

PUBLIC TRUST

Enhancing Equity and Engagement in the Selection of City Elected Leaders

A mecca for social justice movements and a highly engaged populace, Oakland is rich in both dialogue and action toward a more authentic democracy. Yet the City lacks an effective approach to ensuring its electoral campaign process is equally robust in providing Oaklanders with meaningful opportunities to participate in the process of selecting its City leadership—aka. the campaign process for candidates seeking elective office.

Traditionally, individual participation in the candidate campaign process consists of making contributions or volunteering for candidates, and the City imposes contribution limits and reporting requirements to ensure transparency of money received and spent by candidates.

In 1999, Oakland innovated by creating a then-new system of providing funds to candidates seeking political office, with the express policy goals of reducing the influence of money in politics and diversifying the pool of candidates running for office, among others. At that time, public funding of elections combined with contribution limits and other restrictions was the go-to solution to the concern that campaign contributions could have a corrupting influence on candidates and office-holders.

With recent advances in civic engagement practices, attention on user-centered design, and expansion of racial and socio-economic equity work, forward-thinking cities are adopting better solutions to engaging with and serve residents overall. These new approaches to civic engagement and equity provide opportunities to raise and empower voices that historically have been ignored or excluded in the process of selecting elected officials and, ultimately, to change the culture of participation in

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campaign and civic life over the course of the next decade.

To that end, the Public Ethics Commission (PEC or Commission) is asking Oaklanders about their participation in the candidate campaign process in order to assess the needs and desires of our residents and use that input to redesign the City’s campaign finance system to achieve more equitable outcomes for Oaklanders.

If you have internet access, check out our survey online by going to our website at www.oaklandnet.com/pec and clicking on “Expanding Political Participation Survey.” The survey takes about 15 minutes to complete.

The Commission and volunteers also are out in the community surveying residents directly. If you or your organization would like to have a volunteer come talk with your group directly, please contact us at (510) 238-3593.



Source: <http://www.wausaudailyherald.com/story/opinion/2014/07/16/money-politics-threatens-democracy/12747061/>. Syndicated by Cagle Cartoons.

Illuminating Campaign Data

Would you like to see who contributes to Oakland candidates for the November 2018 election?

OpenOakland volunteers and PEC staff have partnered since 2014 to provide Oakland residents unbiased election campaign contribution and expenditure data in an accessible format so that residents can easily see the source of campaign contributions and how funds are spent to influence voters. The online Open Disclosure tool, accessible at www.opendisclosure.io, was piloted in 2014 with mayoral candidate data and expanded in 2016 to include all Oakland candidates and ballot measures.

The Open Disclosure team is finishing updates for the 2018 election, with an official launch in September. The new site now includes data for all races on the city ballot, including Mayor, City Council, City Attorney, City Auditor, Oakland School Board, along with links to candidate information. The site also shows spending by third parties to support or oppose local candidates, which is another important factor in elections. Users can also search and sort lists of campaign donors by name, date and amount.

By California and local law, candidates and ballot meas-

ure campaigns must report who contributes to their campaigns and how they spend their money. The Public Ethics Commission maintains an online public access portal where users can view statements and download campaign finance data. While the statements and data are publicly available, the format is difficult for most people to understand and sometimes requires special knowledge to interpret correctly.

To receive updates on the website, subscribe to our mailing list at www.oaklandnet.com/pec. If you would like a demonstration of OpenDisclosure for your neighborhood or community group meeting contact us at ethicscommission@oaklandca.gov.



Above: Open Disclosure team working at OpenOakland in 2018

Calls for Advice Are Up!

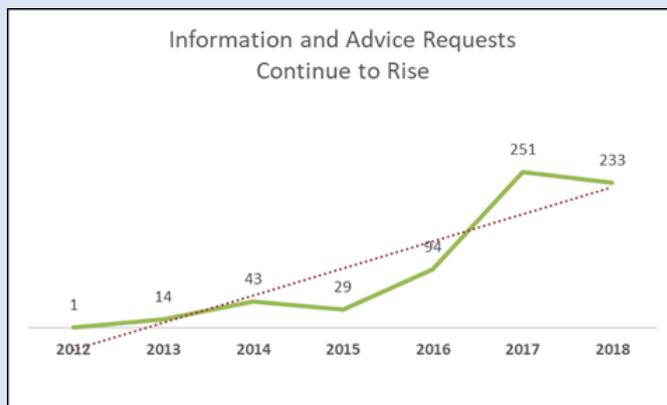
Since 2013, calls to the Public Ethics Commission for advice have increased seventeen-fold. In 2017, Commission staff responded to more advice requests than ever before: 251 requests for information, advice or assistance regarding campaign finance, ethics, or lobbyist registration issues, and the trend has continued into this year with over 233 requests received as of July 2018.

Advice calls are a significant indicator of a culture of ethical behavior because it shows that individuals know about ethics rules and are attempting to ensure that they are following the law. Ethics laws can be complicated, which is why the Public Ethics Commission provides phone and email advice to City employees, candidates running for office, and lobbyists and contractors seeking to influence or do business with City government.

For example, a City employee receiving a free membership to a local organization called the PEC to find out if that is an allowable benefit they can receive under the City's gift rules. Another example includes a former employee calling to ask whether they can contract with the City within the first year after they left the City.

Of the 251 requests received in 2017, 135 were campaign-related questions, mostly from treasurers, candidates, and law firms seeking to comply with campaign finance laws. Other questions came from City staff and officials, lobbyists, and people doing business with the City.

If you have a question about ethics, lobbying, or campaign finance laws as they apply to you, contact the PEC at (510) 238-3593 or ethicscommission@oaklandca.gov.



Spot the Yellow Flag!

Don't Make or Receive an Illegal Contribution



Did you know that there is a limit on the amount of money an individual or entity can contribute to a candidate in Oakland? Did you know that individuals doing business with the City are prohibited from making contributions?

Oakland's contribution limits help to reduce the influence that money has in local elections by capping the amount that an individual or entity can contribute to a candidate. For the 2018 election, contribution limits are as follows:

Candidates that choose to limit campaign spending:

Individuals/Businesses—\$800
Broad-Based Political Committees—\$1,600

Candidates that choose not to limit campaign spending:

Individuals/Businesses—\$200
Broad-Based Political Committees—\$400

It is important to know that Oakland campaign laws treat contributions from an individual and a business that they own or control as coming from one person. For example, if an individual owns a local convenience store and makes the maximum contribution (\$800) to a candidate in their name, that individual is prohibited from making, and the campaign is prohibited from accepting, a separate contribution that is in the business' name.

Individuals and entities contracting with the City are prohibited from making a contribution of any amount to a candidate's campaign. This prohibition, known as the contractor ban, aims to eliminate the improper influence of individuals and entities that have a contract before City Council and School Board officials.

For more information on local contribution rules, go to www.oaklandca.gov and search *Oakland Campaign Contribution Limits*.



Ask the PEC

Lobbyist Rules

Q: How do I know if I am required to register as a lobbyist with the City?

A: The City's Lobbyist Registration Act requires any individual that does either of the following for the purpose of influencing any proposed or pending City government action to register as a lobbyist:

1. Receives or is entitled to receive one \$1,000 or more in economic consideration in a calendar month; or
2. Has job duties as a salaried employee, officer, or director of any corporation, organization, or association that include communication directly or through agents with any public official, officer, or designated employee.

Q: If I'm a City employee, how do I know if I'm being lobbied, and if so, what should I do?

A: If you notice that a non-City-employed individual is heavily involved in an issue or item under consideration by your department, including offering to discuss issues over lunch, expressing interest in the outcome, and sharing a great deal of information with staff, it's possible that you are being lobbied. If you think you are being lobbied and the individual is not registered with the City, contact the Public Ethics Commission (PEC).

For more information on lobbyist registration requirements, go to www.oaklandca.gov and search *Lobbyist Rules*.

Activity Updates

Enforcement

So far in 2018, the Commission has received 11 formal complaints, opened 5 investigations, resolved 10 cases.

The PEC also found probable cause that a lobbyist failed to timely file 12 lobbyist forms and set the matter for an administrative hearing.

In May, Commission staff brought a matter to an administrative hearing to decide whether an elected official violated the Oakland Government Ethics Act by soliciting and receiving gifts over the gift limit from a restricted source, voting to increase the restricted source's contract with the City, and failing to report the gifts she received from the restricted source on her Form 700.

Check out the PEC website for a list of fines, advisory letters, warning letters, and settlement documents.

Education

Election season is here and the PEC continues to educate candidates and officeholders regarding campaign rules in Oakland. In 2018, PEC staff has assisted and provided educational resources, including in-person consultations, to 40 candidates seeking local office.

On August 23 and 24, the PEC will be providing a public financing training for District City Council candidates interested in receiving available public funds for their campaigns.

Lobbyist Registration

Under the Lobbyist Registration Act, registered lobbyists are required to submit quarterly reports disclosing their lobbying activities in Oakland and are required to register with the City before commencing with any lobbying activities.

To date, there are 40 registered lobbyists with the City reporting lobbying activities including compensation received as well as solicitation of contributions made on behalf of an elected official.

Find out who is being paid to influence City staff and elected officials on administrative or legislative actions in Oakland by checking out our lobbyist information page on the PEC website.

Policy

At its June 4 meeting, the PEC approved a draft City Ticket Distribution Policy to reform the distribution and use of free tickets by Oakland City officials to ensure ticket distribution and use is for legitimate public purposes and complies with state and local ethics laws.

For more information about the City's ticket distribution process and the PEC's proposal that is heading to City Council, go to www.oaklandca.gov and search *City Ticket Distribution Policy*.

Outreach

Are you interested in good governance? Would you like to serve your City as a Public Ethics Commissioner?

The Public Ethics Commission will be opening its Commissioner application period and looking to fill one PEC-appointed vacancy in September.

If you or someone you know is interested in joining the Public Ethics Commission, check out the Commission's website to learn more about our work and send an email to ethicscommission@oaklandnet.com asking to be added to the Commissioner recruitment mailing list. As part of the application process, each applicant is required to have observed at least one Commission meeting in person.

Social Media

Follow the PEC on Twitter and Facebook. Stay informed of important updates and join the conversation on good governance and ethics.



@OakGovEthics



@OaklandEthics

You can also subscribe to our email distribution list at www.oaklandnet.com/pec.