CITY OF OAKLAND
Public Ethics Commission

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Daniel D. Purnell, Executive Director

One Frank Ogawa Plaza, 4th Floor, Oakland, CA 94612 (510) 238-3593 Fax: (510) 238-3315

TO: Public Ethics Commission
FROM: Daniel Purnell
DATE: August 2, 2010

RE: Approval Of Required Forms For The Limited Public Financing Program

On July 27, 2010, the Oakland City Council adopted a series of amendments to the Limited Public Financing Act ("Act") initially developed and proposed by the Commission. The amendments fundamentally alter the manner in which public financing is provided to candidates to assist with election expenses. The amendments essentially eliminate the dollar-for-dollar match of qualified campaign contributions in favor of a system of reimbursement for certain campaign expenses. ***Attachment 1.***

Section 3.13.100 provides that the Commission "shall develop any and all forms necessary to carry out the provisions of the Act." Attached for the Commission's review and approval are four proposed forms which Commission staff believes are necessary to implement the application and approval of claims for public financing.

LPF Form No. 1 ("Statement Of Acceptance Or Rejection Of Public Financing")

Section 3.13.070 requires candidates to file a "Statement Of Acceptance Or Rejection Of Public Financing" no later than 14 days after the City Clerk has certified the names of candidates to appear on the ballot. Candidates are advised that the decision to reject public financing is irrevocable, and that the failure to timely file the Statement shall constitute a rejection of public financing.

LPF Form No. 2 ("Initial Application For Public Financing")

Section 3.13.080 sets forth the procedures and requirements by which candidates must qualify for public financing. LPF Form No. 2 sets forth the eligibility and other requirements of the program. The candidate is asked to certify and declare that they

have read and understood the Act, have complied with the voluntary expenditure ceiling applicable to their election, and that all documents attached to the form are true and accurate copies of the original.

LPF Form No. 3 ("Reimbursement Claim Form")

Section 3.13.110 sets forth the process and requirements by which public financing is actually claimed. Candidates must provide copies of any invoice, proof of payment and all communications purchased. The candidate is required to state that the copies are true and accurate, that the invoices have been paid-in-full, and that any monies received from the program have not been previously earmarked or encumbered to pay any other loan, return of contribution or other expenditure.

LPF Form No. 4 ("Verification Of Oakland Address")

Section 3.13.080(C) requires that candidates receive in Oakland-based contributions an amount totaling at least five percent of the voluntary expenditure limit for the office being sought. A growing number of campaign contributions are received using electronic means, such as "PayPal", where the stated address is entered on the electronic form and technically "appears on the written instrument used to make the contribution. In the past, Commission staff has occasionally raised questions or doubts about the location or place of business of the donor. In such cases, Commission staff may require additional verification that the contribution comes from an Oakland source and has developed LPF Form No. 4 for that purpose.

Commission staff is developing an application package for eligible candidates participating in the November 2, 2010, election. The Commission is asked to review and approve the attached forms so that these application materials can be made available promptly to interested candidates.

Respectfully submitted,

Daniel D. Purnell
Executive Director