

## **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

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#### **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 collected in contributions or received from the Campaign Finance Fund shall be used in compliance with provisions of Code Section 2.10.090, Limitations on Use of Qualifying Contributions, Seed Money Contributions, and Campaign Finance 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 Requirements 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 \$12,000 for Mayor or \$9,000 for Commissioner/Auditor during the primary election period and \$15,000 for Mayor and \$12,000 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 collect \$5.00 qualifying contributions throughout the applicable qualifying period pursuant to this rule.

b. A qualifying contribution is a contribution of \$5.00 exactly in cash, or in the form of a check or money order from any person registered to vote in Portland to the candidate or candidate's principal campaign committee.

c. Required Number of Qualifying Contributions. City Code Section 2.10.070 D. provides that 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. Qualifying contributions must be acknowledged on the \$5.00 Qualifying Contribution Receipt (Form AUD 210-Q). The City Elections Division shall provide these forms to candidates who have filed a Declaration of Intent.

The \$5.00 Qualifying Contribution Receipt will include:

1) Contributor Affirmation: Space for an affirmation by the contributor that the contributor is a Portland resident; is registered to vote, or has filled out a registration card to vote in Portland; wrote their own personal information and signature, contributed \$5 to the candidate, supports the candidate receiving public funds, and received nothing of value in exchange for the signature or contribution. The contributor must provide his or her printed name, occupation, residential address and signature on the form. All information fields except for those noted on the form as “optional” 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 or check or money order from each listed contributor with the knowledge and consent of the candidate; that the solicitor gave nothing in return for the contribution; that the solicitor believes that the contributor has filled out a registration card or is a registered voter of the City of Portland; and the solicitor understands that making false statements or use of another person’s personal identification may subject the solicitor to civil fines and/or criminal penalties. The solicitor must provide his or her printed name, residential address and signature on each form. The solicitor may not use a name and/or address stamp to complete the solicitor form section on a contribution form.

3) The \$5.00 Qualifying Contribution Receipt forms will be three-part carbonless forms:

- a) The top white sheet (original) will be submitted to the Auditor;
- b) The middle yellow sheet (copy) will be retained by the candidate; and
- b) The bottom pink sheet (copy) will be given to the contributor as a receipt.

e. Exchanges for Qualifying Contributions Prohibited. City Code Section 2.10.070 I. 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 exceeding \$5.00. A participating candidate who receives a qualifying contribution exceeding \$5.00 must return the contribution prior to filing a Request for Certification

pursuant to Administrative Rule ARB-ADM-2.11.

2) Qualifying contributions of less than \$5.00. To be considered a valid qualifying contribution, the contribution must be \$5.00 exactly. A participating candidate who receives a qualifying contribution of less than \$5.00 shall:

return the contribution pursuant to Administrative Rule ARB-ADM-2.11.

g. Non-Qualifying Five Dollar Contributions. City Code Section 2.10.080 describes what must happen to a qualifying contribution if the contributor is determined by the Auditor to not qualify as a qualifying contribution because the contributor is not a registered voter in Portland . If this is the case, prior to certification by the Auditor, the candidate shall do one of the following:

1. Apply the five dollar Contribution to the Candidate's allowable Seed Money as described in City Code Section 2.10.050;
2. Return the five dollar Contribution to the contributor; or
3. Place the five dollar Contribution in the Campaign Finance Fund.

### **3. Required Partial Submission of Qualifying Contributions.**

a. During the qualifying period, a candidate seeking certification must submit all of the qualifying contribution forms that the candidate has collected within five business days after attaining thirty percent of the total required number of qualifying contributions.

b. A participating candidate must submit a completed Thirty Percent Submission Form (AUD 210-P) and all qualifying contribution forms collected to date in the following amounts:

(1) For a candidate for nomination or election to the office of Mayor, 450 qualifying contribution forms;

(2) For a candidate for nomination or election to the office of Commissioner, 300 qualifying contribution forms;

(3) For a candidate for nomination or election to the office of Auditor, 300 qualifying contribution forms.

### **4. 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 Request for Certification shall be filed only 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) Meets the qualifications 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 City Code 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, seed money contributions, and in-kind 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.
- 9) Has not incurred accounts payable as described in City Code Section 2.10.010 during the qualification period unless the candidate has sufficient qualifying contributions and seed money contributions to repay the accounts payable.
- 10) Has completed, or a designated campaign staff member has completed mandatory Campaign Finance Fund-related training conducted by the Auditor or Auditor's designee. Candidate has signed, filed, and complied with all provisions of the Candidate Training Form (AUD 210-T).
- 11) Has no unresolved outstanding money judgments as described in City Code Section 2.10.010 against the candidate. The candidate has the burden of demonstrating to the satisfaction of the Auditor that the candidate has satisfied any money judgment, or is currently paying the terms of the judgment through a plan approved by the judgment creditor and is not in arrears or delinquent as to the payment plan.

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

- 1) Original Qualifying Contribution 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 (ORESTAR printout) 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.

## **5. 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, 2.10.080 and 2.10.210. Specifically, the review shall determine if the candidate:

- 1) Has signed, filed and complied with the provisions of the Declaration of Intent;
- 2) Received the minimum number of valid qualifying contributions from Portland registered voters;
- 3) Meets the qualifications for City office;
- 4) Formed a principal campaign committee by filing a Statement of Organization with the Oregon Secretary of State;
- 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, non-qualifying five dollar contributions, seed money contributions, in-kind contributions and contributions to retire a prior debt;
- 7) Made no expenditures from funds other than qualifying contributions and seed money contributions; and
- 8) Completed or a designated campaign staff member completed mandatory Campaign Finance Fund-related training conducted by the Auditor or Auditor's designee, and candidate has signed, filed, and complied with all provisions of the Candidate Training Form (AUD 210-T).

b. Determination Letter. The Division shall issue a Determination Letter to the candidate no later than ten 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.

## **6. Voter Registration Status, Verification of Signatures**

a. A Campaign Finance Fund qualifying contribution is a contribution during the qualification period of exactly \$5.00 in cash, or in the form of a check or a money order made payable by any person registered to vote in Portland, or that will be a registered voter by the date the contributor's form is submitted to the Auditor, to the participating candidate or principal campaign committee of the participating candidate.

b. For a qualifying contribution to be valid, a contributor giving a candidate a qualifying contribution must be registered to vote in Portland by 5:00 p.m. on the day the candidate submits that City Elector's qualifying contribution form to the Auditor.

c. Participating candidates and solicitors may collect a \$5.00 contribution from a person who is not registered to vote on the date of the contribution if the contributor represents that he or she will be registered in compliance with 6b.; the participating candidate or solicitor may supply a voter registration card to an interested party.

- If the candidate or solicitor delivers the voter registration card for the registrant, it must be received by a county elections office or the Secretary of State not later than the 5th day after receiving the card. (ORS 247.012)

- Voter registration cards are available from the Auditor, Multnomah County Elections, and the Secretary of State.

d. It is a violation of State law to give anything of value in exchange for registering another person to vote.

e. Multnomah County Elections Division conducts verification of voter signatures for Portland initiative, referendum, and recall petitions, using resources not available to the City of Portland . Multnomah County will also conduct verification of signatures on qualifying contribution forms (AUD 210-Q) against signatures on the voter roll. Established Multnomah County Elections Division signature verification procedures, which comply with Oregon election law and Oregon Administrative Rules set by the Oregon Secretary of State, will be utilized to verify the identity and voter registration status of contributors on Campaign Finance Fund qualifying contribution forms.

## **D. City Code References**

2.10.010 Definitions.

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.

2.10.090 Limitations on Use of Qualifying Contributions, Seed Money Contributions, and Campaign Finance Fund Revenues.

2.10.190 Political Advertisement Disclosure Requirements for Certified Candidates.

2.10.210 Withdrawal of Certified Candidate, Repayment of Funds.

2.10.230 Hearings.

## **E. Forms**

AUD 210-D - Declaration of Intent to Participate

AUD 210-C - Request for Certification

AUD 210-P - Thirty Percent Submission Form

AUD 210-Q - \$5.00 Qualifying Contribution Receipt

AUD 210-T - Candidate Training Form

[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 December 16, 2005.

Amended by the City Auditor July 13, 2007.