

## ADM-2.12 - Candidates With Preexisting Principal Campaign Committees

### CANDIDATES WITH PREEXISTING PRINCIPAL CAMPAIGN COMMITTEES

*Administrative Rule Adopted by the City Auditor Pursuant to Rule-Making Authority*

ARB-ADM-2.12

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#### A. Purpose

To provide a process and procedure for candidates with preexisting principal campaign committees to dispose of a prior campaign surplus or retire a prior campaign debt prior to requesting certification as a campaign finance fund candidate.

#### B. Authority

Code Section 2.10.020 authorizes the Auditor to adopt rules and procedures to ensure the effective administration of Chapter 2.10.

#### C. Rules

**1. General Information.** A candidate seeking certification as a Campaign Finance Fund candidate who also has a preexisting principal campaign committee must file a detailed Contribution and Expenditure Report (C&E Report) with the Auditor at the time of filing a Declaration of Intent Form (AUD 210-D), pursuant to Administrative Rule ARB-ADM-2.10. This report will indicate that candidate has either a zero balance, a prior campaign surplus, or a prior campaign debt.

**2. Candidates with a Zero Balance.** If the C&E Report filed with the Declaration of Intent shows a zero balance, the candidate may seek certification as a Campaign Finance Fund candidate following the provisions outlined in Administrative Rule ARB-ADM-2.10.

**3. Candidates with a Prior Campaign Surplus.** If the C&E Report filed with the Declaration of Intent shows a positive cash balance, the candidate has a prior campaign surplus. A candidate with a prior campaign surplus may seek certification as a Campaign Finance Fund candidate after:

- 1) Remitting the money to the Campaign Finance Fund as a voluntary contribution; or
- 2) Filing a Declaration of Intent to Freeze Preexisting Campaign Funds (AUD 210-F) indicating the candidate's intent to hold the money in the campaign account, not to be used during the current election, except as provided by this rule; or
- 3) Disposing of the money in accordance with Oregon Administrative Rules for use of excess campaign funds. Specifically, excess campaign funds may be:

- a) Used to defray any expenses incurred in connection with the candidate's duties as a public office holder;
- b) Contributed to any political committee;
- c) Contributed to any organization described in section 170(c) of Title 26 of the United States Code or to any charitable organization defined in ORS 128.620; or
- d) Used for any other lawful purpose (except personal use).
- e) Contributions may also be returned to the original contributor.

**4. Candidates with a Prior Campaign Debt.** If the C&E Report filed with the Declaration of Intent shows a negative cash balance, the candidate has a prior campaign debt.

City Code Section 2.10.050 B. states: "If the principal campaign committee of a Candidate seeking certification has a prior campaign debt from a previous election period in which the Candidate was not a Certified Candidate, then during the Exploratory Period only, the Candidate may accept Contributions in addition to the Seed Money Contributions, provided such Contributions and monies are used solely to retire such debt."

A candidate who has filed a Declaration of Intent may accept contributions to retire the campaign debt during the Exploratory Period pursuant to procedures outlined in Administrative Rule ARB-ADM-2.13. Per City Code Section 2.10.070 A., once the Qualifying Period has begun, the candidate may only accept seed money and qualifying contributions.

NOTE: Any money received from the Campaign Finance Fund may not be used to retire a prior campaign debt from a previous election period.

#### **D. City Code References**

- 2.10.050 - Seed Money, Prior Campaign Debt, In-Kind Contributions, and Volunteer Work-Hours
- 2.10.060 - Declaration of Intent to Seek Certification and Agreement to Comply with Provisions of Chapter 2.10
- 2.10.070 - Qualifying Period, Contributions and Requirements.
- 2.10.090 - Limitations on Use of Campaign Finance Fund Revenues

#### **E. Forms**

AUD 210-F - Declaration of Intent to Freeze Preexisting Campaign Funds

[Forms are available for download on City Elections website.](#)

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#### **History**

Adopted by the City Auditor August 25, 2005.

Filed for inclusion in PPD August 25, 2005.