

ADM-2.10 - Certification for Public Campaign Financing

CERTIFICATION FOR PUBLIC CAMPAIGN FINANCING

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

ARB-ADM-2.10

A. Purpose

To provide a process and procedure for the certification of candidates who wish to be certified to receive public campaign financing from the Campaign Finance Fund established by Code Chapter 2.10.

B. Authority

Code Section 2.10.020 authorizes the Auditor to adopt rules to ensure effective administration of the Campaign Finance Fund, including certification of candidates.

C. Rules

1. Declaration of Intent. A candidate wishing to participate in the Campaign Finance Fund and receive public funding must first file a Declaration of Intent (Form AUD 210-D) with the City Elections Division. This form is available on the City Elections website or from the Division. The Declaration of Intent shall be filed during the applicable qualifying period.

a. The declaration of intent shall specify that the candidate is seeking certification as a Campaign Finance Fund Candidate and agrees:

- 1) To comply with the provisions of the Campaign Finance Program as outlined in Code Chapter 2.10 and City Administrative Rules.
- 2) That any money received from the Campaign Finance Fund shall be used in compliance with provisions of Code Section 2.10.090, Limitations on Use of Campaign Fund Revenues.
- 3) That any money received from the Campaign Finance Fund shall not be used to retire a prior campaign debt from a previous election period (if any) and that the candidate may accept contributions to retire a prior debt during the exploratory period only.
- 4) That the candidate will comply with the provisions of Code Section 2.10.190, Political Advertisement Disclosure Requirement for Participating Candidates.
- 5) That the candidate will accept no contributions (except for qualifying contributions, seed money contributions, in-kind contributions and contributions to retire a prior debt as described in Code Chapter 2.10) in addition to public

funds provided by the City of Portland to certified candidates.

6) That the candidate will make no expenditures from funds other than qualifying contributions, seed money contributions and public funds provided by the City of Portland to certified candidates.

7) That the candidate will limit the total aggregate amount of seed money contributions to an amount that does not exceed \$20,000 for Mayor or \$15,000 for Commissioner/Auditor.

8) That the candidate will limit the total aggregate amount of in-kind contributions to an amount that does not exceed \$10,000 for Mayor or \$7,500 for Commissioner/Auditor during the primary election period and \$12,500 for Mayor and \$10,000 for Commissioner/Auditor during the general election period.

9) That the candidate has not collected any qualifying contributions or seed money contributions prior to signing the Declaration.

b. If the candidate has a preexisting principal campaign committee, he or she shall also file a detailed Contribution and Expenditure Report with the Auditor at the time of filing a declaration of intent pursuant to forms and procedures adopted by the Auditor in Administrative Rule ARB-ADM-2.13.

c. The candidate shall sign and date the declaration. By signing the declaration, the candidate acknowledges and affirms the statements made on the form and that he or she is personally liable for any penalties imposed under Code Chapter 2.10

2. Collecting Qualifying Contributions

a. General Information. Once a candidate has filed a Declaration of Intent, he or she may begin collecting \$5 qualifying contributions pursuant to this rule. Qualifying contributions may then be collected throughout the applicable qualifying period.

b. A qualifying contribution is a contribution of \$5 exactly in cash, or in the form of a check or money order from any resident of the City to the candidate or candidate's principal campaign committee.

c. Required Number of Qualifying Contributions. City Code Section 2.10.070 A. provides that in order to qualify for certification to receive public campaign financing, a participating candidate must obtain the following number of qualifying contributions during the applicable qualifying period:

1) Mayor - 1,500

2) Commissioner - 1,000

3) Auditor - 1,000

d. Receipt & Acknowledgement Form. Qualifying contributions must be acknowledged on the Qualifying Contributions Receipt & Acknowledgement (Form AUD 210-Q). The City Elections Division shall provide this form to candidates who have filed a Declaration of Intent.

The Qualifying Contributions Receipt & Acknowledgement will include:

- 1) Contributor Affirmation: Space for an affirmation by the contributor that the contributor received nothing of value in exchange for the signature or contribution. The contributor must provide his or her printed name, occupational information, residential address and signature on the form. All information fields must be completed.
- 2) Solicitor Certification: Space for a certification by the solicitor that the solicitor received a \$5.00 contribution in the form of cash, check or money order from each listed contributor with the knowledge and consent of the candidate, and the he or she believes each contributor is a resident of the City of Portland. The solicitor must provide his or her printed name, residential address and signature on each form.

e. Exchanges for Qualifying Contributions Prohibited. City Code Section 2.10.070 F. prohibits the giving or receiving of any payment, gift or thing of value in exchange for qualifying contributions.

This provision does not prohibit a participating candidate or solicitor from collecting qualifying contributions at events where food or beverages are served, or where campaign promotional materials are distributed, provided that the food, beverage and campaign materials are offered to all persons attending the event regardless of whether or not particular persons make a qualifying contribution to the participating candidate. Participating candidates may use seed money to purchase such food, beverage or campaign materials as legitimate campaign expenses.

This provision also does not prohibit a candidate from using seed money to pay the fee for a money order provided the qualifying contributor pays the \$5 amount reflected on the money order.

f. Return of Qualifying Contributions not in Compliance.

- 1) Qualifying contributions from non-residents. A participating candidate who

receives a qualifying contribution from a non-resident must return the contribution prior to filing a Request for Certification pursuant to Administrative Rule ARB-ADM-2.11. The candidate should also strike out the entry for the contribution on the Qualifying Contributions Receipt & Acknowledgement Form (AUD 210-Q).

2) Qualifying contributions exceeding \$5. A participating candidate who receives a qualifying contribution exceeding \$5 must return the contribution prior to filing a Request for Certification pursuant to Administrative Rule ARB-ADM-2.11. The candidate should also strike out the entry for the contribution on the Qualifying Contributions Receipt & Acknowledgement Form (AUD 210-Q).

3) Qualifying contributions of less than \$5. To be considered a valid qualifying contribution, the contribution must be \$5 exactly. A participating candidate who receives a qualifying contribution of less than \$5 shall:

a) Return the contribution pursuant to Administrative Rule ARB-ADM-2.11. The candidate should also strike out the entry for the contribution on the Qualifying Contributions Receipt & Acknowledgement Form (AUD 210-Q); or

b) Solicit additional funds from the contributor necessary to reach the required \$5 amount. The request for additional funds shall be sent within 5 business days of receipt of the contribution; or

c) Convert the contribution to a seed money contribution. To do this the candidate should strike out the entry on the Qualifying Contribution Receipt & Acknowledgement Form (AUD 210-Q) and list the contribution as a seed money contribution on reports required by Administrative Rule ARB-ADM-2.13.

3. Request for Certification

a. A participating candidate who has collected at least the minimum number of qualifying contributions may file a Request for Certification (Form AUD 210-C) with the City Elections Division. The Division shall provide this form to candidates who have filed a Declaration of Intent. The Request for Certification shall be filed during the applicable qualifying period.

b. The Request for Certification shall specify that the candidate:

1) Is requesting to be certified as a Campaign Finance Fund candidate.

- 2) Has qualified as a candidate for city office.
- 3) Has signed, filed and complied with all provisions of the Declaration of Intent.
- 4) Agrees to comply with all provisions of Chapter 2.10 and City Administrative Rules.
- 5) Acknowledges that if the candidate withdraws as a Certified candidate, the candidate shall also deliver to the Auditor an amount of money equal to all monies distributed to the candidate from the Campaign Finance Fund plus 12% interest.
- 6) Has complied with all requirements applicable to qualifying contributions and seed money contributions.
- 7) Since signing the Declaration of Intent, has accepted NO contributions (except for allowed qualifying contributions, seed money contributions, in-kind contributions, and contributions to retire a prior debt).
- 8) Has made no expenditures from funds other than qualifying contributions and seed money contributions.

c. The following documentation shall also be filed with the Request for Certification:

- 1) Original Qualifying Contribution Receipt & Acknowledgement Forms.
- 2) Seed Money Report (Form AUD 210-S) pursuant to forms and procedures adopted by the Auditor in Administrative Rule ARB-ADM-2.13.
- 3) Contribution and Expenditure report pursuant to forms and procedures adopted by the Auditor in Administrative Rule ARB-ADM-2.13. The report shall detail all financial activity, including qualifying contributions, seed money contributions, and campaign expenditures, since the date the candidate filed the Declaration of Intent through the date the request for certification is filed with the Auditor.

d. The candidate shall sign and date the request. By signing the request, the candidate acknowledges and affirms the statements made on the form and that he or she is personally liable for any penalties imposed under Code Chapter 2.10.

4. Certification Review & Determination

a. Review. The City Elections Division will review Requests for Certification in the order in which they are received. The review shall determine if the candidate has complied with the requirements of Code Sections 2.10.050, 2.10.060, 2.10.070 and 2.10.080. Specifically, the review shall determine:

- 1) If the candidate has signed, filed and complied with the provisions of a Declaration of Intent;
- 2) Received the minimum number of valid Qualifying Contributions from City residents;
- 3) Qualified as a candidate for City Office by nominating petition, declaration of candidacy, or other means;
- 4) Formed a principal campaign committee by filing a Statement of Organization form (SEL 220);
- 5) Complied with all requirements applicable to qualifying contributions and seed money contributions;
- 6) Accepted no contributions after filing the declaration of intent, except for allowed qualifying contributions, seed money contributions, in-kind contributions and contributions to retire a prior debt; and
- 7) Made no expenditures from funds other than qualifying contributions and seed money contributions.

b. Determination Letter. The Division shall issue a Determination Letter to the candidate no later than five business days after the candidate files the request with the Division. The letter should state whether the candidate has been granted or denied certification. If the candidate is denied certification, the letter shall state the reasons the candidate has not been certified and list the actions, if any, the candidate may take to become certified.

c. Appeal. Certification Determinations may be challenged under the provisions of Code Section 2.10.230 as outlined in Administrative Rule ARB-ADM-2.21.

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
- 2.10.080 Certification of Candidates.

E. Forms

AUD 210-D - Declaration of Intent to Participate

AUD 210-C - Request for Certification

AUD 210-Q - Qualifying Contribution Receipt & Acknowledgement

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

F. Attachment

[Request for Certification Review Checklist](#)

History

Amended by the City Auditor December 16, 2005.

Adopted by the City Auditor August 25, 2005.

Filed for inclusion in PPD August 25, 2005.