



Public Ethics Commission



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New Law Effective in 2017: Stronger Oakland Campaign Reform Act

Recent Amendments Strengthen Public Ethics Commission Enforcement Authority and Transfer Filing Officer Duties to the Commission

The New Year heralded strengthened enforcement authority and increased responsibility for the Public Ethics Commission with respect to campaign finance as amendments to the Oakland Campaign Reform Act (Act) and the Oakland City Charter took effect on January 1, 2017. The new provisions enable the Commission to levy heavier penalties for campaign finance violations and to conduct greater oversight over campaign finance disclosures.

Changes to the Oakland Campaign Reform Act more than double penalties for campaign finance violations, from a maximum fine of \$2,000 to \$5,000 per violation; expand the statute of limitation period so that the Commission can prosecute violations as far back as four years; and enable the Commission to require forfeiture of contributions received illegally. The amendments also require greater transparency on mass mailings and television advertisements funded by independent expenditure committees. The Oakland City Council unanimously approved the Commission-proposed amendments to the Act on November 29, 2016, with an effective date of January 1, 2017.

Also taking effect on January 1, 2017, is a City Charter provision that requires campaign statements to be filed with the Public Ethics Commission rather than the City Clerk's Office, which has received such filings in the past. This change enhances the Commission's ability to ensure compliance with reporting rules and to impose penalties on candidates and committees that fail to report campaign data.

"Following the enactment of the City Charter Amendment that strengthened the Commission's overall authority, staffing, and independence, as well as passage of the Government Ethics Act, these amendments to the Oakland Campaign Reform Act were the next big step in ensuring that our local ethics commission is on par with ethics commissions around the state," said Commission Chair Sonya Smith. "These changes bolster the campaign finance leg of our Commission's work and build on the foundation laid by the charter amendment."

"The Commission's new role as filing officer for campaign statements may seem uneventful on its face, but it allows our team to work closely with filers to enhance their compliance with our laws and gives us direct access to the data to ensure

more accessible disclosure,” said Executive Director Whitney Barazoto. “Our www.OpenDisclosure.io project is an example of how this data can be made more accessible and fun to search, and our new ownership over the process will facilitate these types of data projects.”

The Public Ethics Commission (www.oaklandnet.com/pec) was created by voters in 1996 and has grown significantly in recent years due to the new Government Ethics Act and City Charter amendment passed in 2014. The Commission is an independent City agency, governed by a seven-member citizen board, responsible for ensuring compliance with the City’s new Government Ethics Act, as well as Oakland’s Campaign Reform Act, Lobbyist Registration Act, Limited Public Financing Act, False Endorsement in Campaign Literature Act, and Sunshine Ordinance. The Commission’s activities include leadership, education, ethics and campaign finance disclosure, investigations, and administrative prosecution.

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