

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON**

ORDINANCE NO. 1289

Amending MCC Chapter 5 to Include a Measure of Price Inflation for Purposes of Adjusting Dollar Amounts in Campaign Finance Laws, Adjusting Dollar Amounts Effective January 1, 2021, Delegating Authority for Future Adjustments, and Declaring an Emergency.

(Language ~~stricken~~ is deleted; underlined language is new.)

The Multnomah County Board of Commissioners Finds:

a. In 2016, Multnomah County voters approved Measure 26-184, which incorporated campaign finance amendments into the Multnomah County Home Rule Charter. In 2017, the Board of County Commissioners adopted Ordinance 1243, now codified in MCC 5.200 to 5.206, to begin implementing campaign finance reform in Multnomah County, while simultaneously seeking a court ruling on the constitutionality of that ordinance.

b. In light of multiple favorable court rulings, the Board of County Commissioners has been implementing the provisions of MCC 5.200 to 5.206 that the courts have declared constitutional. The County is awaiting a final court ruling on the constitutionality of the contribution provisions in MCC 5.201(A) and (B) under the First Amendment to the United States Constitution. The County's expenditure (MCC 5.202(A)) and independent expenditure (MCC 5.202(C)) provisions were ruled unconstitutional by the Oregon Supreme Court.

c. MCC 5.205 provides that all dollar amounts in the campaign finance laws shall be adjusted on January 1 of each odd-numbered year to reflect an appropriate measure of price inflation, rounded to the nearest dollar. The Charter amendment and Ordinance 1243 did not take effect until September 1, 2017, making January 1, 2019, the first odd-numbered year for adjustment of the dollar amounts. At that time, the constitutionality of the County's campaign finance laws was still before the courts. As a result, January 1, 2021, will be the first opportunity to adjust the dollar amounts in the County's campaign finance laws.

d. Because the contribution provisions in MCC 5.201(A) and (B) remain under consideration by a court, and because the expenditure (MCC 5.202(A)) and independent expenditure (MCC 5.202(C)) provisions have been ruled unconstitutional, the Board will not adjust the dollar amounts in those provisions at this time.

e. The November West Region-Size Class A Consumer Price Index All Urban Consumers (CPI-U), Not Seasonally Adjusted, is an appropriate measure of price inflation for Multnomah County. The Consumer Price Index (CPI) is a measure of the average change in prices over time in a fixed market basket of goods and services as calculated by the US Bureau of Labor Statistics. The CPI is one of the most widely used measures of inflation by both government and private sector organizations. CPI-U measures the percentage change in prices faced by urban consumers and covers approximately 93 percent of the US population. The West Region captures thirteen western states including the State of Oregon. The November 2020 West Region-Size Class A Consumer Price Index All Urban Consumers (CPI-U), Not Seasonally Adjusted, is 1.4 percent.

f. For efficiency of administration in subsequent years, the Chief Operating Officer will apply the measure of adjustment designated in this Ordinance to determine the adjusted dollar amounts, which will be codified by the County Attorney.

Multnomah County Ordains as Follows:

Section 1. MCC 5.200 is amended as follows:

§ 5.200- DEFINITIONS.

Unless otherwise indicated by the text or context of this Section, all terms shall have the definitions at Chapter 260 of Oregon Revised Statutes, as of November 8, 2016. Terms found therein or defined below are capitalized in this Section.

* * *

COMMUNICATION. Means any written, printed, digital, electronic or broadcast communications in support of or opposition to a clearly identifiable candidate in a Multnomah County Candidate Election but does not include communication:

(A) that is funded using a total of ~~\$300~~\$304 or less;

* * *

DOMINANT CONTRIBUTOR. Means any Individual or Entity which contributes more than ~~\$1,000~~\$1014 during an Election Cycle to the Candidate Committee, Political Committee, or nonprofit.

DOMINANT INDEPENDENT SPENDER. Means any Individual or Entity which expends more than ~~\$1,000~~\$1014 during an Election Cycle to support or oppose a particular Multnomah County Candidate.

* * *

SMALL DONOR COMMITTEE. Means a Political Committee which cannot accept Contributions in amounts exceeding one hundred dollars (~~\$400~~\$101) per Individual contributor per calendar year.

Section 2. MCC 5.202 is amended as follows:

§ 5.202 EXPENDITURES IN MULTNOMAH COUNTY CANDIDATE ELECTIONS.

* * *

(B) An Entity shall register as a Political Committee within three (3) business days of making aggregate Independent Expenditures exceeding ~~\$750~~\$761 in any Election cycle to support or oppose one or more Candidates in any Multnomah County Candidate Election.

Section 3. MCC 5.205 is amended as follows:

§ 5.205 ADJUSTMENTS.

(A) All dollar amounts shall be adjusted on January 1 of each odd-numbered year using the November West Region-Size Class A Consumer Price Index All Urban Consumers (CPI-U), Not Seasonally Adjusted, for the preceding even-numbered year to reflect an appropriate measure of price inflation, rounded to the nearest dollar.

(B) Using the November West Region-Size Class A Consumer Price Index All Urban Consumers (CPI-U), Not Seasonally Adjusted, for the even-numbered year, the County Chief Operating Officer shall determine the adjustments for all dollar amounts in Multnomah County Code Chapter 5 and provide that information in writing to the County Attorney by December 15 of each even-numbered year.

(C) Based on the information provided by the County Chief Operating Officer in subsection (B), the County Attorney shall update Multnomah County Code Chapter 5 on January 1 of each odd-numbered year to reflect all adjusted dollar amounts.

Section 4. This Ordinance being necessary for the health, safety and general welfare of the people of Multnomah County, an emergency is declared and this Ordinance will take effect on January 1, 2021 pursuant to Section 5.50 of the Multnomah County Home Rule Charter.

FIRST READING AND ADOPTION:

December 17, 2020



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Deborah Kafoury

Deborah Kafoury, Chair

REVIEWED:

JENNY M. MADKOUR, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By:

Jenny M. Madkour

Jenny M. Madkour, County Attorney

SUBMITTED BY: Jenny M. Madkour, County Attorney