

## ADM-2.21 - Hearings Process

### HEARINGS PROCESS

*Administrative Rule Adopted by the City Auditor Pursuant to Rule-Making Authority*  
ARB-ADM-2.21

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#### A. Purpose

To provide a process and procedure for requests for and conduct of hearings.

#### B. Authority

Code Section 2.10.020 authorizes the Auditor to adopt rules to ensure effective administration of the Campaign Finance Fund, including requests for and conduct of hearings.

#### C. Rules

**1. General.** Certain decisions and determinations of the Auditor/ Citizen Campaign Commission may be appealed. Hearings will be heard by a member of the outside panel of hearings officers recommended by the Citizen Campaign Commission and appointed by the City's Code Hearings Officer.

#### **2. Types of Hearings and Parties Involved.**

a. Certification Hearings. Decisions to grant or refuse certification as a Campaign Finance Fund candidate may be challenged by:

- 1) A candidate who has received a determination letter refusing certification; or
- 2) An opponent of a candidate who has been granted certification.

b. Matching Fund Hearings. Decisions to grant or refuse matching funds may be challenged by:

- 1) A candidate who has received a determination letter granting or refusing matching funds; or
- 2) An opponent of a candidate who has been granted matching funds.

c. Penalty Hearings. Proposed penalties imposed under Code Chapter 2.10 may be challenged by a candidate, person or political committee who has received a notice of proposed penalty from the Auditor under Code Section 2.10.220 and Administrative Rule ARB-ADM-2.19.

d. No person or political committee other than those described in a. - c. above may be a party to any hearing conducted under Code Section 2.10.230 or this rule.

#### **3. Requests for Hearings.**

a. To request a hearing with a member of the outside panel of hearings officers, the requesting party shall file a Request for Hearing Form (AUD 210-H) with the Auditor. This request shall include:

- 1) Contact information for the party requesting the hearing;
- 2) Type of hearing requested;

3) Copy of the determination letter or notice of proposed penalty being appealed OR a full and complete description of the decision or determination; and

4) Statement of grounds upon which it is contended that the decision or determination is invalid, unauthorized, or otherwise improper.

5) The party requesting the hearing may also attach additional information to the request related to the appeal.

b. Requests for hearings shall be filed with the Auditor on the appropriate form (AUD 210-H) not later than:

1) 7 days after the mailing of a determination letter for a certification of matching funds hearing; or

2) 7 days after the mailing of the notice of proposed penalty for a penalty hearing.

c. The Auditor shall date stamp all requests for hearings and immediately forward the requests to the Citizen Campaign Commission.

d. The Auditor shall give notice of receipt of a request for a certification or matching fund hearing, together with a copy of the request, to all other candidates for the same office. This notice shall be sent not later than one business day after the request is filed with the Auditor.

e. The Citizen Campaign Commission shall coordinate with the hearings officer panel to assign a hearings officer to the case and set a hearing date within the following timelines:

1) Not later than 7 days after the request for a certification or matching funds hearing is filed with the Auditor; or

2) Not more than 14 days after the request for a penalty hearing is filed with the Auditor.

f. The Citizen Campaign Commission shall write the time, date, and place for the hearing on the hearing request form and immediately return the request to the Auditor.

g. The Auditor shall give notice of the hearing together with a copy of the request for a hearing, to the person who requested the hearing and, in the case of certification or matching fund hearings, all other candidates for the same office. This notice shall be sent not later than one business day after the date is set for the hearing. The notice shall specify the time, date, and place set for the hearing.

h. Notices may be given by any method or combination of methods which, under the circumstances, is reasonably likely to apprise the parties of the hearing. Notices may be given by United States mail, phone, or e-mail. If notice is given by mail, such notice shall be deemed given and received three days (Sundays and holidays not included) after the notices is deposited in the United States mail. The failure of any person to receive actual notice of the proceeding shall not invalidate the hearing or any determination, decision, or order of the hearings officer.

**4. Conduct of hearings.** Hearings shall be conducted in accordance with the provisions of

Code Chapter 22.10, except as otherwise provided in Code Section 2.10.230.

## **5. Order of the Hearings Officer.**

### a. Certification Hearing.

1) The hearings officer shall issue an order not later than 3 business days after the certification hearing.

2) The hearings officer may uphold or revoke the certification.

### b. Matching Funds Hearing.

1) The hearings officer shall issue an order not later than 3 business days after the matching funds or penalty hearing.

2) The hearings officer may uphold or revoke matching funds, or modify a matching funds decision by revoking some or all matching funds or granting additional matching funds.

c. Penalty Hearing. The hearings officer may uphold, revoke or modify the penalty.

d. The order of the hearings officer is a final decision of the City.

e. Judicial review of an order shall be as provided in Code Title 22.

## **6. Return of Funds and Payment of Cost Hearing.**

a. If the certification of a candidate is revoked following a hearing, the candidate shall return to the Auditor an amount of money equal to all revenues distributed to the candidate from the campaign finance fund, plus 12 percent interest per annum, as provided in Administrative Rule ARB-ADM-2.16.

b. If matching funds distributed to a candidate are revoked, the candidate shall return to the Auditor an amount of money equal to the revoked matching funds, plus 12 percent interest per annum, as provided in Administrative Rule ARB-ADM-2.16.

c. If the hearings officer or court finds that a request for a hearing under Code Section 2.10.230 and this rule was made frivolously or to cause delay or hardship, the hearings officer or court may require the person who filed the request for a hearing to pay costs of the hearings officer, court, and opposing parties, and attorney fees of the opposing parties, if any.

## **D. City Code References**

2.10.220 Civil Penalties, Revocation of Certification and Repayment of Funds.

2.10.230 Hearings.

## **E. Forms**

AUD 210-H - Request for Hearing

[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.

Amended by the City Auditor July 13, 2007.