

## **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

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#### **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. ORESTAR is the Oregon Secretary of State's electronic campaign finance reporting system. Per ORS 260.057 and City Code Section 2.10.120, participating candidates must report each contribution and expenditure made by the candidate or candidate's principal campaign committee in ORESTAR within 14 days of the transaction date, except for the 42 days immediately preceding the election date, when transactions must be reported within 7 days.

b. 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) If the previous preexisting principal campaign committee is registered with ORESTAR, the candidate shall submit an ORESTAR printout of the campaign committee.

2) If the previous preexisting principal campaign committee is not registered with ORESTAR, but was active in Oregon, the candidate shall submit a paper contribution and expenditure report, using forms from the Oregon Secretary of

## State's Campaign Finance Manual.

- a) 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.
- b) On the PC1 Summary Statement of Contributions and Expenditures, the "Other" box shall be marked and the words "Declaration of Intent Report" included.
- c) Contribution and Expenditure information submitted with the Declaration of Intent Report is provided for informational purposes only and does not take the place of any reports required by ORS 260.057.

c. 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. The candidate shall provide a printout from his or her ORESTAR account that reflects all financial activity since the candidate filed the Declaration of Intent through the date the request for certification is filed with the Auditor.

- a) All contributions, regardless of amount, must have been entered separately in ORESTAR.
- b) During the qualifying period, all contributions to and expenditures from a participating candidate committee must be reported in ORESTAR in compliance with state law.
  - i. In addition, all contributions and expenditures must be reported in ORESTAR within 14 days of the transaction date, except for the 42 days immediately prior to the election date, when contributions and expenditures must be reported in ORESTAR within seven days of the transaction date.
- c) When the participating candidate files the required partial submission of qualified contributions as per ADM-2.10, all transactions for the partial submission shall be entered in ORESTAR prior to filing the Thirty Percent Submission Form (AUD 210-P).

2) \$5.00 Qualifying Contribution Receipt (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.

d. Certified Candidate Reports. Certified candidates shall file detailed contributions and expenditure reports as required by ORS 260.057 and City Code Section 2.10.120.

1) All expenditures made by a certified candidate must be reported in ORESTAR, as required by ORS 260.057.

2) All revenues received by a certified candidate from the Campaign Finance Fund shall be reported as contributions on statements required by ORS 260.057.

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.

4) All contributions and expenditures must be reported in ORESTAR within 14 days of the transaction date, except for the 42 days immediately prior to the election date, when contributions and expenditures must be reported in ORESTAR within seven days of the transaction date.

## **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. ORESTAR is the Oregon Secretary of State's online campaign finance reporting system. Nonparticipating candidates are required to report all contributions and expenditures on ORESTAR as required by ORS 260.057.

c. 100% Filings. A nonparticipating candidate who receives contributions or makes expenditures, in aggregate during the total election accounting period, exceeding the 100%

Amount listed below, must report all contributions and expenditures exceeding the 100% amount in ORESTAR by 5:00 p.m. of the second business day after the 100% amount has been exceeded.

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: \$12,000 for Mayor Candidates and \$9,000 for Commissioner and Auditor Candidates.

ii) General Election: \$15,000 for Mayor Candidates and \$12,000 for Commissioner and Auditor Candidates.

d. Increment Filings. Any candidate for City office who has filed 100% Filing as detailed above must file an Increment Filing each time the candidate receives contributions or makes expenditures in an aggregate of the Increment Amounts listed below.

1) Increment Amounts.

a) Mayor Candidates - \$7,500

b) Commissioner Candidates - \$5,000

c) Auditor Candidates - \$5,000

2) The Increment Filings must be filed in ORESTAR:

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

b) During the 42 days immediately preceding the election date, no later than 5:00 p.m. on the next business day after the additional increment amount is reached.

### **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, except for ORESTAR filings, may only be amended by filing with the Auditor 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 B., the Auditor shall examine campaign finance reports for sufficiency.

- 1) The Secretary of State is the primary filing officer for campaign finance transactions in Oregon , with ORESTAR as the reporting mechanism. The Secretary of State will review transactions and determine if entries include all information required by law. The Secretary of State will also notify committees if they are in violation of state law.

The Campaign Finance Fund has additional reporting requirements placed on

participating and nonparticipating candidates, both through ORESTAR and through reports filed with the Auditor. The Auditor has 10 business days after the deadline for a report to be filed or after a report or ORESTAR filing is filed, whichever is later, to review the reports for timeliness, 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.](#)

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## **History**

Adopted by the City Auditor August 25, 2005.

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