

**Contribution Limits and Disclosure of Funding Sources in  
Communications Relating to Multnomah County Candidate  
Elections:  
Administrative Rules Implementing MCC 5.200 to 5.204**

The Contribution Limit and Disclosure Administrative Rules set forth herein are hereby adopted pursuant to Multnomah County Code Chapter 5.

Dated and effective this 13th day of January, 2024.

MARGI BRADWAY, DIRECTOR  
MULTNOMAH COUNTY DEPARTMENT OF COMMUNITY SERVICES

***/s/ Tim Scott***

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Tim Scott, Director  
Multnomah County Elections  
Department of Community Services  
Multnomah County

REVIEWED:

JENNY M. MADKOUR, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY

***/s/ Katherine Thomas***

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**1. Title: Citation of Rules**

- a. These rules may be referred to as "Contribution Limit and Disclosure Administrative Rules," "CLDR," or "rules."
- b. These rules shall be cited, for example, as CLDR 2(a)(i).

**2. Authority:** The Director adopts these rules pursuant to MCC Chapter 5.204. The Director may amend or repeal these rules and may adopt new rules as necessary for the administration of MCC 5.200 through 5.204.

**3. Definitions:** For purposes of MCC 5.200 to MCC 5.204 and the CLDR, the following terms have the definitions provided below and are capitalized throughout the CLDR.

- a. **Candidate:** Consistent with MCC 5.200 and the Charter's incorporation by reference of the definition in ORS 260.005(1) (2016), the term Candidate:
  - i. Means an Individual who:
    - 1. Identifies an elected public office of Multnomah County for an upcoming election in an original or amended Statement of Organization for a Candidate Committee; or
    - 2. Solicits or receives and accepts a Contribution, makes an Expenditure, or gives consent to an Individual or Entity to solicit or receive and accept a Contribution or make an Expenditure on the Individual's behalf to secure nomination or election for an upcoming election to an elected public office of Multnomah County; or
    - 3. Files their Candidate filing form (SEL 101) with the Director for one of the elected public offices of Multnomah County for an upcoming election; or
    - 4. Declares their candidacy for an elected public office of Multnomah County for an upcoming election on a publicly accessible source. For purposes of this definition, a "publicly accessible source" includes, but is not limited to, public posts on Social Media; publicly accessible websites, blogs, or message boards; statements made by the Individual published by news media; television and print ads; and billboards; or
    - 5. Expresses consent to be named as a candidate for nomination or election to an elected public office of Multnomah County for an upcoming election. For purposes of this definition, "expresses consent" includes, but is not limited to, written communications or recorded statements affirming an Individual's agreement to participate as a candidate for an elected public office of Multnomah County for an upcoming election, including as a write-in candidate; or
    - 6. Has their name printed on a ballot for election to a public office of Multnomah County in an upcoming election; or
    - 7. Is an officeholder for one of the elected public offices of Multnomah County and is the subject of a recall petition that has been completed and filed.
  - ii. Does not mean an Individual who has filed a Candidate Filing Withdrawal form (SEL 150) for an upcoming election for one of the elected public offices of

Multnomah County.

- b. **Candidate Committee:** Consistent with MCC 5.200 and the Charter's incorporation by reference of the term "principal campaign committee" from ORS 260.039 (2016) and ORS 260.041 (2016), Candidate Committee means the Political Committee that a Candidate designates as the Candidate's principal campaign committee. A Candidate may designate only one Political Committee as the Candidate's principal campaign committee. A Political Committee may not be designated as the principal campaign committee of more than one Candidate.
- c. **CLDR:** Means Contribution Limit and Disclosure Administrative Rules.
- d. **Clearly Identified:** Consistent with MCC 5.200 and the Charter's incorporation by reference of the definition in ORS 260.005(10)(b)(A) (2016), the term Clearly Identified means:
  - i. the name of the Candidate involved appears; or
  - ii. a photograph or drawing of the Candidate appears; or
  - iii. the identity of the Candidate is apparent by unambiguous reference.
- e. **Communication:**
  - i. Consistent with MCC 5.200 and the Charter, the term Communication means any written, printed, digital, electronic or broadcast communication in support of or opposition to a Clearly Identified Candidate in a Multnomah County Candidate Election but does not include communication:
    - 1. that is funded using a total of \$345 or less;
    - 2. by means of small items worn or carried by Individuals;
    - 3. bumper stickers;
    - 4. Small Signs; or
    - 5. a distribution of five hundred (500) or fewer substantially similar pieces of literature within any 10 business-day period.
  - ii. For purposes of this definition, written, printed, digital, electronic or broadcast communications include but are not limited to text messages; videos; websites; Social Media posts; emails; graphics with interchanging formats or photos; still photos transmitted electronically; and automated or autogenerated communications prepared by a campaign and distributed by volunteers using their own devices.
- f. **Contribution:** Consistent with MCC 5.200 and the Charter's incorporation by reference of the definition in ORS 260.005(3) (2016) and ORS 260.007 (2016), the term Contribution has the following meaning:
  - i. Except as provided in subsection (f)(ii), "Contribution" includes:
    - 1. The payment, loan, gift, forgiving of indebtedness, or furnishing without equivalent compensation or consideration, of money, services other than personal services for which no compensation is asked or given, supplies, equipment or any other thing of value to or on behalf of a Candidate or Political Committee; and

2. The excess value of a contribution made for compensation or consideration of less than equivalent value.
- ii. "Contribution" does not include:
1. Any written news story, commentary or editorial distributed through the facilities of any broadcasting station, newspaper, magazine or other regularly published publication, unless a Political Committee owns the facility.
  2. An Individual's use of the Individual's own personal residence, including a community room associated with the Individual's residence, to conduct a reception for a Candidate or Political Committee and the Individual's cost of invitations, food and beverages provided at the reception.
  3. A vendor's sale of food and beverages for use in a Candidate's or Political Committee's campaign at a charge less than the normal comparable charge, if the charge is at least equal to the cost of the food or beverages to the vendor.
  4. Any unreimbursed payment for travel expenses an Individual, including a Candidate, makes on behalf of a Candidate or Political Committee.
  5. Any loan of money made by a Financial Institution, other than any overdraft made with respect to a checking or savings account, if the loan bears the usual and customary interest rate for the category of loan involved, is made on a basis that ensures repayment, is evidenced by a written instrument and is subject to a due date or amortization schedule. However, each indorser or guarantor of the loan shall be considered to have contributed that portion of the total amount of the loan for which that person agreed to be liable in a written agreement, except if the indorser or guarantor is the Candidate's spouse.
  6. Nonpartisan activity designed to encourage Individuals to vote or to register to vote that does not advocate for or against a Candidate.
  7. Any Communication a Membership Organization or corporation makes to its members, shareholders or employees if the Membership Organization or corporation is not organized primarily for the purpose of influencing an election.
  8. The payment of compensation for legal and accounting services rendered to a Candidate or Political Committee if the Individual or Entity paying for the services is the regular employer of the Individual rendering the services and the services are solely for the purpose of ensuring compliance with the provisions of ORS 260, MCC 5.200 to 5.204, or the CLDR.
  9. The payment by a state or local committee of a political party of the costs of preparation, display or mailing or other distribution incurred by the committee with respect to a printed slate card or sample ballot, or other printed listing, of three or more candidates for any public office for which an election is held in this state. This subsection (f)(ii)(9) does not apply to costs incurred by the committee with respect to a display of any such listing made on broadcasting stations or in newspapers, magazines or similar types of general public political advertising.
  10. Funds provided by government systems of public funding of campaigns.
  11. Providing rooms, phones, and internet access for use by a Candidate or Candidate Committee free or at a reduced charge.

12. Volunteer services, meaning, personal services for which no compensation is asked or given as described in subsection (f)(i)(1).
  13. Anything of value provided by a Candidate to their own Candidate Committee or otherwise provided by a Candidate to support their own election or nomination to an elected public office of Multnomah County, including a loan.
- g. **Credit Union:** Consistent with MCC 5.200 and the Charter's incorporation by reference of the definition in ORS 260.007(5) (2016), which relies on the definition in ORS 706.008 (2016), the term Credit Union means a cooperative, nonprofit association, incorporated under the laws of Oregon, for the purposes of encouraging thrift among its members, creating a source of credit at a fair and reasonable rate of interest and providing an opportunity for its members to use and control their own money in order to improve their economic and social condition.
  - h. **Director:** Means the Multnomah County Director of Elections or their designee.
  - i. **Dominant Contributor:** Means any Individual or Entity which contributes more than \$1,152 during an Election Cycle to the Candidate Committee, Political Committee, or nonprofit.
  - j. **Dominant Independent Spender:** Means any Individual or Entity which expends more than \$1,152 during an Election Cycle to support or oppose a particular Multnomah County Candidate.
  - k. **Election Cycle:** Consistent with MCC 5.200 and the Charter, means:
    - i. Generally, the period between an election at which a Candidate is elected and the next election for that same office, disregarding any intervening primary or nominating election, any recall election, or any special election called to fill a vacancy.
    - ii. For any recall election: the period beginning the day that the recall election is called or declared and ending at midnight of the day of the recall election.
    - iii. For any special election called to fill a vacancy: the period beginning the day that the special election is called or declared and ending at midnight of the day of the election.
      1. An Election Cycle for a special election is inclusive of a special runoff election if no Candidate receives 50% plus one vote of votes cast at an election to fill a vacancy.
  - l. **Entity:** Consistent with MCC 5.200 and the Charter means any corporation, partnership, limited liability company, proprietorship, or other form of organization which creates an entity which is legally separate from an Individual, including Candidate Committees, Political Committees and Small Donor Committees.
  - m. **Expenditure:** Consistent with MCC 5.200 and the Charter's incorporation by reference of the definition in ORS 260.005(8) (2016) and ORS 260.007 (2016), the term Expenditure has the following meaning:
    - i. Except as provided in subsection (m)(ii), "Expenditure" includes the payment or furnishing of money or anything of value or the incurring or repayment of

indebtedness or obligation by or on behalf of a Candidate, Candidate Committee, Political Committee, Entity, or Individual in consideration for any services, supplies, equipment or other thing of value performed or furnished for any reason, including support of or opposition to a Candidate, Candidate Committee, or Political Committee, or for reducing the debt of a Candidate for nomination or election to a public office of Multnomah County. "Expenditure" also includes Contributions made by a Candidate or Political Committee to or on behalf of any other Candidate or Political Committee.

ii. "Expenditure" does not include:

1. Any written news story, commentary or editorial distributed through the facilities of any broadcasting station, newspaper, magazine or other regularly published publication, unless a Political Committee owns the facility.
2. An Individual's use of the Individual's own personal residence, including a community room associated with the Individual's residence, to conduct a reception for a Candidate or Political Committee and the Individual's cost of invitations, food and beverages provided at the reception.
3. A vendor's sale of food and beverages for use in a Candidate's or Political Committee's campaign at a charge less than the normal comparable charge, if the charge is at least equal to the cost of the food or beverages to the vendor.
4. Any unreimbursed payment for travel expenses an Individual, including a Candidate, makes on behalf of a Candidate or Political Committee.
5. Any loan of money made by a Financial Institution, other than any overdraft made with respect to a checking or savings account, if the loan bears the usual and customary interest rate for the category of loan involved, is made on a basis that ensures repayment, is evidenced by a written instrument and is subject to a due date or amortization schedule. However, each indorser or guarantor of the loan shall be considered to have contributed that portion of the total amount of the loan for which that person agreed to be liable in a written agreement, except if the indorser or guarantor is the Candidate's spouse.
6. Nonpartisan activity designed to encourage individuals to vote or to register to vote that does not advocate for or against a Candidate.
7. Any Communication a Membership Organization or corporation makes to its members, shareholders or employees if the Membership Organization or corporation is not organized primarily for the purpose of influencing an election.
8. The payment of compensation for legal and accounting services rendered to a Candidate or Political Committee if the Individual or Entity paying for the services is the regular employer of the Individual rendering the services and the services are solely for the purpose of ensuring compliance with the provisions of ORS 260, MCC 5.200 to 5.204, or the CLDR.
9. The payment by a state or local committee of a political party of the costs of preparation, display or mailing or other distribution incurred by the committee with respect to a printed slate card or sample ballot, or other printed listing, of three or more candidates for any public office for which an election is held in this state. This subsection does not apply to costs incurred by the committee with respect to a display of any such listing made on broadcasting stations or



in newspapers, magazines or similar types of general public political advertising.

10. Anything of value provided by a Candidate to their own Candidate Committee or otherwise provided by a Candidate to support their own election or nomination to an elected public office of Multnomah County, including a loan.

- n. **Extranational Institution:** Consistent with MCC 5.200 and the Charter's incorporation by reference of the definition in ORS 260.007(5) (2016), which relies on the definition in ORS 706.008 (2016), the term Extranational Institution means a corporation, unincorporated company, partnership or association of two or more persons organized under the laws of a nation other than the United States, or other than a territory of the United States, Puerto Rico, Guam, American Samoa or the Virgin Islands, that engages directly in banking business.
- o. **Financial Institution:** Consistent with MCC 5.200 and the Charter's incorporation by reference of the definition in ORS 260.007(5) (2016), which relies on the definition in ORS 706.008 (2016), the term Financial Institution means an Insured Institution, an Extranational Institution, a Credit Union, an out-of-state credit union under ORS 723.042 (2016) or a federal credit union.
- p. **Independent Expenditure:** Consistent with MCC 5.200 and the Charter's incorporation by reference of the definition in ORS 260.005(10) (2016), the term Independent Expenditure means an Expenditure by an Individual or Entity for a Communication in support of or in opposition to a Clearly Identified Candidate that is not made with the cooperation or with the prior consent of, or in consultation with, or at the request or suggestion of, a Candidate or any Agent or authorized committee of the Candidate. For purposes of this definition:
  - i. "Agent" means any Individual or Entity who has:
    1. Actual oral or written authority, either express or implied, to make or to authorize the making of Expenditures on behalf of a Candidate; or
    2. Been placed in a position within the campaign organization where it would reasonably appear that in the ordinary course of campaign-related activities the Individual or Entity may authorize Expenditures.
  - ii. "Communication in support of or in opposition to a Clearly Identified Candidate" means:
    1. The Communication, taken in its context, clearly and unambiguously urges the election or defeat of a Clearly Identified Candidate for nomination or election to an elected public office of Multnomah County;
    2. The Communication, as a whole, seeks action rather than simply conveying information; and
    3. It is clear what action the Communication advocates.
  - iii. "Made with the cooperation or with the prior consent of, or in consultation with, or at the request or suggestion of, a Candidate or any Agent or authorized committee of the Candidate":
    1. Means any arrangement, coordination or direction by the Candidate or the Candidate's Agent, prior to the publication, distribution, display or broadcast of

the Communication. An Expenditure shall be presumed to be so made when it is:

- a. Based on information about the plans, projects or needs of the Candidate, and provided to the expending Individual or Entity by the Candidate or by the Candidate's Agent, with a view toward having an Expenditure made; or
    - b. Made by or through any Individual or Entity who is or has been authorized to raise or expend funds, who is or has been an officer of a Political Committee authorized by the Candidate, or who is or has been receiving any form of compensation or reimbursement from the Candidate, the Candidate Committee or Agent.
  - 2. Does not mean providing to the expending Individual or Entity upon request a copy of ORS 260, any rules adopted by the Secretary of State relating to independent expenditures, or any County Charter, Code, or administrative rules relating to campaign finance.
- q. **Individual:** Consistent with MCC 5.200 and the Charter means a citizen or resident alien of the United State entitled to vote in federal elections; however, when MCC 5.200 to 5.204 or the CLDR express a limitation or prohibition, "Individual" means any human being.
- r. **Insured Institution:** Consistent with MCC 5.200 and the Charter's incorporation by reference of the definition in ORS 260.007(5) (2016), which relies on the definition in ORS 706.008 (2016), the term Insured Institution means a company, the deposits of which are insured under the provisions of the Federal Deposit Insurance Act, as amended, 12 U.S.C. 1811, et seq.
- s. **Membership Organization:** Consistent with MCC 5.200 and the Charter means an incorporated or unincorporated nonprofit organization having members who pay dues or otherwise affirmatively join and support the organization.
- t. **Multnomah County Candidate Election:** Consistent with MCC 5.200 and the Charter means an election, including a primary election, to select persons to serve (or cease serving) in public offices of Multnomah County.
- u. **Political Committee:** Consistent with MCC 5.200 and the Charter's incorporation by reference of the definition in ORS 260.005(18) (2016), the term Political Committee means a combination of two or more Individuals, or an Entity, that has:
- i. Received a Contribution for the purpose of supporting or opposing a Candidate, measure or political party; or
  - ii. Made an Expenditure for the purpose of supporting or opposing a Candidate, measure or political party. For purposes of this paragraph, an Expenditure does not include:
    - 1. A Contribution to a Candidate or Political Committee that is required to report the Contribution on a statement filed under ORS 260.057 (2016) or 260.076 (2016) or a certificate filed under ORS 260.112 (2016); or
    - 2. An Independent Expenditure for which a statement is required to be filed by an Individual or Entity under ORS 260.044 (2016).

- v. **Prominently Disclose:** Means that the disclosure will be readily comprehensible to a person with average reading, vision, and hearing faculties, with:
  - i. any printed disclosure appearing in a type of contrasting color and in the same or larger font size as used for the majority of text in the printed material;
  - ii. any video disclosure remaining reading on the regular screen (not closed captioning) for not less than 4 seconds;
  - iii. any auditory disclosure spoke at a maximum rate of 5 words per second;
  - iv. any electronic message in type of a contrasting color in the same or larger font size as used for the majority of text in the message;
  - v. any billboard or sign other than a Small Sign: in type of a contrasting color and not smaller than 10 percent of the height of the billboard or sign.
- w. **Small Donor Committee:** Means a Political Committee which has never accepted Contributions in amounts exceeding the Small Donor Committee qualifying amount in effect when the Contribution is accepted. The current Small Donor Committee qualifying amount is one hundred fifteen dollars (\$115) per Individual contributor per calendar year.
- x. **Small Signs:** Means a sign smaller than 6 square feet.
- y. **Social Media:** Any online platform through which users create or share content such as photos, videos, and text-based communications to and with various audiences. Examples include but are not limited to: Facebook, TikTok, X/Twitter, YouTube, Reddit, and Instagram.

#### 4. **Contribution Limits**

- a. Contributions made to an Individual before they become a Candidate will not be subject to the limits in MCC 5.201(B).
- b. For purposes of enforcement, the amount of an unlawful Contribution is the amount in excess of the limits set forth in MCC 5.201(B).
- c. An Individual who is a Candidate in each of two concurrent Election Cycles may accept Contributions from Individuals and Political Committees up to the \$568 Contribution limit during each of the concurrent Election Cycles.
  - i. When a recall election or special election to fill a vacancy is called, a new, concurrent Election Cycle begins.
  - ii. When there are concurrent Election Cycles, an Individual may be a Candidate in more than one Election Cycle if the Individual is a Candidate for a public office of Multnomah County in the regular election and a Candidate in a recall election or special election to fill a vacancy.
  - iii. Where written notice is given to the Director that an Individual is a Candidate in each of two concurrent Election Cycles and will be accepting Contributions during both Election Cycles simultaneously, the Director will not investigate or initiate a complaint where the only basis for the complaint is that the Candidate or Candidate Committee has accepted a Contribution that is above the

Contribution limit for a single Election Cycle, but is within the Contribution limits for, and was accepted during, two concurrent Election Cycles. For example, where the Contribution limit is \$568, the Director will not investigate or initiate a complaint where the only basis for the complaint is that, during two concurrent Election Cycles an Individual who is a Candidate in each Election Cycle has accepted \$1,136 from a single Individual or Political Committee.

#### 5. **Registration of Political Committees**

- a. For the purpose of MCC 5.202, “register” means registration with the Oregon Secretary of State.
- b. A Political Committee that has complied with state registration requirements shall be considered to be in compliance with MCC 5.202.
- d. The Director will not separately investigate or enforce alleged violations of MCC 5.202. State registration requirements are enforced by the Oregon Secretary of State.

#### 6. **Disclosure**

- a. **Communications Regarding Multiple Multnomah County Offices:** For a Communication related to more than one elected public office for Multnomah County, the relevant Election Cycle begins at the earliest Election Cycle start date, if the Election Cycles differ between the offices.
- b. **Electronic Communications:**
  - i. Except as provided in CLDR 6(b)(ii), a Communication on Social Media may satisfy the disclosure requirements by:
    - 1. Identifying in the Communication who paid to provide or present the Communication, and including an active link to a website with any additional disclosures required in MCC 5.203, provided that the information is easily accessible to voters and Prominently Disclosed, including, as applicable:
      - a. A Political Committee or other Entity’s five Dominant Contributors and associated information required by MCC 5.203(A)(1)(a);
      - b. The types of businesses from which the Entity making an Independent Expenditure has obtained a majority of income over the previous 5 years, with each business identified by the name associated with its 6-digit code of the NAICS as required by MCC 5.203(A)(2)(b);
      - c. If any of the five largest Dominant Contributors or Dominant Independent Spenders is a Political Committee (other than a Small Donor Committee) or nonprofit organization, each of the three Dominant Contributors providing the largest amounts of funding to that Political Committee or nonprofit during the current Election Cycle as required by MCC 5.203(B); or
    - 2. Disclosing all required information at a static location, such as a profile page, available on the same platform. If the static page of a Social Media account is character limited so as to preclude full compliance with MCC 5.203 on the

static page, Political Committees or other Entities paying to provide or present the Communication may provide an active link to a website with all information required by MCC 5.203, provided that the information is easily accessible to voters and Prominently Disclosed.

- ii. If professionally produced content, such as a video or photo, is posted to a Social Media account, the professionally produced content must also Prominently Disclose all information required by MCC 5.203 within the content itself.

## **7. Enforcement**

### **a. Complaints:**

#### **i. How to file:**

1. All complaints from an Individual or Entity must be made in writing and delivered to the Director:
  - a. Through a complaint form on [multco.us/elections](http://multco.us/elections);
  - b. Electronically to [campaignfinance@multco.us](mailto:campaignfinance@multco.us); or
  - c. By mail or hand delivery to Campaign Finance Complaints, Multnomah County Elections Division, 1040 SE Morrison St, Portland, OR 97214.
2. Complaints initiated by the Director will be made in writing.

#### **ii. Information Required**

1. Complaints must contain the following information:
  - a. Name of the complainant. Anonymous complaints will be returned, if possible, and will not be investigated.
  - b. Contact information, including email and phone number of complainant
  - c. Name(s) of Individuals or Entities alleged to have committed the violation. If the Entity alleged to have committed the violation is a Candidate Committee or Political Committee, complainant is encouraged to include:
    - i. the name of the Entity as listed in ORESTAR; and
    - ii. the committee ID as listed in ORESTAR.
  - d. Name of the Candidate to whom the alleged violation relates.
  - e. The date(s) of the alleged violation(s).
  - f. Any applicable dollar amount(s) associated with the alleged violation(s), if known.
    - i. If more than one Individual or Entity has funded a Communication alleged to be in violation of MCC 5.203, specify the amount of funding provided by each Individual or Entity, if known.
  - g. Any supporting evidence, such as documents, photographs, or links to relevant electronic media, submitted as exhibits.
    - i. Complaints alleging a Communication disclosure violation of County Code must include a copy of the

Communication that is the source of the complaint.

- h. A detailed description of the alleged violation, including:
  - i. The specific section and subsection(s) of Multnomah County Code that is alleged to have been violated, if known.
  - ii. If the complaint alleges that the incorrect source of funding has been disclosed or no source of funding has been disclosed:
    - 1. An explanation of the basis for the complaint; and
    - 2. Identification of the alleged actual source of funding, if known.
  - iii. If the complaint alleges that the incorrect 6-digit code of the North American Industry Classification System (NAICS) information has been provided:
    - 1. An explanation of the basis for the complaint; and
    - 2. Identification of the alleged actual NAICS information.
- 2. A complainant may raise more than one allegation per complaint.
- iii. Duplicative allegations or allegations that are substantially similar to those in an ongoing investigation or a previously rendered decision will not be reinvestigated.
- iv. The Director, in the Director's sole discretion, may consolidate investigations on related or serial allegations.
- v. The Director may decline to investigate any complaint that does not include the information identified above. Incomplete complaints may be returned to the complainant for missing information.
- vi. Complaints alleging violations of MCC 5.201 for actions occurring prior to August 23, 2021 will not be investigated.

- b. **Notification of Complaint:** Upon receipt or issuance of a complaint, the Director will conduct a preliminary investigation to establish the initial scope and subjects of the investigation. Upon completion of the preliminary investigation, the Director will promptly notify the Individuals or Entities alleged to have violated MCC 5.200 to 5.203 and offer an opportunity to submit materials for a period of 10 business days from the date of the notice of complaint.
  - i. If a violation of MCC 5.201 is alleged, an Individual or Entity that allegedly made the unlawful Contribution may offer evidence of written communication to the Candidate or their Candidate Committee requesting reimbursement of Contributions in excess of the limit, sent within 30 days of the Contribution at issue.
    - 1. The Director will record a violation but not issue a civil penalty to an Individual or Entity that offers evidence under subsection (i) of this section if it is the Individual or Entity's first violation of MCC 5.201 in the Election Cycle, unless the Director finds evidence of one or more of the following exacerbating factors, in which case the Director may issue a civil penalty as described in CLDR 7(e)(ii):
      - a. Multiple violations;

- b. Past experience with campaigns and campaign laws;
  - c. Evidence of actual knowledge of the law;
  - d. Evidence of intentional conduct;
  - e. A contributor's enforcement history; or
  - f. Other exacerbating factors as determined by the Director.
- ii. If the Director requests additional information from an Individual or Entity alleged to have violated MCC 5.200 to 5.203 after they submit initial materials, the Individual or Entity will have five business days from the date the request is issued to submit a response.

**c. Decision and Enforcement**

- i. The Director's preliminary decision on a complaint will:
  - 1. Be in writing and provided to the complainant, the Individual or Entity alleged to have violated MCC 5.200 through 5.203, and any Individual or Entity the Director deems relevant to the complaint, including news organizations who have requested to receive such decisions;
  - 2. Include a copy of the complaint;
  - 3. Identify whether a violation of MCC 5.200 through 5.203 occurred and the basis for the decision; and
  - 4. If a violation is found, the preliminary decision will also include:
    - a. The name of the Individual or Entity in violation;
    - b. The code section violated and a brief descriptive statement of the nature of the violation;
    - c. A statement of the amount due as a civil penalty, if any, for the violation;
    - d. A statement, if applicable, explaining all civil penalties are due within 30 days of the date that the decision becomes final;
    - e. A statement advising that if any civil penalty is not timely paid, the failure to pay will lead to late penalties as provided in MCC 5.204;
    - f. A statement that the determination of the violation is final within 10 business days unless reconsideration is sought; and
    - g. A statement explaining the process for appealing the violation
- ii. The preliminary decision will be served by mail, except as allowed in subsection (iii) of this section.
  - 1. For a Political Committee or Candidate Committee, the preliminary decision will be mailed to the committee treasurer or persons associated with the Committee, as identified in ORESTAR.
  - 2. For an Entity organized under ORS 60 or ORS 65, the preliminary decision will be mailed to the registered agent, manager, or member as identified in the Oregon Secretary of State's Business Registry Database.
  - 3. For any other Entity, the preliminary decision will be mailed to the Entity's principal place of business.
  - 4. For an Individual, the preliminary decision will be mailed to their address, if known, as listed in ORESTAR, voter registration records, or similar records.

- iii. The preliminary decision may be served by email if any Individual or Entity entitled to service has communicated with the Director by email.

**d. Withdrawal and Reconsideration**

- i. The Director on their own discretion or at the request of an interested party, may withdraw a preliminary decision for reconsideration.
  - 1. If no withdrawal occurs within 10 business days of the date of the preliminary decision, then the decision will be final.
  - 2. If a preliminary decision is withdrawn, the Director may accept additional relevant evidence and will issue a new written decision. The new decision will be final upon issuance.

**e. Civil Penalties**

- i. **First Violation in an Election Cycle:** Upon finding a violation has occurred, if it is the Individual or Entity's first violation in the Election Cycle, the Director may issue a letter of education. The letter of education will explain the violation and provide information about how to comply.
  - 1. The decision to issue a letter of education is subject to the discretion of the Director. Factors to consider include, but are not limited to:
    - a. Attempts to cure violation(s), including under CLDR 7(b)(i);
    - b. Past experience with campaigns and campaign laws;
    - c. Evidence of actual knowledge of the law;
    - d. Evidence of intentional conduct;
    - e. A Candidate or contributor's enforcement history;
    - f. Failure to cooperate during the investigation process; and
    - g. The overall interests of justice.
- ii. **Subsequent Violations in an Election Cycle:** Upon finding a violation has occurred, if it is the Individual or Entity's second violation in the Election Cycle, the Director will issue a civil penalty that is two times the amount of the unlawful Contribution, Expenditure, or Independent Expenditure. For each subsequent violation in the Election Cycle, the civil penalty multiplier will increase by a factor of one, but will not exceed 20. For example, for the third violation in the Election Cycle, the civil penalty will be three times the amount of the unlawful Contribution, Expenditure or Independent Expenditure.
- iii. The Director may issue a letter of education for any violations of MCC 5.200 through 5.203 that do not result in an unlawful Contribution, Expenditure or Independent Expenditure.

**8. Interpretation:** These rules will be construed in conformity with Multnomah County ordinances, resolutions, and orders, and with state and federal laws, rules and regulations, all of which supersede any conflicting provisions in these rules. If any provision, sentence, phrase, clause or word in these rules is for any reason held to conflict with any superior authority or is held unconstitutional, illegal, invalid or otherwise unenforceable by a court of competent jurisdiction, such conflict or holding will not invalidate the remainder of these rules, but will be confined to the provision, sentence, phrase, clause or word held unconstitutional, illegal, invalid or otherwise unenforceable.



**9. Computation of Time:** In computing any period of time prescribed or allowed by MCC 5.200 to 5.205 or these rules, the day of the act or event from which the designated period of time begins to run will not be included. The last day of the computed period will be included unless it is a Saturday, Sunday, or a legal holiday, in which event the period runs until the end of the next day which is not a Saturday, Sunday, or legal holiday.