



24-hour Contribution and Independent Expenditure Reporting for the November 7, 2023, Special Election Starts August 9, 2023

A Special Election is scheduled for November 7, 2023, to fill the OUSD District 5 School Director seat. The Special Election adds two additional pre-election deadlines for candidates on the November 2023 ballot as well as any political committees with activity related to the Special Election. Pre-election campaign statements (Form 460) for committees with activity related to the 2023 Special Elections are due September 28 and October 26.

In addition, there are other important reporting requirements for certain campaign activity related to candidates and ballot measures on the November 7, 2023 ballot. Contributions and independent expenditures of \$1,000 or more made in the 90-day period up to and including election day (August 9 through November 7) must be reported by submitting a late contribution report (Form 497) or a late independent expenditure report (Form 496) within 24-hours. The passage of [Measure W \(2022\)](#), also added new reporting and on-ad disclosure requirements for political communications and independent expenditures that apply to 2023 campaigns.



Reporting contributions of \$1,000 or more

Form 497 must be filed electronically within 24-hours if a candidate or ballot measure committee on the November 2023 ballot **receives** contributions that total in the aggregate \$1,000 or more from a single source between August 9 and November 7.¹ The 24-hour reporting requirement includes contributions or loans of \$1,000 or more from a candidate's personal funds to their own campaign committee.

Form 497 must be also filed electronically if a campaign committee **makes** contributions between August 9 and November 7 that total \$1,000 or more to a candidate or a committee formed to support or oppose a candidate or ballot measure.

Reporting independent expenditures of \$1,000 or more

An **independent expenditure** is a political campaign communication that expressly advocates for the election or defeat of a candidate that is not made in cooperation, consultation, or concert with, or at the request or suggestion of, a candidate or the candidate's campaign committee. A committee making independent expenditures of \$1,000 or more to support or oppose a candidate during the 90-day period starting August 9 through the day of the election must file Form 496 electronically within 24-hours disclosing the expenditure.

New independent expenditure disclosure requirements effective in 2023 (O.M.C. 3.12.210)

Effective January 1, 2023, any committee or person required by state law to file a 24-hour or 10-day late independent expenditure report on Form 496 must also submit a supplemental disclosure form, [OCRA Form 305](#), to the Public Ethics Commission along with a copy of the communication distributed to

¹ Filing deadlines for the 24-hour reports are extended to the next business day when the deadline falls on Saturday, Sunday, or an official state holiday.

voters at the time the Form 496 is due. Form 305 must be signed by the committee treasurer or person making the independent expenditure under penalty of perjury with a declaration that the communication was not requested by or made in coordination with any of the candidates or campaigns who benefited. **Please refer to [O.M.C. 3.12.210](#) for the full disclosure requirements.**

New independent expenditure disclaimer requirements effective in 2023 (O.M.C. 3.12.200)

Effective January 1, 2023, any committee or person who makes independent expenditures required to be disclosed under OCRA Section 3.12.210, must also incorporate the following statements in the communication:

1. “Not authorized by or coordinated with any City candidate, committee controlled by a candidate, or election official.”
2. “Paid for by” immediately followed by the person’s name, address, and city, and state-issued committee ID number, if applicable.
3. “Major funding provided by [names of the three contributors who gave the most to the committee in the six months prior to the payment date for the independent expenditure communication] in the amount of [the total amount of contributions made by those contributors in the same six-month period].”
4. “Funding details are available on the Oakland Public Ethics Commission’s website. Total cost of this communication is:” immediately followed by the cost amount.

Please refer to [O.M.C. 3.12.200](#) for the full disclaimer requirements, including type size and exceptions.

Late and non-filers subject to penalties

Late filings for pre-election statements, late statements reporting significantly large contributions or expenditures, and late 24-hour contribution reports, all deprive the public of important information in the period close to election time and may also impact the lifting of voluntary campaign spending limits impacting opponents’ campaigns. Late and non-filers will be subject to late fees and enforcement penalties. In addition, the Commission publishes a list of late and non-filers during the pre-election period online.

Get the assistance you need

- For a summary of recent changes to Oakland campaign rules and links to additional resources visit our [What’s New webpage](#).
- [Submit](#) your Supplemental Independent Expenditure Disclosure - OCRA Form 305 online.
- For questions about requirements under the California Political Reform Act, contact the Fair Political Practices Commission (FPPC) by email at advice@fppc.ca.gov or call 1-866-ASK-FPPC (1-866-275-3772). Telephone advice is available Monday through Thursday from 9:00 a.m. to 11:30 a.m.
- For NetFile technical assistance, email filerhelp@netfile.com.
- For questions about Oakland campaign rules, contact Public Ethics Commission staff by email at ethicscommission@oaklandca.gov or call 510-238-3593.