

## **ADM-2.11 - Return of Prohibited Contributions**

### **RETURN OF PROHIBITED CONTRIBUTIONS**

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

ARB-ADM-2.11

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#### **A. Purpose.**

To provide a process and procedure for candidates to return prohibited contributions prior to filing a request for certification.

#### **B. Authority**

Code Section 2.10.070 authorizes the Auditor to adopt rules and procedures for the return of prohibited contributions.

#### **C. Rules**

**1. General Information.** To remain eligible for certification, a participating candidate who receives a prohibited contribution must return the contribution prior to filing a request for certification as outlined in Administrative Rule ARB-ADM-2.10. The candidate shall file a Request to Remain Eligible for Certification (Form AUD 210-P) with the Auditor prior to filing a request for certification (Form AUD 210-C).

2. List of Prohibited Contributions. Prohibited contributions include:

- a. Qualifying contributions exceeding \$5 from any resident (2.10.070 E.);
- b. Qualifying contributions from non-residents (2.10.070 E.);
- c. Seed money contributions exceeding \$100 from any person or political committee (2.10.050 A.1.b.);
- d. Seed money contributions exceeding in aggregate an amount equal to ten percent of the applicable primary election spending limit (2.10.050 A.4.)
  - 1) \$20,000 aggregate limit for Mayoral candidates - 10% of \$200,000 spending limit
  - 2) \$15,000 aggregate limit for Commissioner/Auditor candidates - 10% of \$150,000 spending limit

**3. Request to Remain Eligible.** A participating candidate who has accepted prohibited contributions may file a Request to Remain Eligible for Certification (Form AUD 210-P). The

Auditor may approve the request and restore a candidate's eligibility for certification if the candidate successfully establishes all of the following criteria:

- a. The failure to comply was the result of an unintentional administrative or accounting error;
- b. The candidate returned all prohibited contributions;
- c. The candidate filed a Request to Remain Eligible for Certification prior to filing a Request for Certification; and
- d. The failure to comply did not involve expenditures by the participating candidate in excess of seed money restrictions or otherwise constitute systemic or significant infractions of program restrictions.

4. Qualifying Contributions of less than \$5. To be considered a valid qualifying contribution, the contribution must be \$5 exactly. A participating candidate who receives an qualifying contribution of less than \$5 shall either return the contribution, solicit additional funds, or convert the contribution to seed money as provided in Administrative Rule ARB-ADM-2.10.

#### **D. City Code References**

2.10.050 Seed Money, Prior Campaign Debt, In-Kind Contributions, and Volunteer Work-Hours

2.10.070 Qualifying Period, Contributions and Requirements

#### **E. Forms**

AUD 210-P - Request to Remain Eligible for Certification

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

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#### **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.