

Rules of the Road: Running for Office in Oakland



PRESENTED BY
PUBLIC ETHICS COMMISSION



Introduction

- State Rules – California Fair Political Practices Commission
- Local Rules – Oakland Public Ethics Commission
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This overview is not to provide legal advice. If you have fact-specific questions, contact the PEC's advice and assistance line.



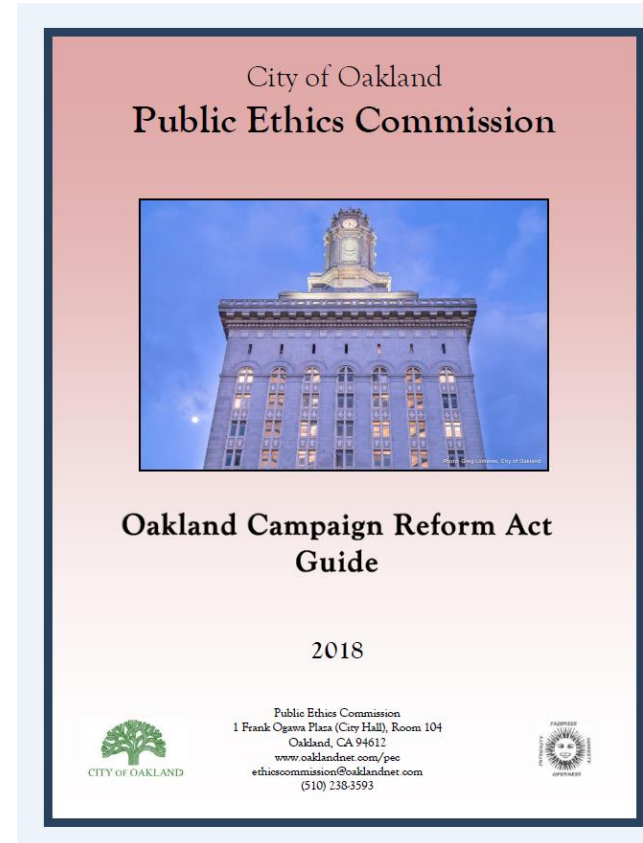
Training Outline

- **Local Oakland Campaign Reform Act**
- **Electronic Filing Requirement**
- **Voluntary Campaign Spending Limits**
 - OCRA Form 301
- **Local Contribution Limits and Restrictions**
 - Broad Based Committee
 - Aggregation of Contributions
 - When Loans and Unpaid Bills Become Contributions
 - Required Notice on Fundraising Materials
 - Contractor Prohibition
- **Limited Public Financing Program**
- **Resources**



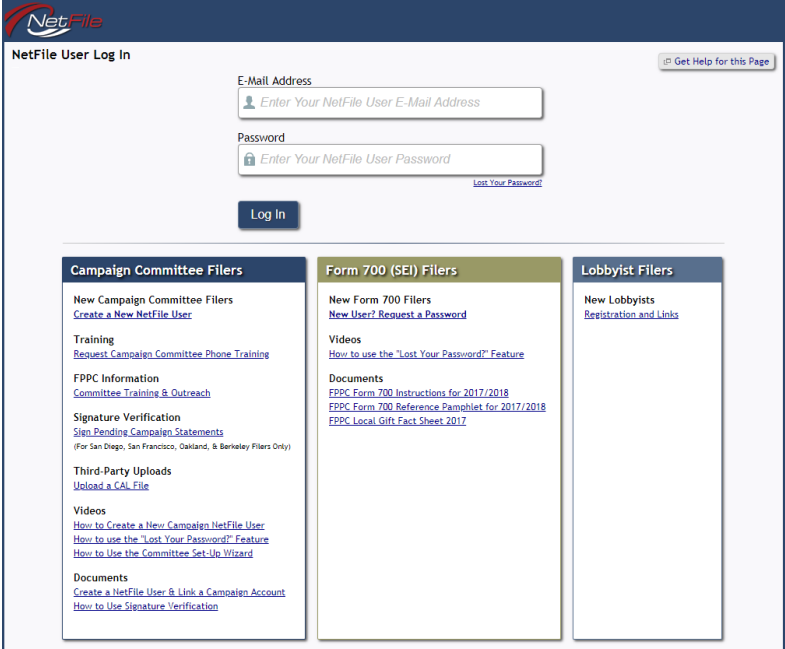
Local Oakland Campaign Reform Act (OCRA)

- Local rules in addition to state rules
- Must comply with both
- OCRA establishes:
 1. Electronic filing requirements
 2. Local contribution limits
 3. Optional expenditure limits
 4. Contractor contribution restrictions



Electronic Filing Requirement

- Mandatory electronic filing
- NetFile: free, online filing system
- Signature card required first
- Free 30-minute phone training with NetFile
- Don't wait until filing day! Start early and call for assistance early!



NetFile User Log In

Get Help for this Page

E-Mail Address
Enter Your NetFile User E-Mail Address

Password
Enter Your NetFile User Password [Lost Your Password?](#)

Log In

Campaign Committee Filers	Form 700 (SEI) Filers	Lobbyist Filers
New Campaign Committee Filers Create a New NetFile User	New Form 700 Filers New User? Request a Password	New Lobbyists Registration and Links
Training Request Campaign Committee Phone Training	Videos How to use the "Lost Your Password" Feature	
FPPC Information Committee Training & Outreach	Documents FPPC Form 700 Instructions for 2017/2018 FPPC Form 700 Reference Pamphlets for 2017/2018 FPPC Local Gift Fact Sheet 2017	
Signature Verification Sign Pending Campaign Statements <small>(For San Diego, San Francisco, Oakland, & Berkeley Filers Only)</small>		
Third-Party Uploads Upload a CAL File		
Videos How to Create a New Campaign NetFile User How to use the "Lost Your Password" Feature How to Use the Committee Set-Up Wizard		
Documents Create a NetFile User & Link a Campaign Account How to Use Signature Verification		

Voluntary Campaign Spending Limits

■ A candidate can choose one of two roads to take for campaign fundraising and spending:

1. Voluntary Accept Spending Limits

- Can raise contributions at a higher amount
- Can spend up to the spending limit for the election

2. Don't Accept Spending Limits

- Not bound by spending limit
- Cannot raise contributions at higher amount

■ Benefit of agreeing to limit spending = ability to receive contributions in greater amounts than those who don't.

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

How to Accept Spending Limits

- File OCRA Form 301 with the Public Ethics Commission **before** receiving contributions at the higher limit.



Local Contribution Limits and Restrictions

- **Candidates agreeing to limit their spending:**
 - Person - \$900 per election
 - Broad-Based Political Committee - \$1,700 per election
- **Candidates who do not agree to limit spending:**
 - Person - \$200 per election
 - Broad-Based Political Committee - \$400 per election

Regardless of whether a candidate accepts or rejects the voluntary expenditure ceiling, any candidate is free to contribute to or loan his or her campaign any amount of money from his her own personal funds (beware of LPF rules – see later slide).

Note: Candidates cannot directly or indirectly solicit contributions from City employees or board/commission members unless part of a mass solicitation to the general public.



“Person”

- “Person” is defined broadly
- Includes individuals, businesses, organizations, and any committee that does not qualify as a broad-based political committee



Broad Based Political Committee

- What is a broad-based political committee?
 1. Has been in existence for more than 6 months
 2. Receives contributions from 100 or more persons
 3. Makes contributions to 5 or more candidates (not required that all 5 or more candidates be running for City office)

Campaign Tip: Candidates should assume the limit for contributions from “persons” applies unless they know the committee qualifies as a broad based committee

To help determine whether a political committee qualifies as a “broad-based political committee,” candidates can search the filings of state registered political committees using the California Secretary of State’s website at www.sos.ca.gov.

Aggregation of Contributions

Contributions from two or more entities are treated as coming from the same person when:

- The entities share a majority of members on their respective boards of directors
- The entities share three or more, or a majority of officers
- The entities are owned or controlled by the same majority shareholder(s)
- The entities are in a parent-subsidary relationship
- One entity finances, maintains, or controls the other entity's contributions or expenditures

Watch out for:

- Same name printed on two separate checks
- Same person signing multiple checks

Note: Contributions by two individuals married to each other are treated as separate contributions.

When Loans and Unpaid Bills Become Contributions

- Loans – must be made in writing, written document must be filed with candidate’s campaign statement
 - Commercial = allowable, if terms are same for everyone
 - Non-commercial = considered a contribution subject to limits
- Extension of credit or unpaid bills become a contribution subject to limits if more than \$1,500 and 90 days.

Campaign Tip: If you are not able to pay outstanding bills within 90 days, you should arrange some form of payment schedule in which all vendors are paid something on a regular basis.

Required Notice on Fundraising Materials

- All campaign fundraising material must include a notice that consists of the following language:

The Oakland Campaign Reform Act limits campaign contributions by all persons (OMC §§3.12.050 and 3.12.060) and prohibits contributions during specified periods from contractors doing business with the City of Oakland or the Oakland Unified School District (§OMC 3.12.140).

- The notice should appear on any printed or electronic medium that solicits or explains how to make a campaign contribution.

Contractor Prohibition

- Persons negotiating contracts with the City of Oakland or Oakland School Board may not make contributions to Oakland candidates.
 - **When:** This “contractor ban” applies from the time negotiations on the affected contract begin to 180-days (6 months) after the completion or termination of negotiations of the contract.
 - **Which contracts the ban applies to:** The ban applies to contracts that would require City Council or School Board approval.

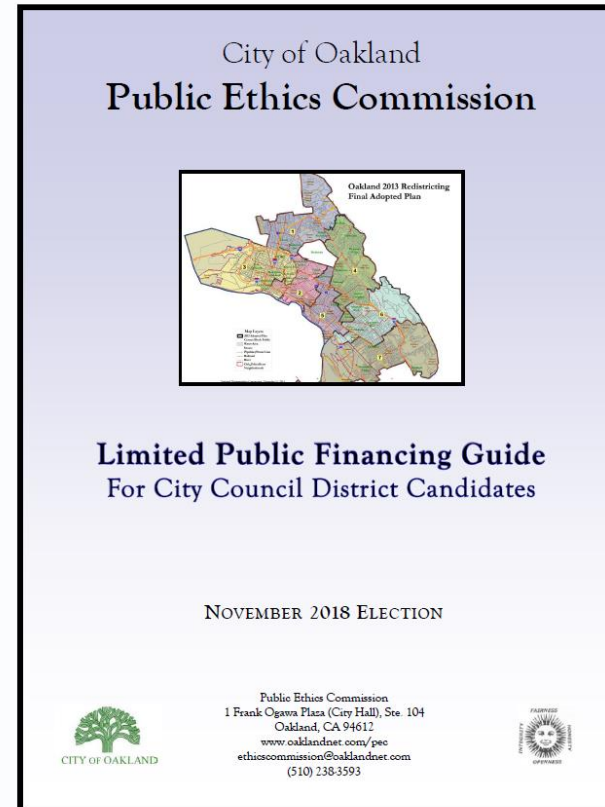
Campaign Tip: Use the **PEC’s contributor verification card** to find out from contributors whether they are negotiating a contract with the City or School Board.

See OCRA Guide Appendix IV



Limited Public Financing Program

- Public funding available for District Council candidates (ranges from \$10,000 – \$25,000)
- Program requirements:
 - Can't loan/give personal funds more than 10% of expenditure ceiling
 - Must raise contributions and make expenditures equal to 5% of expenditure ceiling
 - Must submit required forms, copies of invoices, checks, mailers, etc.
 - Attend training (August 23rd or 24th)



Resources

- PEC Candidate Binder
 - FPPC Campaign Manual
 - OCRA Guide
 - Limited Public Financing Guide
- PEC Advice and Assistance
 - (510) 238-3593
 - ethicscommission@oaklandca.gov
 - PEC Website: www.oaklandca.gov/pec

