

CITY OF OAKLAND
PUBLIC ETHICS COMMISSION
One Frank Ogawa Plaza (City Hall)
Special Commission Meeting
Teleconference
Friday, August 21, 2020
6:00 p.m.



Commissioners: James E.T. Jackson (Chair), Jill Butler (Vice-Chair), Michael MacDonald, Janani Ramachandran, Joseph Tuman and Jerett Yan

Commission Staff to attend: Whitney Barazoto, Executive Director; Jelani Killings, Education Analyst; Ana Lara, Commission Assistant

City Attorney Staff: Trish Shafie, Deputy City Attorney

PUBLIC ETHICS COMMISSION (PEC or COMMISSION) SPECIAL MEETING

NOTE: Pursuant to the Governor's Executive Order N-29-20 and City of Oakland Emergency Order dated March 23, 2020, suspending the Sunshine Ordinance, all members of the Commission and participating PEC staff will join the meeting via phone/internet audio conference, and the following options for public viewing and participation are available:

- **Television:** KTOP channel 10 on Xfinity (Comcast) or ATT Channel 99, locate City of Oakland KTOP – Channel 10
- **Livestream online:** Go to the City of Oakland’s KTOP livestream page here: <https://www.oaklandca.gov/services/ktop-tv10-program-schedule> click on “View”
- **Online video teleconference:** Click on this link to join: <https://us02web.zoom.us/j/82727156281?pwd=NktSeTFKMEFsSkN2VnpuMlVpSVVodz09>
Password: 469444
Webinar ID: 827 2715 6281
 - To comment by online video conference, click the “Raise Your Hand” button to request to speak when Public Comment is being taken on an eligible agenda item. You will then be unmuted, during your turn, and allowed to participate in public comment. After the allotted time, you will then be re-muted. Instructions on how to “Raise Your Hand” is available at: <https://support.zoom.us/hc/en-us/articles/205566129> - Raise-Hand-In-Webinar.
- **Telephone:** Dial (for higher quality, dial a number based on your current location):
US: +1 669 900 6833 or +1 253 215 8782 or +1 346 248 7799 or +1 312 626 6799 or +1 929 205 6099 or +1 301 715 8592
Webinar ID: 827 2715 6281
- International numbers available: <https://us02web.zoom.us/j/kHB9irNL5>
 - To comment by phone, please call on one of the above listed phone numbers. You will be prompted to “Raise Your Hand” by pressing *9 to request to speak when Public Comment is being taken on an eligible agenda item. You will then be unmuted, during your turn, and allowed to make public comments. After the allotted time, you will then be re-muted. Instructions of how to raise your hand

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by phone are available at: <https://support.zoom.us/hc/en-us/articles/201362663>
- Joining-a-meeting-by-phone.

Members of the public may submit written comments to ethicscommission@oaklandca.gov.

If you have any questions about how to participate in the meeting, please email ethicscommission@oaklandca.gov before or during the meeting.

PEC SPECIAL MEETING AGENDA

1. Roll Call and Determination of Quorum.
2. Open Forum.

ACTION ITEMS

3. **Limited Public Financing Act Program 2020.** The Commission will review the available funds for the Limited Public Financing Program and make a determination about how to distribute funds to candidates running for City Council district office in the November 2020 election. ([Staff Memorandum](#))

The meeting will adjourn upon the completion of the Commission's business.

A member of the public may speak on any item appearing on the agenda. All speakers will be allotted a maximum of three minutes unless the Chairperson allocates additional time.

Should you have questions or concerns regarding this agenda, or wish to review any agenda-related materials, please contact the Public Ethics Commission at (510) 238-3593 or visit our webpage at www.oaklandca.gov/pec.



8/18/2020

Approved for Distribution

Date



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alarafranco@oaklandca.gov or call (510) 238-3593 Or 711 (for Relay Service) five business days in advance.

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Quý vị cần một thông dịch viên Ngôn ngữ Ký hiệu Mỹ (American Sign Language, ASL), tiếng Quảng Đông, tiếng Quan Thoại hay tiếng Tây Ban Nha hoặc bất kỳ sự hỗ trợ nào khác để tham gia hay không? Xin vui lòng gửi email đến địa chỉ alarafranco@oaklandca.gov hoặc gọi đến số (510) 238-3593 hoặc 711 (với Dịch vụ Tiếp âm) trước đó năm ngày.

Item #3 - Staff Memorandum



James E.T. Jackson, Chair
Jill Butler, Vice-Chair
Michael MacDonald
Janani Ramachandran
Joseph Tuman
Jerret Yan

Whitney Barazoto, Executive Director

TO: Public Ethics Commission
FROM: Jelani Killings, Ethics Analyst
Whitney Barazoto, Executive Director
DATE: August 18, 2020
RE: 2020 LPF Program; Distribution of Funds

The Limited Public Financing Act (LPF Act), enacted in 1999, provides District City Council candidates with some public funds to be used for campaign expenses, with the goal of helping ensure that all individuals have a fair and equal opportunity to participate in the elective and governmental process. The process for applying for LPF funds begins after the City Clerk certifies the names of all candidates to appear on the ballot.

The City Clerk recently certified the names of all of the November 2020 candidates for City office. Attached is the list of certified candidates that was last updated on August 14. The Commission now must determine the following:

- 1) whether the amount of money in the Election Campaign Fund is adequate to provide the maximum amount of funds allowable by law to each potentially eligible candidate, and
- 2) if the fund is not adequate, how to distribute the funds on either a pro rata or other equitable basis.

This memorandum provides background information and Staff recommendations for Commission consideration.

Background

Oakland Municipal Code Chapter 3.13, as amended in 2010, outlines the current provisions of the Limited Public Finance Act.

O.M.C. Section 3.13.065 of the LPF Act specifies the process for determining how to allocate LPF funds to candidates:

No later than seven days after the city clerk has certified the names of all candidates to appear on the ballot, the public ethics commission shall determine at a publicly noticed meeting whether, based on the number of potentially eligible candidates, the amount of money in the election campaign fund is adequate to provide the maximum amount to potentially eligible candidates. If the commission determines that the election campaign fund will not be adequate to provide the maximum amount of funds to potentially eligible candidates, the commission shall order the disbursement of available funds on a pro rata or other equitable basis. The commission may at any time revise the disbursement plan consistent with these rules and prevailing law.

Section 3.13.110(E) of the LPF Act sets the maximum amount of funds to be allocated to each candidate at 30% of the voluntary expenditure ceiling for the office being sought.

Analysis

1. Is the amount of money in the Election Campaign Fund adequate to provide the maximum amount of funds allowable by law to each potentially eligible candidate?

The combined total amount in the Limited Public Financing Election Campaign Fund for fiscal years 2019-20 and 2020-21 is \$153,000 to be available for distribution to the candidates who opt into the program for the November 2020 election.

As of August 17, 2020, the City Clerk’s final certification list includes 17 candidates running for election to the office of District City Councilmember in districts 1, 3, 5, and 7.

The chart below shows the breakdown of the number of candidates per district race, the voluntary expenditure ceiling and maximum potential LPF amount per candidate for each district, and the total amount of public funds that would be needed in order to offer each candidate the maximum amount of public funds allowable under the LPF Act, if all of the 17 candidates opted into the program.

District Number	Number of Candidates Qualified for Ballot	Expenditure Ceiling	Maximum Potential LPF Amount for Each Candidate	Total Funds Needed per District to Provide the Maximum Amount	Total Amount Needed in the Fund
1	3	\$153,000	\$45,900	\$137,700	\$766,500
3	6	\$153,000	\$45,900	\$275,400	
5	3	\$146,000	\$43,800	\$131,400	
7	5	\$148,000	\$44,400	\$222,000	

In order to offer each candidate the maximum amount of public funds allowable under the LPF Act, the Election Campaign Fund would require a total of \$766,500 if all of the 17 candidates accepted LPF program participation.

Because the current fund balance available to candidates is \$153,000, the amount of money in the Election Campaign Fund is *not adequate* to provide the *maximum* amount allowed by law to potentially eligible candidates. Since the fund balance is not adequate to provide the maximum amount to each candidate, the Commission must determine how to distribute the available funds on a pro rata or other equitable basis.

2. How should the available funds be distributed?

A simple distribution of the current Election Campaign Fund balance can be achieved by dividing the balance of \$153,000 by the total number of candidates who have been certified by the City Clerk and who, within 14 days of certification, have submitted their Statement of Acceptance of the LPF program to the Public Ethics Commission. Once the 14-day deadline passes, Commission staff will calculate the total number of candidates who accept participation in the program and then divide the total amount available in the Election Campaign Fund by the number of participating candidates.

3. How will we ensure that all funds are distributed?

The intent of staff in administering the LPFA program is to distribute the full amount allocated in the general election fund of \$153,000. In the 2014 election cycle, the Commission implemented a new process for submission of claims in order to maximize the use of LPF funds by candidates. Under the two-phased approach, candidates are required to file their first reimbursement claim by September 18 in order to confirm that allotted funds will be used. Prior to the 2014 election cycle, substantial funds had gone undistributed, resulting in fewer funds being distributed to each candidate than was available in the fund by the end of the program. This issue resulted from some candidates opting to participate in the LPFA program, essentially reserving the funds for their own use, but never requesting reimbursement.

In 2012, 14 candidates stated they would accept public dollars, but only 6 submitted and received reimbursements. The table below reflects the LPFA fund allocation from the 2012 election. It shows the initial allocation based upon candidates who filed LPFA Form 1 to accept public financing, the number of candidates that actually filed LPFA Form 3 for reimbursement, and how funds were allocated to participating candidates.

District	Maximum Potential LPFA Amount for Each Candidate (if fully funded)	Number of Candidates that Filed Form 1	Number of Candidates that Filed Form 3	Total Amount Available to Each Candidate in 2012	Percentage of the Fund that Went Unclaimed
1	\$33,300	4	3	\$8,552.92	58%
3	\$35,700	5	1		
5	\$37,200	3	1		
7	\$38,100	2	1		

In 2014, under the new two-phase process, 11 candidates stated they would accept public dollars, but only 8 submitted for a reimbursement by the September Phase I deadline. The table below reflects the LPFA fund allocation from the 2014 election. It shows the initial allocation based upon candidates who filed LPFA Form 1 to accept public financing, the number of candidates that actually filed LPFA Form 3 for reimbursement by the September deadline, and how funds were re-allocated to participating candidates, resulting in an additional increase of \$4,887 to each candidate.

District	Maximum Potential LPFA Amount for Each Candidate (if fully funded)	Number of Candidates that Filed Form 1	Number of Candidates that Filed Form 3	Total Amount Available to Each Candidate in 2014 (before re-distribution)	Total Amount Participating Candidate received upon redistribution
2	\$38,100	4	4	\$13,034	\$17,921
4	\$36,300	3	2		
6	\$36,300	4	2		

The new two-phase approach resulted in the Commission distributing 99.9% of the Election Campaign Fund in 2014, compared with 67% and 42% of the total funds being used in 2010 and 2012 respectively. In 2016, 7 candidates filed LPF Form 1, but only 4 submitted for reimbursement by the Phase I deadline. 79% of the total funds available were used, due to one candidate only submitting for one reimbursement and not utilizing their full allotment, a decrease from 2014 but still yielding a higher allocation rate than previous elections prior to the two-phased approach. The new approach also

encouraged candidates to submit their claims earlier, resulting in more claims being submitted and funds being dispersed and used earlier in the campaign. The effectiveness of the two-phase approach continued in 2018 as the total amount of reimbursement funds distributed to 10 candidates was \$176,489 or 96% of the total funds available. For these reasons, Staff plans to continue the two-phase approach in the 2020 election.

Recommendation

Staff recommends that the Commission find that the amount of money in the Election Campaign Fund is not adequate to provide the maximum amount of money to potentially eligible candidates. Secondly, Staff recommends that the balance of \$153,000 will be divided equally by the total number of candidates who accept participation in the Limited Public Financing program by the 14-day deadline, subject to the two-phase approach outlined above, in order to ensure full distribution of available funds and to ensure participating candidates receive the maximum possible amount.

Attachments:

Qualified Candidate List for the November 3, 2020 Municipal Election, Oakland City Clerk's Office
Limited Public Financing Program Guide, 2020



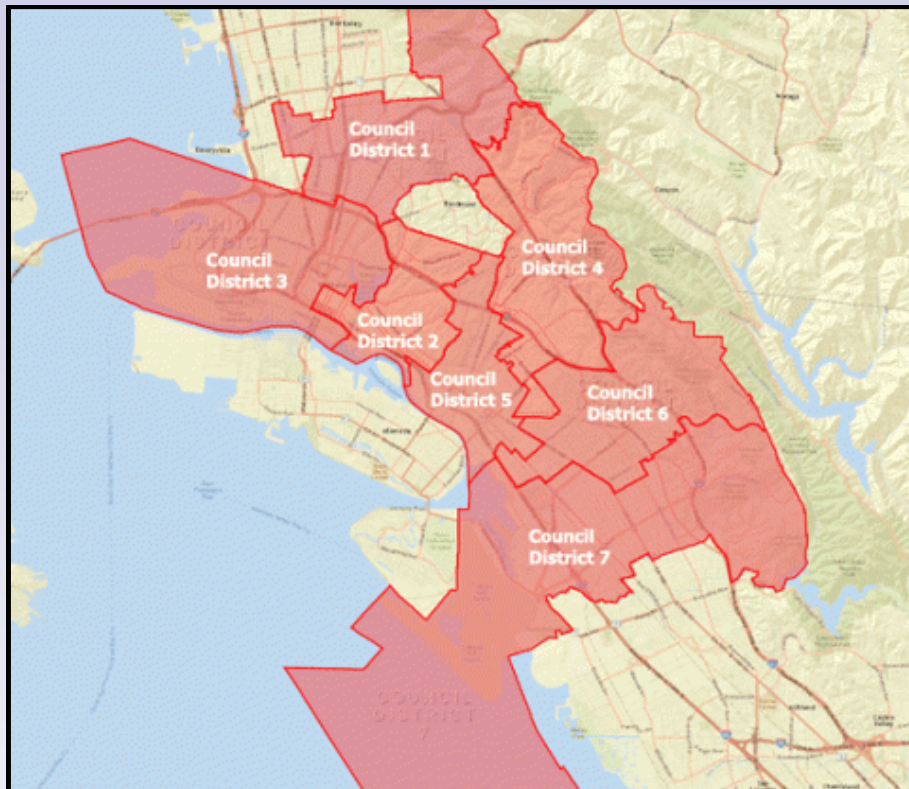
Item #3 Staff Memorandum City of Oakland

2020 Election Qualified Candidates

Status	Office Sought	Candidate Name (Last name, First name)	Ballot Designation
QUALIFIED	Council At-Large	Johnson, Derreck B.	Small Business Owner
QUALIFIED	Council At-Large	Kaplan, Rebecca	Councilmember At-Large
QUALIFIED	Council At-Large	Sidebotham, Nancy S.	Tax Preparer
QUALIFIED	Council D1	Dominguez Walton, Stephanie J.	Business Woman/Mother
QUALIFIED	Council D1	Kalb, Dan	Oakland City Councilmember
QUALIFIED	Council D1	Ngo, Tri M.	Electrical Engineer
QUALIFIED	Council D3	Fife, Carroll	Non-Profit Director
QUALIFIED	Council D3	Gibson McElhane, Lynette	Oakland City Councilmember
QUALIFIED	Council D3	Scott, Seneca C.	Small Business Owner
QUALIFIED	Council D3	Semedar, Meron Y.	Educator
QUALIFIED	Council D3	Taylor, Alexis D.	TBD
QUALIFIED	Council D3	Taylor, Faye E.	Longshoreman
QUALIFIED	Council D5	Gallo, Noel	City Councilmember District 5
QUALIFIED	Council D5	Lopez-Meraz, Zoe	Medical Coordinator
QUALIFIED	Council D5	Raya, Richard S.	Legal Educator
QUALIFIED	Council D7	Clay, Aaron	Small Business Owner
QUALIFIED	Council D7	Hodge, Marcie	Non-Profit Executive Director
QUALIFIED	Council D7	Jackson, Robert L.	Pastor
QUALIFIED	Council D7	Reid, Treva	TBD
QUALIFIED	Council D7	Tatmon, Marchon	Government Affairs Manager
QUALIFIED	City Attorney	Ferran, Elias	Deputy City Attorney
QUALIFIED	City Attorney	Parker, Barbara	Oakland City Attorney
QUALIFIED	School Board D1	Dannhaus, Austin B.	TBD
QUALIFIED	School Board D1	Davis, Benjamin "Sam"	Education Analyst/Parent
QUALIFIED	School Board D1	Thomas, Stacy	Self Employed Bookkeeper
QUALIFIED	School Board D3	Edgerly, Maiya A.	TBD
QUALIFIED	School Board D3	Gash, Cherisse D.	Parent
QUALIFIED	School Board D3	Hurty, Mark D.	Project Manager
QUALIFIED	School Board D3	Santana, Maximo	Educator
QUALIFIED	School Board D3	Williams, VanCedric	Teacher/Treasurer
QUALIFIED	School Board D5	Gaines, Leroy	Non-profit Director
QUALIFIED	School Board D5	Hutchinson, Mike G.	Educator
QUALIFIED	School Board D5	Lawrence, Sheila Pope	Educator/Administrator
QUALIFIED	School Board D5	Terma, Jorge	Educator
QUALIFIED	School Board D7	Molina, Kristynloeth "Kristina"	Communications Coordinator
QUALIFIED	School Board D7	Tapscott, Ben J.	TBD
QUALIFIED	School Board D7	Taylor, Bronché Jerard	TBD
QUALIFIED	School Board D7	Thompson, Clifford W.	5th Grade Teacher
QUALIFIED	School Board D7	Valerio, Victor J.	Transportation Project Engineer
UPDATED	8/14/2020		

- 501 filed = Candidate has filed a Candidate Intention Statement with Clerk's Office
- Noms. Issued = Candidate issued nomination documents
- Pending = Candidate has submitted nomination documents; documents are being verified
- Has not qualified = Nomination docs have been verified, but candidate has not qualified for the ballot
- Qualified = Nomination docs have been verified; candidate has qualified for the ballot

City of Oakland Public Ethics Commission



Limited Public Financing Program Guide for City Council District Candidates

NOVEMBER 2020 ELECTION

Public Ethics Commission
1 Frank Ogawa Plaza (City Hall), Ste. 104
Oakland, CA 94612
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INTRODUCTION

The City of Oakland Limited Public Financing Act (Act) provides a limited amount of campaign funds for candidates running for Oakland City Council District seats. The purposes of the Act include the following:

1. Ensure that people have a fair and equal opportunity to participate in elective and governmental processes;
2. Reduce the influence of large contributors with a specific financial stake in matters under consideration by the City and to counter the perception that decisions are influenced more by the size of contributions than by the best interests of the people;
3. Reduce the pressure on candidates to raise large campaign war chests for defensive purposes, beyond the amount necessary to communicate reasonably with voters;
4. Encourage competition for elective office;
5. Allow candidates and officeholders to spend a smaller proportion of their time on fundraising and a greater proportion of their time dealing with issues of importance to their constituents and the community;
6. Ensure that serious candidates are able to raise enough money to communicate their views and positions adequately to the public, thereby promoting public discussion of important issues involved in political campaigns; and
7. Help preserve public trust in governmental and electoral institutions. [Oakland Municipal Code (OMC) § 3.13.030]

**Campaign Reform Act
Compliance**

Public financing laws work in coordination with the Oakland Campaign Reform Act (OCRA), which limits contributions, provides optional spending limits, restricts contributions from people doing business with the City, and regulates local campaign finance disclosure as a supplement to state campaign finance laws.

The Commission imposes fines for violations of campaign finance and public financing laws, such as failure to file campaign finance forms or receiving contributions over the limit. For more information about campaign rules and potential fines, see the Commission’s Oakland Campaign Reform Act Guide for 2020.

The Public Ethics Commission (Commission) administers the Public Financing Program (Program) and is here to assist you in your application and reimbursement process. The application and reimbursement process is complex, so please contact Commission staff if you are a candidate for a City Council District seat who might be interested in help financing your campaign.

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 Oakland, CA 94612
 (510) 238-3593
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ethicscommission@oaklandca.gov

AM I ELIGIBLE FOR PUBLIC FINANCING?

Any candidate who is certified by the City Clerk to appear on the ballot for the office of Oakland City Councilmember in Districts 1 – 7 may apply for public financing through the City. Candidates for Citywide offices, along with candidates for the Oakland Unified School District Board of Directors, are not eligible. [OMC § 3.13.060]

HOW MUCH MONEY WILL BE AVAILABLE?

The amount of money available to candidates will depend on how much money was budgeted by City Council and how many candidates are running for City Council Districts 1 – 7 in this election. This year, there is a total of roughly \$153,000 available to be distributed among eligible candidates. In past years, the amount distributed per candidate has ranged between \$8,000 and \$25,000. No candidate may receive more than 30% of Oakland's voluntary spending limit for the office being sought.¹ Commission staff will announce the amount available to candidates following the deadline for candidates to opt in to the program (as detailed below).

HOW DO I APPLY?

There are two steps to applying for public financing:

1. **Opt-In** – Complete **LPF Form 1 (Acceptance/Rejection of Public Financing)** to accept or reject public financing no later than 14 days after the City Clerk has certified the names of all candidates to appear on the ballot (usually mid-August). [OMC § 3.13.070]
 - The failure to file on time **LPF Form 1** shall constitute an **irrevocable rejection** of public financing for the upcoming election.
2. **Apply for Program Participation** – Complete **LPF Form 2 (Application)** to formally apply for public financing. **LPF Form 2** requires the following:
 - **Campaign Information** – Be sure that we have all current campaign contact information as we use this information to communicate with you and your campaign staff regarding all aspects of your public financing participation, including when your check is ready.
 - **Tax ID/EIN Number** – Campaign committees will need to obtain a Taxpayer/Employer Identification Number (EIN) from the Internal Revenue Service (IRS) to receive reimbursement payments from the City. You can electronically file for an EIN as a political organization at www.irs.gov. Once you have obtained your EIN from the IRS, you will need to submit a completed IRS Form W-9 to the PEC. If you encounter any trouble obtaining your EIN, contact PEC staff for assistance.
 - **Proof of Contributions Received** – The candidate must submit copies of campaign contributions (i.e., contribution checks; not cash) demonstrating that the candidate has received contributions from Oakland donors totaling at least 5% of the voluntary spending limit for the office being sought. The written instrument used to make the

¹ The Public Ethics Commission annually adjusts the voluntary spending limits every January to reflect any increase in the Consumer Price Index. The voluntary spending limits and campaign contribution limits for 2020 are included at the end of this Guide.

contribution must demonstrate an Oakland address. Candidates may submit contributions received electronically from Oakland residents to meet the 5% contribution threshold. In that case, candidates should request that the vendor collecting the online contributions send a CSV (comma separated variable) report directly to the PEC to validate contributor and payment information. PEC staff can assist you with this process. [OMC § 3.13.080(C)]

- **Proof of Expenditures Made** – The candidate must also submit proof in the form of detailed invoices or proof of payments/receipts that he or she has made campaign expenditures totaling at least 5% of the voluntary spending limit for the office being sought. [OMC § 3.13.080(C)]

HOW DO I REQUEST FUNDS?

Funds are provided to candidates as reimbursements for certain types of campaign expenditures (see box on this page). Candidates may apply for reimbursement in minimum increments of \$1,000 or more. Within ten calendar days of the election, candidates may apply for reimbursements in minimum increments of \$500. [OMC § 3.13.120]

A candidate applies for reimbursement by completing **LPF Form 3 (Reimbursement Claim Form)** which must be accompanied by copies of the following for each item for which reimbursement is requested:

1. Billing invoices;
2. Proof of payment by the campaign committee; and
3. Campaign literature, advertisement, radio or television script, or website configuration, if applicable. [OMC § 3.13.110(C)]

Expenditures Qualifying for Reimbursement

Reimbursement will only be provided for the following campaign expenditures:

- Candidate filing and ballot fees
- Printed campaign literature and production costs
- Postage
- Print advertisements
- Radio airtime and production costs
- Television or cable airtime and production costs
- Website design and maintenance costs

[OMC § 3.13.110(B)]

All requests for reimbursement must be submitted prior to the date of the election. Claims submitted on or after the date of the election will not be considered.

Commission staff will review submissions and work closely with candidates to ensure that all documents are in order. Once the submission is complete, Commission staff will respond with payment or an explanation of denial within two weeks.

Upon approval, public financing checks will only be made payable to a candidate's campaign committee. Candidates must deposit the check into the candidate's campaign account within three business days of receipt.

A denial or limitation of a request for reimbursement by the Commission's Executive Director may be appealed to the Commission whose decision shall be final. A request to appeal the denial shall be submitted to Commission staff in writing no more than ten calendar days after receiving written notice of the denial. [OMC § 3.13.110(D)]

REALLOCATION OF THE FUND

To ensure that the full amount allocated in the general election fund is distributed to all interested candidates, the Commission provides a two-phase approach for the disbursement of LPF funds to participants.

1. Phase I – The initial phase begins once eligible candidates opt in to the LPF program and the PEC determines the amount available to each participant.
2. Phase II – The second “redistribution phase” sets an early deadline for participants to submit the first reimbursement request. Thus, **LPF Form 2** and the first **LPF Form 3** must be submitted on or before the Phase II deadline of **September 18**. Failure to timely file **LPF Form 2** and initial **LPF Form 3** by that deadline will deem the participant ineligible to receive public funds for the 2020 election.

Candidates who meet the September 18 deadline may proceed to Phase II. After the Phase II deadline, the PEC recalculates and then re-allocates funds according to the number of participants that met the Phase II requirement. The redistribution can potentially increase the allotted amount to each participant based on the number of candidates that proceed to Phase II.

POST-ELECTION PROCEDURES

The Act requires that a portion of any surplus campaign funds remaining as of December 31, 2020, be returned to the Election Campaign Fund no later than January 31, 2021. [OMC § 3.13.150] The amount to be returned shall be calculated by multiplying the amount of surplus campaign funds (less any outstanding debts) by the percentage that total public financing received represents of total monetary contributions received for the election period.

- For example, if a candidate receives \$40,000 in contributions, \$10,000 in public financing, and as of December 31 has a remaining balance of \$14,000, with \$2,000 in debt, the candidate would owe the Election Campaign Fund \$3,000. (Note: The \$40,000 in contributions does not include public financing funds. LPF funds are NOT considered monetary contributions but are listed as “miscellaneous increase to cash” on campaign statements.) See LPF Form 4 on page 19 of this guide for a breakdown of this calculation.

A candidate shall not be required to return any surplus funds in an amount greater than the amount of public financing received. Commission staff can assist you in calculating the amount that must be returned, if any.

ENFORCEMENT AND OVERSIGHT

The Public Ethics Commission is authorized to administratively enforce the provisions of the Limited Public Financing Act, which may include the imposition of fines, penalties and the return of public financing received. [OMC § 3.13.080] In addition, the City Auditor is required to complete audits of all candidates receiving public financing to ensure compliance with the rules of the program. [OMC § 3.13.100]

LPFA Program Improvement

The Commission continues to review the effectiveness of this public financing program and is taking steps in 2020 to draft a proposed redesign of public financing for future election cycles. Please be sure to provide your feedback on this program, sharing your experience as a local candidate, to Commission staff to assist with the Commission's development of proposed legislation to submit for City Council consideration.

CANDIDATE CHECKLIST FOR LPF ELIGIBILITY

Expenditure Ceiling Amount: \$ _____

5% Threshold: \$ _____

10% Limit on Personal Funds: \$ _____

Step	Program Requirement	Due Date	Completed
1	OCRA Form 301 – Candidate must sign and submit the Form 301 accepting voluntary expenditure ceilings to the City Clerk	Before receiving contributions at higher amount	
2	Candidate Certification – by City Clerk to appear on the ballot	City Clerk deadline for certification	
3	Candidate Has Opposition – Candidate is opposed by another candidate for the same office	Certification of candidates by City Clerk	
4	Candidate Received Training – Candidate or their campaign treasurer or designee has attended a PEC LPF training program	August 27, 2020	
5	LPF Form 1 – Statement of Acceptance or Rejection submitted to PEC	Within 14 days of certification by City Clerk	
6	LPF Form 2 – Initial Application for Public Financing submitted to PEC	September 18, 2020	
7	Minimum Campaign Contributions Received – Candidate has received contributions from Oakland donors totaling at least 5% of the voluntary spending limit for the office	September 18, 2020	
8	Minimum Campaign Expenditures Made – Candidate has made campaign expenditures totaling at least 5% of the voluntary spending limit for the office being sought	September 18, 2020	
9	Candidate's Personal Funds Are Within Limits – Candidate has not made contributions or loans from personal funds in an amount exceeding 10% of the voluntary spending limit	Ongoing	
10	Campaign Fundraising Materials Comply with OCRA – Candidate included the proper notice regarding contribution limits and contribution prohibitions on contractors doing business with the City on all campaign fundraising material (See Oakland Campaign Reform Act Section 3.12.140)	Ongoing	
11	Return Surplus Funds – Following the election, the candidate must return to the City a portion of excess funds remaining in the campaign account as of December 31	January 31, 2021	

OCRA FORM 301



OCRA Form 301

Candidate Acceptance of Campaign Expenditure Ceilings Oakland Campaign Reform Act

DUE DATE: OCRA Form 301 is due before receiving any contributions at the higher amount allowed for candidates who accept the voluntary expenditure ceiling under sections 3.12.050(b) and 3.12.060(b) of the Oakland Campaign Reform Act.

FOR OFFICE USE ONLY
Date Received

ACCEPTANCE:

I, _____, hereby declare that I am a candidate for the Office of _____, in the City of Oakland’s General Municipal Election, to be held on _____, and I declare that I have established a campaign committee in order to solicit contributions towards my candidacy.

(name)

(City office being sought)

(date of election)

I, _____, hereby accept expenditure ceilings as defined in Sections 3.12.050(c), 3.12.060(c), 3.12.190, 3.12.200, 3.12.210 and 3.12.220 of the City of Oakland’s Campaign Reform Act. I agree that once accepted, the expenditure ceiling is irrevocable except as waived, pursuant to the City of Oakland Campaign Reform Act at Section 3.12.220.

I hereby certify that the above statement is true and correct.

Signature: _____ Date: _____

Sign and submit this form to:

Public Ethics Commission
1 Frank Ogawa Plaza, Room 104
Oakland, CA 94612
(510) 238-3593
ethicscommission@oaklandca.gov

Local candidates are required to follow state and local campaign finance, advertising, and ethics rules. For more detail about Oakland’s laws and public financing for City Council district candidates, contact the Public Ethics Commission.

LPF FORM 1 Acceptance or Rejection of Public Financing

I, _____ (print name), declare that I am a candidate for the Office of City Council District ____ (state district number) in the November 3, 2020, municipal election.

I hereby agree to _____ (Accept/Reject) public financing pursuant to the Limited Public Financing Act (O.M.C. Chapter 3.13) during the November 3, 2020, election.

I understand that, if I choose to **reject** public financing for the November 3, 2020, election, my decision is irrevocable, and I will not be eligible to apply for or receive public financing for the November 3, 2020, election. I further understand that, if I fail to file this form by the deadline specified in O.M.C. §3.13.070(B), my failure to do so will constitute an irrevocable rejection of public financing for the November 3, 2020, election.

I hereby certify that the above statement is true and correct.

Executed on this _____ day of _____, 2020.

Signature: _____ (Candidate)

This form must be filed in person with the Public Ethics Commission at:

Oakland Public Ethics Commission
One Frank H. Ogawa Plaza (City Hall), Room
104
Oakland, CA 94612
(510) 238-3593
(510) 238-3315 (fax)
www.oaklandca.gov/pec
ethicscommission@oaklandca.gov

This form is due no later than 14 days after the City Clerk has certified the names of all candidates to appear on the ballot.

LPF FORM 2 Initial Application for Public Financing

Please type or print clearly in ink.

Candidate Name:	
District Office Being Sought:	Date of Election: Tuesday, November 3, 2020
Campaign Mailing Address:	
Phone: (Number at which candidate can be reached during business hours)	Fax:
	Candidate's Campaign Email:
Name of Controlled Committee	Campaign ID Number:
	Campaign EIN No.
Name of Campaign Treasurer:	Treasurer Phone:
	Treasurer Email:
Name and Address of Financial Institution	Campaign Bank Account Number

This form continues on the next two pages.

I hereby apply for public financing and certify that the following information is true and correct:

1. I have executed and timely filed OCRA Form No. 301 accepting voluntary expenditure ceilings.
2. I have executed and timely filed a "Statement of Acceptance or Rejection of Public Financing" (LPF Form 1) and have agreed to accept public financing for the November 3, 2020, election.
3. I am certified to appear on the ballot for the election for which public matching funds are sought.
4. I have received campaign contributions from donors located within the City of Oakland totaling at least 5% of the voluntary spending limit for the office being sought, exclusive of any loans or contributions from my personal funds. **Copies of the checks received to meet this 5% threshold are attached.**
5. I have made qualified campaign expenditures in an aggregate amount of at least 5% of the voluntary spending limit for the office being sought. **Copies of the invoices and/or checks evidencing proof of meeting this 5% spending threshold are attached.**
6. I have not made any contribution or loan to my campaign from any personal funds in an amount exceeding 10% of the voluntary spending limit for the office being sought.
7. I or my campaign treasurer or designee has attended a training program conducted or sponsored by the Public Ethics Commission.

I understand and agree that to receive public financing I must be opposed by a candidate for the same office.

I understand and agree that as a condition of receiving public financing I must timely file, and completely and accurately execute, all pre-election campaign statements that are due at the time public financing is payable as well as timely file, and completely and accurately execute, all post-election campaign statements for the election in which I receive public financing.

I understand and agree that I must return surplus funds to the Public Ethics Commission no later than January 31 of the year following the election.

I understand and agree to all conditions of and requirements for the use of public financing set forth in this Application, the Act and any regulations adopted thereunder. I understand and agree to submit to reasonable audits deemed necessary by the Oakland Public Ethics Commission or other civil authorities as specified by the Limited Public Financing Act.

By my signature below, I certify that:

Item #3 - Staff Memorandum

1. I have read and understand the requirements and conditions set forth in this Application and the Oakland Limited Public Financing Act and understand that those requirements and conditions must be satisfied before, during and after I receive public financing.
2. I have not made and I agree to not make any expenditures in excess of the voluntary spending limits of Oakland Municipal Code Section 3.12.200. (This requirement shall not apply if the voluntary spending limits have been lifted pursuant to Oakland Municipal Code Section 3.12.220.)
3. The attached copies of documents are true and accurate copies of the original. I understand that they will be used by the Public Ethics Commission staff to determine my eligibility to apply for and receive public financing.

CANDIDATE'S DECLARATION

I declare under penalty of perjury under the laws of the State of California that my campaign committee and I have complied with all applicable contribution and expenditure limitations under the Oakland Campaign Reform Act at all times in which those limitations apply to my candidacy for the office in contest and I further declare that the representations set forth above are true and correct.

Date: _____

Candidate's Signature

Print or Type Candidate's Name

This form must be submitted to the Public Ethics Commission at:

Oakland Public Ethics Commission One Frank H. Ogawa Plaza (City Hall), Room 104 Oakland, CA 94612 (510) 238-3593 (510) 238-3315 (fax) www.oaklandca.gov/pec ethicscommission@oaklandca.gov
--

LPF FORM 3 Reimbursement Claim Form

Please type or print clearly in ink.

I. CANDIDATE INFORMATION		
Name:	District Office Sought:	Date of Election:

II. ATTACHMENTS

Each candidate must submit with this claim form the following:

- Copies of billing invoices for which reimbursement is sought
- Copies of the check(s) used to pay the invoices for which reimbursement is sought
- Copies of any applicable campaign literature, advertisement, radio or television script, or website configuration

Note: Any claim form that is not accompanied by the above documents will not be considered for payment.

The attached copies document a claim for reimbursement for the following permitted categories of expenditures:

- | | |
|---|---|
| <input type="checkbox"/> Candidate filing or ballot fees | <input type="checkbox"/> Printed campaign literature and production costs |
| <input type="checkbox"/> Postage | <input type="checkbox"/> Print advertisements |
| <input type="checkbox"/> Radio airtime and production costs | <input type="checkbox"/> Television or cable airtime and production costs |
| <input type="checkbox"/> Website design and maintenance costs | |

III. CANDIDATE AND TREASURER VERIFICATION

I declare under penalty of perjury under the laws of the State of California that to the best of my knowledge:

(1) the information contained in this form and all attachments submitted herewith are true and correct; (2) the check(s) used to make payment on the billing invoice(s) submitted for reimbursement represent payment in full of said invoice(s) and that sufficient funds exist in the candidate's campaign account to provide payment on those invoices; and (3) any public financing received from the Public Ethics Commission has not been previously earmarked or specifically encumbered to pay or to secure payment of any loan, return of contribution, or of any expenditure other than the one for which reimbursement was sought.

Executed on _____ at _____

Candidate Name

Candidate Signature

Item #3 - Staff Memorandum

Executed on _____ at _____

Treasurer Name

Treasurer Signature

Name(s) of Persons Authorized to Pick up Reimbursement Checks:

FOR PEC USE ONLY

Reimbursement Totals

This Period _____

Prior Period _____

Total Reimbursement: _____

Claim Number: _____

Check request date: _____

Check Amount: \$ _____

Authorized by: _____

This form must be submitted to the Public Ethics Commission at:

Oakland Public Ethics Commission
One Frank H. Ogawa Plaza (City Hall), Room
104
Oakland, CA 94612
(510) 238-3593
(510) 238-3315 (fax)
www.oaklandca.gov/pec
ethicscommission@oaklandca.gov

LPF FORM 4 Calculation and Return of Surplus Funds

The Limited Public Financing Act requires candidates that participated in the Limited Public Financing Program to return a percentage of surplus campaign funds remaining at the end of the post-election reporting period following the election for which public financing was received (O.M.C. 3.13.150(A)).

The amount of surplus campaign funds to be returned by the candidate to the Election Campaign Fund shall be calculated by multiplying the amount of surplus campaign funds by the percentage that total public financing received represents of total monetary contributions received for the election period (O.M.C. 3.13.150(B)).

Campaign funds are considered surplus to the extent that the campaign balance exceeds the total financial obligations (debt) of the candidate’s campaign committee.

Calculating Surplus Funds to be returned:

1. Divide the total amount of LPF funds received by the total amount of contributions received by the campaign committee during the election cycle (round number to the nearest hundredth) – this is the percentage that LPF funds represent of total monetary contributions.

Ex) **LPF funds received** = \$10,000 **Total contributions received** = \$40,000
 \$10,000/\$40,000 = 0.25 = **25%**

2. Subtract any outstanding debt from the total funds remaining as of 12/31/20.

Ex) **Total funds remaining as of 12/31/20** = \$14,000 **Campaign debt** = \$2,000
 \$14,000 - \$2,000 = **\$12,000**

3. Multiply the amount calculated from Step 2 by the percentage calculated in Step 1 (round to the nearest hundredth) – this is the amount to be returned to the City.

Ex) \$12,000 (.25) = **\$3,000**

Campaign Name	
A. Total monetary Contributions (excluding LPF funds received)	
B. LPF Funds Received	
C. % that LPF funds represents of total monetary contributions (round to the nearest hundredth) (Line B divided by Line A)	
D. Campaign Funds remaining as of 12/31/20	
E. Outstanding Debt (if any)	
F. Total Funds remaining (Line D subtracted by Line E)	
G. Multiply by % that LPF funds represent of total monetary contributions to total funds remaining (Line F multiplied by Line C)	
H. Amount to be returned to Election Campaign Fund	

Item #3 - Staff Memorandum

Check the box that applies:

As of 12/31/20, my campaign committee had no remaining surplus funds and therefore, no surplus funds are required to be returned to the City of Oakland.

In compliance with the Limited Public Financing Act, enclosed is a check for \$ _____, representing the amount of surplus funds required to be returned to the City of Oakland.

(Make check payable to "City of Oakland" and submit to the Public Ethics Commission)

By signing below, I certify that the information above is true and correct to the best of my knowledge.

X _____
LPF participant/candidate

Date

(For PEC Staff)

The Public Ethics Commission received a check in the amount of \$ _____ from the _____ committee on _____ to be deposited into the Election Campaign Fund.

X _____
PEC Staff

X _____
Executive Director

APPENDIX 1: Limited Public Financing Act

Chapter 3.13 - LIMITED PUBLIC FINANCING ACT

Article I. - Findings and Purpose

3.13.010 - Title.

This chapter shall be known as the "Limited Public Financing Act of the City of Oakland."

3.13.020 - Findings and declarations.

The findings of this Act are as follows:

- A. The financial strength of certain individuals or organizations should not enable them to exercise a disproportionate or controlling influence on the election of candidates.
- B. The rapidly increasing costs of political campaigns have forced many candidates to raise larger and larger percentages of money from interest groups with a specific financial stake in matters under consideration by the city government. This has caused the public perception that votes are being improperly influenced by monetary contributions.
- C. High campaign costs are forcing officeholders to spend more time on fundraising and less time on the public's business. The constant pressure to raise contributions is distracting officeholders from urgent governmental matters.

3.13.030 - Purpose of this Act.

The purpose of this Act is to accomplish the objectives stated in Oakland's Campaign Reform Act as follows:

- A. To ensure that all individuals and interest groups in our city have a fair and equal opportunity to participate in elective and governmental processes.
- B. To reduce the influence of large contributors with a specific financial stake in matters under consideration by the city, and to counter the perception that decisions are influenced more by the size of contributions than by the best interests of the people of Oakland.
- C. To reduce the pressure on candidates to raise large campaign war chests for defensive purposes, beyond the amount necessary to communicate reasonably with voters.
- D. To encourage competition for elective office.
- E. To allow candidates and officeholders to spend a smaller proportion of their time on fundraising and a greater proportion of their time dealing with issues of importance to their constituents and the community.

- F. To ensure that serious candidates are able to raise enough money to communicate their views and positions adequately to the public, thereby promoting public discussion of important issues involved in political campaigns.
- G. To help preserve public trust in governmental and electoral institutions.

Article II. – Definitions

3.13.040 - Interpretation of this Act.

Unless the term is specifically defined in this Act or the contrary is stated or clearly appears from the text, the definitions set forth in Chapter 3.12 of this Code and in Government Code Sections 81000 et seq. as amended govern the interpretation of this Act.

For purposes of this Act, "principal residence" shall mean the place in which a person's habitation is fixed, wherein the person has the intention of remaining, and to which, whenever he or she is absent, the person has the intention of returning.

For purposes of this Act, "primary place of doing business" shall mean the street address of a corporation's or association's principal executive office as filed with the California Secretary of State or the street address of an unincorporated association's principal office as filed with the California Secretary of State.

Article III. - Election Campaign Fund

3.13.050 - Election campaign fund.

There is hereby established an account within a special revenue fund of the city to be known as the "Election Campaign Fund."

3.13.060 - Appropriation of funds.

- A. The city council shall appropriate to the election campaign fund, under the city's current two-year budget cycle, an amount sufficient to fund all candidates eligible to receive public financing for the office of district city councilmember.
- B. The city public ethics commission shall provide in the form and at the time directed by the mayor and city administrator a written estimate of the amount necessary to be appropriated for any two-year budget cycle according to the provisions of this Act for all eligible candidates. The amount of funds to be allocated to the election campaign fund shall be based on a consideration of anticipated campaign activity, anticipated administrative costs, and existing unspent funds within the account. The amount of funds to be allocated to the election campaign fund shall not exceed \$500,000.00 for any two-year budget cycle.
- C. The election campaign fund shall be established as an interest bearing account. Unspent funds in the election campaign fund at the end of a two-year budget cycle shall remain in the fund and accrue for disbursement to candidates eligible for public financing in future elections and for administrative costs.

- D. Up to seven and one-half percent of the amount allocated to the election campaign fund pursuant to Subsections 3.13.060(a) and (b) may be utilized by the public ethics commission to cover the anticipated cost of administering the provisions of this Act.

3.13.065 - Allocation of election campaign fund.

No later than seven days after the city clerk has certified the names of all candidates to appear on the ballot, the public ethics commission shall determine at a publicly noticed meeting whether, based on the number of potentially eligible candidates, the amount of money in the election campaign fund is adequate to provide the maximum amount to potentially eligible candidates. If the commission determines that the election campaign fund will not be adequate to provide the maximum amount of funds to potentially eligible candidates, the commission shall order the disbursement of available funds on a pro rata or other equitable basis. The commission may at any time revise the disbursement plan consistent with these rules and prevailing law.

Article IV. - Eligibility for Public Financing

3.13.070 - Application and withdrawal procedures.

- A. Each candidate for district city council shall file a statement with the city clerk on a form approved for such purpose indicating acceptance or rejection of the voluntary spending ceilings pursuant to Section 3.12.190.
- B. Each candidate for district city council shall file with the public ethics commission a statement of acceptance or rejection of public financing on a form approved by the public ethics commission no later than 14 calendar days after the date the city clerk has certified the names of candidates to appear on the ballot for the election in which public financing will be sought. The statement of acceptance or rejection of public financing shall advise and require that the candidate's decision to reject public financing is irrevocable for the election in which his or her name appears on the ballot. The failure to timely file a statement of acceptance or rejection of public financing shall constitute a rejection of public financing.
- C. If a candidate declines to accept the voluntary expenditure ceilings prescribed in Section 3.12.200, the candidate shall be subject to the contribution limits of Subsections 3.12.050(a) and 3.12.060(a) and shall not be eligible for public financing.
- D. If a candidate agrees to accept the voluntary expenditure ceilings prescribed in Section 3.12.200, the candidate shall be subject to the contribution limits of Subsections 3.12.050(b) and 3.12.060(b) as adjusted pursuant to Subsections 3.12.050(g) and 3.12.060(g), and shall be eligible for public financing upon meeting the qualification requirements as provided in this Act.
- E. In the event expenditure ceilings are lifted pursuant to Section 3.12.200, a candidate who accepted expenditure ceilings shall be permitted to receive public financing but shall no longer be subject to expenditure ceilings.

3.13.080 - Qualification procedures.

A candidate shall be approved to receive public financing if the candidate meets all of the following requirements:

- A. The candidate has filed a timely statement of acceptance of the voluntary spending ceilings and acceptance of public financing.
- B. The candidate is certified to appear on the ballot for the election for which public financing is sought.
- C. The candidate has (1) received contributions in an aggregate amount of at least five percent of the expenditure ceiling for the office being sought from contributors whose principal residence or whose primary place of doing business is located within the city and which residence or business address appears on the written instrument used to make the contribution, and (2) made qualified campaign expenditures in an aggregate amount of at least five percent of the expenditure ceiling for the office being sought. Contributions from the candidate's own funds shall not be counted towards meeting this five percent requirement. The candidate shall provide copies of the contribution checks received and records of payments made to meet the five percent eligibility requirements.
- D. The candidate is opposed by another candidate for the same office.
- E. The candidate agrees to all conditions and requirements of this Act and to submit to any reasonable audit deemed appropriate by the public ethics commission or other civil authorities.
- F. The candidate or his or her campaign treasurer or designee attends a training program conducted or sponsored by the public ethics commission.
- G. The candidate has filed, and completely and accurately executed, all pre-election campaign statements that are due at the time public financing is payable. All candidates receiving public financing shall timely file, and completely and accurately execute, all post-election campaign statements for each election in which they received public financing.

3.13.090 - Use of personal funds.

A candidate who accepts public financing shall not receive contributions or loans from the candidate's own funds which aggregate total exceeds ten percent of the voluntary expenditure ceiling for the office being sought. If the voluntary expenditure ceilings for the office being sought are lifted, this provision shall not apply.

Article V. - Disbursement of Public Financing**3.13.100 - Duties of the public ethics commission and office of the city auditor.**

- A. The public ethics commission shall develop any and all forms necessary to carry out the provisions of the Act. The public ethics commission may, in its discretion, require

any document or form to be filed in an electronic format that is provided by the public ethics commission to the candidates free of charge.

- B. The public ethics commission shall review records submitted to determine a candidate's eligibility to receive public financing and requests for reimbursement promptly. For any candidate determined not to be eligible for public financing, the commission or its designee shall inform the candidate of the reasons why the candidate is not eligible and what actions, if any, the candidate may take to correct any insufficiencies.
- C. The city auditor shall conduct mandatory post-election audits of all candidates accepting public financing. The city auditor may chose to limit the scope of any audit to the items submitted for reimbursement. The audit report shall be a public record and provided to the public ethics commission. The city auditor shall conduct all audits in accordance with generally accepted government auditing standards.

3.13.110 - Requests for public financing.

- A. Public financing pursuant to this Act shall be provided solely by reimbursing eligible candidates for certain qualified campaign expenditures lawfully made by the candidate and his or her campaign committee.
- B. The qualified campaign expenditures eligible for reimbursement are:
 - 1. Candidate filing and ballot fees;
 - 2. Printed campaign literature and production costs;
 - 3. Postage;
 - 4. Print advertisements;
 - 5. Radio airtime and production costs;
 - 6. Television or cable airtime and production costs; and
 - 7. Website design and maintenance costs.
- C. The following conditions and restrictions shall apply to any request for reimbursement:
 - 1. All requests for reimbursement shall be made on a form authorized by the public ethics commission and shall include: (a) a copy of the billing invoice for which reimbursement is sought; (b) a copy of the check(s) by which the candidate's campaign committee made payment on the billing invoice; and (c) a copy, when applicable, of the campaign literature, advertisement, radio or television script, or website configuration.
 - 2. All requests for reimbursement shall include a sworn declaration by the candidate and his or her campaign treasurer that (a) the check(s) used to make payment on the billing invoice represents payment in full of the billing invoice submitted for reimbursement and that sufficient funds exist in the campaign account to provide payment, and (b) any money received from the election campaign fund has not been previously earmarked or specifically encumbered to pay or to secure payment of any loan, return of contribution or of any expenditure other than the one for which reimbursement was sought.
- D. Any decision made by the executive director to deny a request for reimbursement may be appealed to the commission whose decision shall be final. A request to

agendize an appeal of the executive director's decision shall be made in writing and delivered to the office of the public ethics commission no more than ten calendar days after receiving written notice of the executive director's decision.

- E. The total amount of public financing allocated to each candidate shall not exceed 30 percent of the voluntary expenditure ceiling per election for the office being sought.

3.13.120 - Disbursement and deposit of public financing.

- A. A candidate or candidate's controlled committee, certified as eligible to receive public financing, shall submit requests for reimbursement to the public ethics commission in minimum increments of \$1,000.00 or more.
- B. A candidate or candidate's controlled committee, certified as eligible to receive public financing, shall submit requests for reimbursement in minimum increments of \$500.00 or more ten calendar days before the election.
- C. The public ethics commission or its designee shall have ten calendar days to cause the review and approval or denial of the request for reimbursement and disburse funds from the election campaign fund to the candidate or candidate's controlled committee.
- D. All funds disbursed from the election campaign fund shall be made payable to the candidate's controlled committee and shall be deposited directly into the candidate's campaign checking account within three business days of receipt.

3.13.150 - Return of surplus funds.

- A. Surplus campaign funds remaining at the end of the post-election reporting period following the election for which public financing was received shall be returned to the election campaign fund no later than 31 calendar days from the last day of the semi-annual reporting period following the election in an amount specified by this section. A candidate shall not be required to return any surplus funds in an amount greater than the amount of public financing received. The amount of surplus campaign funds to be returned to the election campaign fund shall be calculated by multiplying the amount of surplus campaign funds by the percentage that total public financing received represents of total monetary contributions received for the election period.
- B. For purposes of this Act, campaign funds shall be considered "surplus" campaign funds to the extent that the total amount of contributions (excluding the receipt of public financing) exceed the total financial obligations of the candidate's campaign committee (excluding unlawful or non-qualified campaign expenditures) as of the last day of the semi-annual reporting period following the election. A financial obligation includes (1) accounts payable billed, or (2) accounts payable for which bills may be expected, for goods or services received during the election.
- C. Public financing shall not be disbursed to the certified candidate from the election campaign fund following the day of the election or the candidate's withdrawal from the election, whichever occurs first, except that public financing may be disbursed to a certified candidate after the date of the election or withdrawal provided that the

candidate submitted a properly documented request for reimbursement before the date of the election or the date of withdrawal from the election.

3.13.170 - Public debates.

While not a condition for receiving public financing, candidates receiving public financing are strongly encouraged to participate in one or more nonpartisan candidate debates for each election.

3.13.180 - Enforcement.

The public ethics commission is the sole body for civil enforcement of this Act. In the event criminal violations of the Act come to the attention of the public ethics commission, the commission shall promptly advise in writing the city attorney and the appropriate prosecuting enforcement agency.

3.13.190 - Criminal misdemeanor actions.

Any person who knowingly or willfully (1) misrepresents his or her eligibility for public financing, (2) makes a material misrepresentation in connection with a request for reimbursement, or (3) causes, aids or abets any other person to violate the provisions of this Act, is guilty of a misdemeanor. Prosecution shall be commenced within four years after the date on which the violation occurred.

3.13.200 - Enforcement actions.

- A. Any person who intentionally or negligently (1) misrepresents his or her eligibility for public financing, (2) makes a material misrepresentation in connection with a request for reimbursement, or (3) causes, aids or abets any other person to violate the provisions of this Act, is subject to enforcement proceedings before the public ethics commission pursuant to the public ethics commission general rules of procedure.
- B. If two or more persons are responsible for any violation, they shall be jointly and severally liable.
- C. Any person alleging a violation of this Act shall first file with the public ethics commission a written complaint on a form approved for such purpose. The complaint shall contain a statement of the grounds for believing a violation has occurred. The public ethics commission shall review, investigate and make determinations regarding any alleged violation consistent with the public ethics commission's general complaint procedures.
- D. The commission has full authority to settle any action involving public financing in the interest of justice.
- E. If the commission determines a violation has occurred, the commission is hereby authorized to administer appropriate penalties and fines not to exceed \$1,000.00 per violation and to order the repayment of public financing received or expended in violation of law.

- F. The public ethics commission may sue for injunctive relief to enjoin violations or to compel compliance with the provisions of this Act.
- G. No complaint alleging a violation of any provision of this Act shall be filed more than four years after the date the violation occurred.

3.13.220 - Construction.

The Act shall be liberally construed to accomplish its purposes.

3.13.240 - Applicability of other laws.

Nothing in this Act shall exempt any person from applicable provisions of any other laws of the city, state or other appropriate jurisdiction.

3.13.260 - Severability.

If any provision of this Act, or the application of such provision to any person or circumstance, shall be held invalid, the remainder of this Act to the extent it can be given effect, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby, and to this extent the provisions of this Act are severable.

APPENDIX 2: Local Contribution and Expenditure Limits

The Limited Public Financing Act applies in conjunction with the Oakland Campaign Reform Act (OCRA). OCRA, as amended in 2019, establishes, among other things, local contribution limits and optional campaign spending limits for Oakland candidates and committees.

Spending limits for Citywide offices, such as the Mayor, City Auditor, and City Attorney, as well as each individual district office, are established in correlation to the number of residents in each district and shall not exceed a specified amount per resident for each election in which the candidate is seeking office (O.M.C. 3.12.200). The PEC adjusts the contribution and spending limits annually to reflect the increase in the Consumer Price Index.

The next page provides a breakdown of the contribution and expenditure limits for 2020. To learn more about local contribution and spending limits, check out the Commission's 2020 OCRA Guide for candidates.

**CITY OF OAKLAND
CAMPAIGN CONTRIBUTION AND VOLUNTARY CAMPAIGN SPENDING LIMITS
PER THE OAKLAND CAMPAIGN REFORM ACT
2020**

LIMITATIONS ON CONTRIBUTIONS FROM PERSONS (§3.12.050)

For candidates who DO NOT agree to limit campaign spending (3.12.050(A))	\$200
For candidates who agree to limit campaign spending (3.12.050(B))	\$900

LIMITATIONS ON CONTRIBUTIONS FROM BROAD-BASED POLITICAL COMMITTEES (§3.12.060)

For candidates who DO NOT agree to limit campaign spending (3.12.050(A))	\$400
For candidates who agree to limit campaign spending (3.12.050(B))	\$1,700

EXPENDITURE CEILINGS FOR CANDIDATES FOR MAYOR AND OTHER CITYWIDE OFFICES WHO AGREE TO VOLUNTARY SPENDING LIMITS (§3.12.200)

Mayor	\$488,000
City Auditor	\$348,000
City Attorney	\$348,000
Council Member At-Large	\$348,000
District 1 Council Member	\$153,000
District 2 Council Member	\$153,000
District 3 Council Member	\$153,000
District 4 Council Member	\$146,000
District 5 Council Member	\$146,000
District 6 Council Member	\$146,000
District 7 Council Member	\$148,000
District 1 School Board Director	\$102,000
District 2 School Board Director	\$102,000
District 3 School Board Director	\$102,000
District 4 School Board Director	\$97,000
District 5 School Board Director	\$97,000
District 6 School Board Director	\$97,000
District 7 School Board Director	\$99,000

INDEPENDENT EXPENDITURE COMMITTEE THRESHOLD/EXPENDITURE CEILINGS LIFTED (§3.12.220)

Citywide offices	\$125,000
District offices	\$27,000



Public Ethics Commission
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