

Oakland Public Ethics Commission
Limited Public Financing/Democracy Dollars Program
Debate Guidelines

A. **Purpose.** This policy describes:

1. What events qualify as a “public debate or forum” for the purposes of candidate eligibility for the Limited Public Financing Program of 2024 (LPF) or the Democracy Dollars Program;
2. The process candidates will use for certifying compliance with the minimum debate or forum requirements of these Programs to the Public Ethics Commission (PEC); and
3. The actions the PEC shall take if the requirement is not met.

B. **Eligible Debates.** For the purposes of the Oakland Fair Elections Act Democracy Dollars program and the Limited Public Financing Act program, a “public debate or forum” means an online or in-person live event where a participating candidate gives a speech, participates in a panel discussion, or responds to questions, and that meets all the following conditions:

1. The event is free and open to the public.
2. The event is held within 120 days of the applicable election.
3. The event is not structured to promote or advance one candidate over another.
4. The following candidates have been invited to participate in the event:
 - a) All candidates for the covered office being sought that have filed a Form 501; or
 - b) All candidates for the covered office being sought that have qualified to participate in the LPF Program or the Democracy Dollars Program or that have pending applications to participate in either program; or
 - c) All candidates for the covered office being sought that have qualified for the ballot.
5. The event host has not already endorsed any of the candidates for the covered office being sought for this election and is not endorsing any of the candidates for the covered office being sought at the event.

C. **Certifying Debate Attendance.** Within 5 days of attending a qualifying debate or forum, the candidate shall notify the PEC using a form provided by the PEC. The form shall require that the candidate indicate all the following:

1. The date, time, and location of the event.
2. The name of the person or entity organizing the event.
3. The contact information for the person or entity organizing the event, including at least an email address or phone number.
4. A certification that to the best of the candidate’s knowledge, the event met the requirements for being a qualifying public debate or forum and an acknowledgment that failure to meet the debate requirement may result in forfeiture of some or all public financing received by the campaign, in addition to other penalties.
5. The candidate’s name, contact information, and signature.
6. Any other information required by the Executive Director to verify compliance with OMC 3.15.080(A)(3), OMC 3.13.080(H), or this Policy.

D. **Demonstrating Compliance.** Thirty (30) days before the election the PEC may require that participating candidates demonstrate that they have met the minimum public debate or forum requirements by either:

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1. Submitting certifications for attending the minimum number of qualifying events; or
2. Submitting a form indicating that, prior to the election, they will have met this requirement, along with a list of the date, time, location, host name, and host contact information for the upcoming qualifying event(s) they have committed to attend.

If a candidate does not demonstrate that they have met or will meet the minimum debate or forum requirements with the submissions identified in (1) and/or (2), the PEC may halt distribution of additional public funds to the candidate until the candidate demonstrates they have or will meet this requirement.

- E. ***Disqualifying a Debate/Forum.*** If the Executive Director determines that an event does not qualify as a debate or forum, the Director shall notify the candidate and the reason why. Within 14 days of receiving such notice, the candidate may appeal the Executive Director's decision to the full Commission at its next regular meeting.
- F. ***Waiver for Good Cause.*** The Executive Director may grant a partial or complete waiver of the debate requirement if a candidate shows good cause for not attending the required number of qualifying events. The Director may require that the candidate provide adequate supporting documentation that good cause exists. The following are examples of reasons that **do constitute good cause** and are eligible for a waiver:
1. ***There were insufficient qualifying events for a covered office.***
 2. ***The candidate had a reasonable and good faith belief that a non-qualifying event was a qualifying event.*** Adequate documentation may include a written statement by the event host before the event indicating that the event met the requirements of a qualifying event.
 3. ***The candidate was incapacitated for medical reasons which prevented the attendance of a qualifying event.*** Adequate documentation may include the candidate providing a signed statement by a medical provider, such as a doctor or therapist, on the medical provider's letterhead identifying the candidate, the nature of the candidate's incapacitation, and the date(s) thereof.
 4. ***The candidate was hospitalized which prevented the attendance of a qualifying event.*** Adequate documentation may include the candidate providing a copy of the hospital bill or physician's statement showing the candidate's name and the date(s) of the hospitalization.
 5. ***The candidate was involved in a serious accident or was the victim of a serious crime which prevented the attendance of a qualifying event.*** Adequate documentation may include the candidate providing a copy of a police report showing the candidate's name, the date and time of the accident or incident, and, if applicable, whether the vehicle was disabled, in addition to a written statement by the candidate explaining how the accident prevented them from attending a qualifying event.
 6. ***The candidate was unable to meet the requirement because they were assisting an immediate family member who was medically incapacitated, hospitalized, or involved in a serious accident or was the victim of a crime.*** Adequate documentation may include documents described above and documents indicating that the affected person(s) are an immediate family member. Immediate family is defined as the candidate's spouse or registered domestic partner; sibling; sibling's spouse or registered domestic partner; child or stepchild; child or stepchild's spouse or registered domestic partner; grandchild; parent; spouse or registered domestic partner's parent; or grandparent.
 7. ***Other compelling reasons generally beyond the candidate's control.***

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This Section applies to the Democracy Dollars Program only.

- G. ***Alternate Qualifying Events in lieu of a Debate/Forum.*** If, prior to the election, there will be insufficient qualifying events or if a candidate shows good cause for why they will not be able to attend the required number of qualifying events, the Executive Director may allow a candidate to satisfy the debate requirement by participating in alternate activities aimed at voter education, such as conducting a "Town Hall Meeting."

For the purposes of this policy, a "Town Hall Meeting" means an event conducted by a participating candidate, in-person or online, that meets all the following conditions:

1. The event is open to the public, the media, and other candidates.
2. The event lasts at least 60 minutes.
3. The majority of the event time is focused on the participating candidate responding to questions posed by attendees.
4. The candidate promoted the event in advance to the public, for example by posting information about the event to the candidate's website and social media accounts and alerting media outlets.

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- H. ***Failure to Meet Debate Requirement.*** If, after the election, a candidate is determined not to have met the minimum debate or forum requirements, the PEC may bring an enforcement action against the candidate for violating the requirements of the LPF or Oakland Fair Elections Act, and the candidate may be required to reimburse all or some of the public funds previously distributed to that candidate in addition to any other enforcement penalties.

- I. ***Optional Event Pre-Qualification.*** An organization may register their event as a qualifying debate or forum in advance of the event using a form provided by the PEC which indicates:

1. The name of the organization hosting the event.
2. The date, time, and location of the event.
3. The names of the candidates who were or will be invited to participate at the event.
4. A certification that the event meets the requirements for being a qualifying public debate or forum.
5. An acknowledgement that the organizer understands that event information may be posted online and/or shared with PEC subscribers to notify the public of the event.

After a registered qualifying event, the organization may provide to the PEC a link to a recording of the full event.

The PEC will provide participating candidates with a list of registered qualifying debates and may post upcoming registered qualifying debates and/or links to recordings of qualifying debates on its website.