

ADM-2.13 - Disclosure Requirements for Participating Candidates, Nonparticipating Candidates and Independent Expenditures

DISCLOSURE REQUIREMENTS FOR PARTICIPATING CANDIDATES, NONPARTICIPATING CANDIDATES AND INDEPENDENT EXPENDITURES

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

ARB-ADM-2.13

A. Purpose

To provide a process and procedure for the filing of financial disclosure reports for participating candidates, nonparticipating candidates and third parties making independent expenditures.

B. Authority

Code Section 2.10.020 authorizes the Auditor to adopt rules and procedures to ensure effective administration of the Campaign Finance Fund, including filing of disclosure reports.

C. Rules

In addition to the reporting requirements listed below, all candidates and committees active in a City election must comply with the applicable reporting requirements set forth in ORS Chapter 260.

1. Participating Candidate Reporting Requirements.

a. Declaration of Intent Report. A candidate with a preexisting principal campaign committee who also wishes to seek certification as a Campaign Finance Fund candidate and receive public funding must file a detailed Contribution and Expenditure report with the Auditor at the time of filing a declaration of intent.

- 1) This report shall include all financial activity since the last report filed by the committee through the date the declaration of intent is filed with the Auditor.
- 2) On the PC1 Summary Statement of Contributions and Expenditures, the "Other" box shall be marked and the words "Declaration of Intent Report" included.
- 3) Information on the Declaration of Intent Report is provided for informational purposes only and does not take the place of any reports required by ORS 260.058 or 260.068. The information included on this report must also be included on the next required Contribution & Expenditure Report.

b. Request for Certification Reports. A candidate who has collected at least the minimum number of qualifying contributions shall file the following documentation with their request for certification.

- 1) Contribution and Expenditure Report.

- a) If the candidate filed a C&E report with their Declaration of Intent, this report shall include all financial activity since the report filed with the Declaration of Intent through the date the request for certification is filed with the Auditor.
- b) If the candidate did not have a preexisting principal campaign committee before filing the Declaration of Intent, this report shall include all financial activity for the committee through the date the request for certification is filed with the Auditor.
- c) On the PC1 Summary Statement of Contributions and Expenditures, the "Other" box shall be marked and the words "Request for Certification Report" included.
- d) For all seed money contributions and qualifying contributions, the C&E Report shall list the name, occupation and address of each individual who made the contribution regardless of the amount.
- e) Information on the Request for Certification Report is provided for informational purposes only and does not take the place of any reports required by ORS 260.058 or 260.068. The information included on this report must also be included on the next required Contribution & Expenditure Report.

2) Qualifying Contribution Receipt & Acknowledgement Forms (Form AUD 210-Q). The original forms shall be filed with the Auditor, documenting all qualifying contributions received by or on behalf of the candidate pursuant to procedures outlined in Administrative Rule ARB-ADM-2.10.

3) Seed Money Report (Form AUD 210-S). This form lists the total amounts of contributions (including seed money, qualifying contributions and in-kind contributions) by category and expenditures that are detailed on the Contribution and Expenditure report required in Subsection 1) above. The Seed Money Report shall be signed by the candidate.

c. Certified Candidate Reports. Certified candidates shall file detailed contributions and expenditure reports as required by ORS 260.058 and 260.068.

1) All seed money contributions and qualifying contributions received by a certified candidate shall be reported as contributions on statements required by ORS 260.058 and 260.068.

- a) Each seed money and qualifying contribution shall be listed separately, regardless of contribution amount.
- b) Each seed money and qualifying contribution listed shall include either the name and address of the contributor's employer or the contributor's

occupation, regardless of contribution amount.

- 2) All revenues received by a certified candidate from the Campaign Finance Fund shall be reported as contributions on statements required by ORS 260.058 and 260.068.
- 3) All in-kind contributions received by a certified candidate shall be reported as contributions on statements required by ORS 260.058 and 260.068.

2. Nonparticipating Candidate Reporting Requirements.

a. General. Any candidate for City office who is not certified as a Campaign Finance Fund Candidate must file certain additional campaign finance reports so that the Auditor may determine whether any opposing certified candidates are entitled to receive matching funds under Code Chapter 2.10.

b. 100% Report. A nonparticipating candidate who receives contributions or makes expenditures, in aggregate during the total election accounting period, exceeding the 100% Amount listed below must file a 100% Report (Form AUD 210-NP100) with the Auditor.

1) 100% Amounts. The 100% Amounts are equal to 100% of the initial allocation distributed to a certified Campaign Finance Fund candidate for the same office under the provisions of City Code Section 2.10.110.

a) Primary or Special Nominating Election:

i) Mayor Candidates - \$200,000

ii) Commissioner Candidates - \$150,000

iii) Auditor Candidates - \$150,000

b) General Election:

i) Mayor Candidates - \$250,000

ii) Commissioner Candidates - \$200,000

iii) Auditor Candidates - \$200,000

c) In-Kind Contribution Exemption. In-Kind contributions in the following amounts are not to be included in the 100% Amount calculation.

i) Primary Election: \$10,000 for Mayor Candidates and \$7,500 for Commissioner and Auditor Candidates.

ii) General Election: \$12,500 for Mayor Candidates and \$10,000 for Commissioner and Auditor Candidates.

2) The 100% report is due in the Auditor's Office:

a) No later than 5:00 p.m. on the second business day after the 100% amount is exceeded; EXCEPT

b) During the period beginning on the first day of the accounting period for the 2nd Pre-Election statement described in ORS 260.058 and 260.068 and ending on the date of the election, no later than 5:00 p.m. on the next business day after the 100% amount is exceeded.

3) For the Primary Election, the "total election accounting period" is the accounting period described in ORS 260.058 (1).

4) For the General Election, the "total election accounting period" is the accounting period described in ORS 260.068 (1).

5) Information on the 100% Report is provided for informational purposes only and does not take the place of any reports required by ORS 260.058 or 260.068. Detailed information for all contributions and expenditures summarized on the 100% Report must be included on the appropriate filing form for the next required Contribution & Expenditure Report.

6) The 100% Report shall be signed by the candidate and/or treasurer.

c) Increment Reports. Any candidate for City office who has filed a 100% Report as detailed above must file an Increment Report (Form AUD 210-NPINC) each time the candidate receives contributions or makes expenditures in an aggregate of the Increment Amounts listed below.

1) Increment Amounts.

i) Mayor Candidates - \$7,500

ii) Commissioner Candidates - \$5,000

iii) Auditor Candidates - \$5,000

2) The Increment Report is due in the Auditor's Office:

a) No later than 5:00 p.m. on the second business day after the additional increment amount is reached; EXCEPT

b) During the period beginning on the first day of the accounting period for the 2nd Pre-Election statement described in ORS 260.058 and 260.068 and ending on the date of the election, no later than 5:00 p.m. on the next business day after the additional increment amount is reached.

3) Information on the Increment Report is provided for informational purposes only and does not take the place of any reports required by ORS 260.058 or 260.068. Detailed information for all contributions and expenditures summarized on the Increment Report must be included on the appropriate filing form for the next required Contribution & Expenditure Report.

4) The Increment Report shall be signed by the candidate and/or treasurer.

d. Publication by Auditor. The Auditor shall on the same business day that a 100% Report or Increment Report is received:

1) Publish a copy of the notice on the City Elections website; and

2) Notify each candidate at the same election for the same office for whom a nominating petition, declaration of candidacy, or certificate of nomination has been filed.

3. City Independent Expenditure Reporting Requirements.

a. General. Any person or political committee making independent expenditures in support or opposition of candidates for City Office may be required to file certain additional campaign finance reports so that the Auditor may determine whether any certified candidates are entitled to receive matching funds under Code Chapter 2.10.

b. The provisions of this Section apply only during the following periods:

1) Beginning on the first day to file as a candidate for the primary election and ending on the date of the primary election; and

2) Beginning on the 1st day after the primary election and ending on the date of

the general election.

c. A person or political committee making independent expenditures shall file a City Independent Expenditure Report (Form AUD 210-IE) with the City Auditor each time:

- 1) An independent expenditure is made in an amount of \$1,000 or more supporting or opposing a candidate or candidates for City Office; or
- 2) The total aggregate amount of independent expenditures made by the person or political committee in support of or opposition to a particular candidate for City office is more than \$1,000.

d. City Independent Expenditure Report (Form AUD 210-IE).

- 1) This form shall be filed with the Auditor no later than 5:00 p.m. of the next business day after the funds for the independent expenditure are obligated.
- 2) This form shall describe the amount and purpose of the independent expenditure;
- 3) This form shall state the name of the candidate(s) and indicate if the independent expenditure was intended to support or oppose the candidate(s).
- 4) This form shall be signed by the person or representative of the organization making the independent expenditures.
- 5) Each separate independent expenditure or aggregate amount of independent expenditures described in Section c. above shall require the filing of this form.

e. Definitions. For the purposes of this rule, the following terms have the meaning defined in City Code Section 2.10.010: person, political committee, expenditure and independent expenditure.

f. Information on the City Independent Expenditure Report is provided for informational purposes only and does not take the place of any reports required by ORS 260.044.

g. Publication by Auditor. The Auditor shall on the same business day that a City Independent Expenditure Report is received:

- 1) Publish a copy of the notice on the City Elections website; and
- 2) Notify each candidate at the same election for the same office for whom a

nominating petition, declaration of candidacy, or certificate of nomination has been filed.

4. Amending Reports.

a. General. Original reports may only be amended by filing the appropriate amendment form for the original form on which the error or transaction occurred. An amendment may be filed any time after the initial filing of the report.

b. Auditor Examination. Per City Code Section 2.10.120 E., the Auditor shall examine campaign finance reports for sufficiency.

1) The Auditor has 10 business days after the deadline or after a report is filed, whichever is later, to review the reports, check for computation errors and determine if there are entries that do not include all the information required by law. The treasurer will be sent an exam letter that either indicates the report is sufficient or identifies the items that need to be corrected. The letter will include a deadline for providing amendments to correct the insufficient information.

2) If the committee submits the requested information on the appropriate amendment form by the amendment deadline, the report will be considered sufficient.

3) If the committee fails to provide the requested information by the amendment deadline, the report will be considered insufficient.

4) If the committee fails to provide the requested information by the amendment deadline, the candidate and the treasurer may be subject to a civil penalty subject to the provisions of Administrative Rule ARB-ADM-2.19.

c. Corrections, Deletions or Additions. In addition to the insufficiencies noted in the exam letter, when a candidate or treasurer realizes that entries on a previously submitted report need to be corrected or deleted, or that there are additional entries that should have been included on a report, those changes are made by submitting an amendment form to the report.

d. Revenues Based on Inaccurate Reporting.

1) Except when a new election period has started, a participating candidate who received revenues from the Campaign Finance Fund based on inaccurate campaign finance reporting shall remit to the City the excess funds as determined by the amended campaign finance report within five business days after filing the

amended campaign finance report.

2) If the participating candidate does not have the sufficient funds in his or her account to return the required monies, the balance owed shall be withheld from future matching funds due to the participating candidate in the election period during which the excess funds were awarded.

3) Candidates shall follow the procedures of Administrative Rule ARB-ADM-2.16 when returning monies to the Campaign Finance Fund.

D. City Code References

2.10.010 Definitions.

2.10.110 Campaign Spending Limits for Certified Candidates.

2.10.120 Full Disclosure of Campaign Expenditures and Contributions, Including Seed Money, Qualifying Contributions and In-Kind Contributions.

2.10.130 Disclosure Requirements for Nonparticipating Candidates.

2.10.140 Independent Expenditure Disclosure Requirements.

E. Forms

AUD 210-S Seed Money Report

AUD 210-NP100 Nonparticipating Candidate 100% Report

AUD 210-NPINC Nonparticipating Candidate Increment Report

AUD 210-IE City Independent Expenditure Report

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

History

Amended by City Auditor February 14, 2006.

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