

ADM-2.17 - Change in Participation Status

CHANGE IN PARTICIPATION STATUS

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

ARB-ADM-2.17

A. Purpose

To provide a process and procedure for changes in candidate participation status due to voluntary withdrawal from the program, withdrawal as a candidate and revocation of certification.

B. Authority

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

C. Rules

1. Declaration to Intent to Participate.

a. A candidate for City Office who wishes to seek certification as a Campaign Finance Fund candidate and receive public funding must first file a Declaration of Intent to Participate form (AUD 210-D) with the Auditor. The form shall be available on the City Elections website or from the City Elections Division. The form must be filed by the end of the applicable qualifying period but before collecting any qualifying contributions or seed money. A candidate who has filed a Declaration of Intent to Participate is considered a participating candidate.

b. To become a nonparticipating candidate, a candidate who has previously filed a Form AUD 210-D indicating his or her intent to seek certification shall file an amended form indicating his or her intent NOT to become a certified candidate.

- 1) The amended Form AUD 210-D must be filed by the end of the applicable qualifying period.
- 2) Any qualifying contributions or seed money contributions collected by the candidate shall be considered regular contributions to the candidate's principal campaign, subject to the provisions of ORS Chapter 260.
- 3) The candidate shall no longer be eligible to receive public funding.
- 4) The candidate shall follow the nonparticipating candidate reporting requirement provisions of Administrative Rule ARB-ADM-2.13.

c. To become a participating candidate, a nonparticipating candidate must file a Declaration of Intent Form AUD 210-D indicating his or her intent to become a certified candidate.

- 1) The Form AUD 210-D must be filed by the end of the applicable qualifying period and before accepting any qualifying contributions or seed money contributions.
- 2) A candidate may change from a nonparticipating to a participating status only if they have complied with all contribution and spending limits required of a participating candidate for the election cycle by Code Chapter 2.10 and Administrative Rule ARB-ADM-2.10.
- 3) The candidate shall follow the provisions for candidates with preexisting principal campaign committees pursuant to Administrative Rule ARB-ADM-2.12.
- 4) The candidate shall follow the participating candidate reporting requirement provisions of Administrative Rule ARB-ADM-2.13.

2. Withdrawal as a Certified Candidate.

a. A candidate may withdraw as a certified candidate by filing a Withdrawal as Certified Candidate Form (AUD 210-W) with the Auditor. 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 percent interest per annum pursuant to the procedures outlined in Administrative Rule ARB-ADM-2.16.

b. A candidate who withdraws as a certified candidate shall be personally liable for any amounts to be paid to the Auditor under this Rule. A candidate who withdraws as a result of a valid emergency, such as a serious personal illness or death in the candidate's immediate family, may request a payment exemption pursuant to Administrative Rule ARB-ADM-2.23.

3. Withdrawal as a Candidate for Office. A certified candidate who withdraws as a candidate for nomination or election as provided in Section 2.08.150 shall also comply with the provisions for withdrawal as a certified candidate listed in Section 2 above. 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 percent interest per annum pursuant to the procedures outlined in Administrative Rule ARB-ADM-2.16..

4. Revocation of Certification.

a. The Auditor shall revoke the certification of a candidate against whom:

- 1) A civil penalty has been imposed for violation of Section 2.10.090 Limitations on Use of Campaign Finance Fund Revenues; or
- 2) A civil penalty has been imposed three or more times for violation of any provision of Code Section 2.10.190 Political Advertisement Disclosure Requirements for Certified Candidates.
- 3) Provisions regarding civil penalties are included in City Code Section 2.10.220 and Administrative Rule ARB-ADM-2.19.

b. A candidate who has had their certification revoked by the Auditor shall not be eligible to receive further revenues from the Campaign Finance Fund during the primary and general election period during which the penalty was imposed.

c. A candidate who has had their certification revoked shall repay all monies distributed to the candidate from the Fund, plus 12% interest per annum, as provided in Administrative Rule ARB-ADM-2.16.

D. City Code References

- 2.10.060 Declaration of Intent to Seek Certification and Agreement to Comply with Provisions of Chapter 2.10
- 2.10.080 Certification of Candidates
- 2.10.090 Limitations on Use of Campaign Finance Fund Revenues
- 2.10.210 Withdrawal of Certified Candidate, Repayment of Funds
- 2.10.220 Civil Penalties, Revocation of Certification and Repayment of Funds

E. Forms

- AUD 210-D Declaration of Intent to Participate
- AUD 210-W Withdrawal as Certified Candidate

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

History

- Adopted by the City Auditor August 25, 2005.
- Filed for inclusion in PPD August 25, 2005.