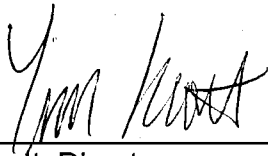


**Disclosure of Funding Sources in Communications Relating to
Multnomah County Candidate Elections:
Administrative Rules Implementing MCC 5.203 and 5.204**

The Campaign Finance Disclosure Administrative Rules set forth herein are hereby adopted pursuant to Multnomah County Code Chapter 5.

Dated this 6th day of December, 2019.

JAMIE WALTZ, INTERIM DIRECTOR
MULTNOMAH COUNTY DEPARTMENT OF COMMUNITY SERVICES



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

REVIEWED:

JENNY M. MADKOUR, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY

/s/ Jenny M. Madkour

Jenny M. Madkour, County Attorney

1. **Title; Citation of Rules**

- a. These rules may be referred to as "Disclosure Rules," "DR," or "rules."
- b. These rules shall be cited, for example, as DR 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 5.203 and 5.204.

3. **Complaints**

a. **How to File:** Complaints must be made in writing and delivered:

- i. Electronically to campaignfinance@multco.us; or
- ii. By mail to Campaign Finance Complaints, Multnomah County Elections Division, 1040 SE Morrison St, Portland, OR 97214.

b. **Information Required**

i. Complaints must be made on the form prescribed by the Director and contain the following information:

- 1. Name of complainant
- 2. Physical address and email address of complainant
- 3. Phone number of complainant
- 4. A copy of the communication alleged to be in violation of County Code
- 5. Name of individuals or entities alleged to have committed the violation
 - a. If the entity is a principal campaign committee or political committee, the name of the entity must be the name listed in ORESTAR.
- 6. If the entity alleged to have committed the violation is a principal campaign committee or political committee, the committee ID as listed in ORESTAR.
- 7. If more than one individual or entity has funded the communication, specify the amount of funding provided by each individual or entity, if known.
- 8. Name of the Multnomah County Candidate that the communication relates to.
- 9. A detailed description of the alleged violation, including:
 - a. The specific section and subsection(s) of Multnomah County Code that is alleged to have been violated.

- b. If the complaint alleges that the incorrect source of funding has been disclosed or no source of funding has been disclosed:
 - i. An explanation of the basis for the complaint; and
 - ii. Identification of the alleged actual source of funding, if known.
 - c. If the complaint alleges that the incorrect NAICS information has been provided:
 - i. An explanation of the basis for the complaint; and
 - ii. Identification of the alleged actual NAICS information.
 - ii. The Director may decline to investigate any complaint that does not include the information identified above.

4. **Notification of Alleged Violation:** Upon receipt or issuance of a complaint, the Director will notify the Individual or Entity alleged to have violated MCC 5.203 and offer an opportunity to submit materials in support or opposition of the complaint.

5. **Notice of Violation**

- a. The Director may issue a Notice of Violation upon finding of a violation of disclosure requirements in MCC 5.203.
- b. The Notice of Violation will be served by mail to each of the Individuals or Entities that funded a Communication in violation of MCC 5.203.
 - i. For a Political Committee or Candidate Committee, the Notice of Violation will be mailed to the committee treasurer or persons associated with the Committee, as identified in ORESTAR.
 - ii. For an Entity organized under ORS 60 or ORS 65, the Notice of Violation will be mailed to the registered agent, manager, or member as identified in the Oregon Secretary of State's Business Registry Database.
 - iii. For any other Entity, the Notice of Violation will be mailed to the Entity's principal place of business.
- c. The Notice of Violation will contain the following information:
 - i. The name of the Individual or Entity in violation;
 - ii. The code section violated and a brief descriptive statement of the nature of the violation;
 - iii. A statement of the amount due as a civil penalty, if any, for the violation;
 - iv. A statement, if applicable, explaining all civil penalties are due within 30 days of the date of the notice;
 - v. 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;
 - vi. A statement that the determination of the violation is final;

vii. A statement explaining the process for appealing the violation.

6. **Civil Penalties**

- a. **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 the steps that the Individual or Entity would need to take to make the Communication compliant with County Code.
- b. **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.

7. **Effective Date:** These rules will apply to all matters that become subject to the provisions of MCC 5.203 and 5.204 on or after December 7, 2019.

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 5.203 or 5.204 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.