://sos.oregon.gov/elections/Documents/orestarTransFiling.pdf>)
- ORESTAR’s User’s Manual: Statement of Organization (pdf)
(<https://sos.oregon.gov/elections/Documents/orestarSOO.pdf>)