

CITY OF OAKLAND

PUBLIC ETHICS COMMISSION

**ADMINISTRATIVE REGULATIONS IMPLEMENTING
OAKLAND MUNICIPAL CODE, CHAPTER 3.13, THE
LIMITED PUBLIC FINANCING ACT
*Effective March 7, 2008***



LPF A. R. NO. 13.060(a): RESERVED

LPF A. R. NO. 13.060(b):

No later than ten days after the City Clerk certifies the final candidate to appear on the primary election ballot, the Executive Director shall determine, based on the final number of candidates appearing on the ballot and the number of candidates eligible or potentially eligible to receive public matching funds, whether the amount of money in the Election Campaign Fund is adequate to provide the maximum amount of public matching funds to the participants. If the Executive Director determines that the Election Campaign Fund will not be adequate to provide the maximum amount of funds to all participants, the Executive Director shall prepare a resolution for approval by the Public Ethics Commission at its next regularly scheduled or specially scheduled meeting for the disbursement of funds on a pro rata or other equitable basis. The revised disbursement plan shall also provide that a portion of the funds will be reserved for disbursement in the general or runoff election. The Ethics Commission may at any time revise the estimates and disbursement plan consistent with these rules and prevailing law.

LPF A. R. NO. 13.060(c): RESERVED

LPF A. R. NO. 13.060(d): RESERVED

LPF A. R. NO. 13.070(a): RESERVED

LPF A. R. NO. 13.070(b): RESERVED

LPF A. R. NO. 13.070(c): RESERVED

LPF A. R. NO. 13.070(d): RESERVED

LPF A. R. NO. 13.070(e):

Upon receipt of any statement of rejection, the City Clerk shall immediately notify all candidates for the same office and advise them of their right to rescind their

acceptance of expenditure ceilings within the requisite period. Candidates choosing to rescind their agreement must deliver to the City Clerk no later than ten calendar days from the deadline for filing nomination papers written confirmation of their recession for such rescission to be effective.

LPF A. R. NO. 13.080(a):

The Public Ethics Commission shall adopt and make available to all candidates a "Statement Of Acceptance And Application For Public Matching Funds" which shall contain all information, representations and disclosures required under the Limited Public Financing Act. The Statement Of Acceptance And Application For Public Matching Funds" shall be signed by the candidate and verified under penalty of perjury.

LPF A. R. NO. 13.080(b):

Any candidate determined to be eligible to receive public matching funds but who is later disqualified from the ballot or withdraws from the election will be suspended from receiving public matching funds. A candidate who is disqualified or who withdraws shall not spend public matching funds received prior to the disqualification or withdrawal and must repay to the Public Ethics Commission all unencumbered public matching funds within ten days of the disqualification or withdrawal.

LPF A. R. NO. 13.080(c): RESERVED

LPF A. R. NO. 13.080(d):

Any candidate or candidate's controlled committee that has received contributions or made expenditures or has cash on hand in an amount of at least 7 percent of the voluntary expenditure ceiling for the election for which public matching funds are sought shall notify in writing, by personal delivery, facsimile or overnight mail, the Executive Director of the Public Ethics Commission within seven (7) calendar days of such threshold(s) being reached. The Executive Director shall immediately notify all other candidates whose eligibility for matching funds may be affected by such disclosure.

LPF A. R. NO. 13.080(e): RESERVED

LPF A. R. NO. 13.090:

No portion of any personal loan shall be considered as a contribution pursuant to Section 3.13.040, or for the purpose of determining a candidate's eligibility to receive public matching funds pursuant to Section 3.13.080(c).

LPF A. R. NO. 13.100(a): RESERVED

LPF A. R. NO. 13.100(b): RESERVED

LPF A. R. NO. 13.100(c):

The Executive Director shall provide any candidate with a letter of eligibility or non-eligibility within five (5) business days of receipt of the candidate's "Statement And Application For Matching Funds". The Executive Director shall provide any candidate who submits a "Matching Funds Claim Form" of the reasons why any item appearing on the claim form has been rejected and what actions the candidate may take to correct any insufficiencies. Any candidate may re-apply for matching funds as to any rejected item on a Matching Funds Claim Form only when the next aggregated threshold set forth in subsection 3.13.120(a) or (b) has been reached.

LPF A. R. NO. 13.100(d): RESERVED

LPF A. R. NO. 13.120(a): RESERVED

LPF A. R. NO. 13.120(b): RESERVED

LPF A. R. NO. 13.120(c):

The Executive Director shall notify each candidate when matching funds checks are available for disbursement. Matching funds checks shall be available for distribution at the office of the Public Ethics Commission during regular business hours. Matching fund checks shall only be disbursed in person to the candidate, his or her campaign treasurer, or to an individual previously designated by the candidate in writing to receive a matching fund check.

LPF A. R. NO. 13.120(d):

All requests for matching funds shall be made on a form entitled "Matching Funds Claim Form." The Matching Funds Claim Form shall be signed and verified under penalty of perjury by the candidate and the candidate's treasurer (if any). For each check submitted for matching funds, the candidate shall enter on an electronic matchable contributions list provided or approved by the Executive Director the following information for each check: The contributor's full name and address; the date the candidate received the contribution; the occupation and employer of the contributor (if applicable and if the aggregate amount of contributions from that contributor totals \$100 or more); and, the amount of the contribution seeking to be matched. The order of the check copies submitted for matching funds shall be identical to the order the contributions are listed on the electronic matchable contributions list. Copies of each check submitted for matching funds shall be submitted on a separate page.

LPF A. R. NO. 13.130:

Matching funds checks will only be made payable to the candidate's campaign committee. The candidate shall deliver to the Executive Director a copy of the deposit receipt within three (3) business days of deposit of the matching funds checks into the campaign account.

LPF A. R. NO. 13.140:

Public matching funds may not be used to pay any indebtedness incurred by any candidate on account of a personal loan to the campaign committee.

LPF A. R. NO. 13.150(a):

Public matching funds shall be considered "encumbered" to the extent the total financial obligations of the candidate's campaign committee (excluding personal loans and unlawful or non-qualified campaign expenditures), exceed the total amount of contributions (including the receipt of public matching funds) actually received by the campaign committee, as of the earlier of the last day of the semi-annual reporting period following the election or the candidate's withdrawal from the election. Public matching funds shall be considered "encumbered" if they are required for 1) accounts payable billed, or, 2) accounts payable for which bills may be expected, for goods or services received during the election period ended with the defeat, withdrawal or election to office by the certified candidate.

LPF A. R. NO. 13.150(b):

Any candidate whose campaign account contains unencumbered matching funds pursuant to Section 3.13.150(b) shall submit to the Executive Director a check made payable to the "City of Oakland Election Campaign Fund" in an amount equal to the unencumbered campaign funds, less an amount not to exceed \$200.00 for costs reasonably related to maintaining the candidate's campaign checking account. The candidate shall indicate in writing how much is being withheld for campaign checking account costs.

LPF A. R. NO. 13.150(c): RESERVED

LPF A. R. NO. 13.160(a): RESERVED

LPF A. R. NO. 13.160(b):

Sufficient proof of payments shall generally be satisfied by providing copies of all invoices, receipts, bills, or other written demands for payment that specifically set forth the items of service or goods provided. The Executive Director shall be authorized to demand additional information in connection with any document

submitted as proof of any disbursement made from public matching funds within the scope of Generally Accepted Auditing Standards.

Each certified candidate or candidate's committee shall have and maintain for a period of four (4) years from receipt of public matching funds the originally received documents substantiating expenditures and shall make them available to the Public Ethics Commission and/or the City Auditor for inspection or audit upon request. Nothing in the foregoing shall modify the right of a candidate or a candidate's controlled committee to maintain possession of any records during an inspection or audit, nor shall modify the right of the Public Ethics Commission or City Auditor to subpoena any document.