



James E.T. Jackson, Chair
Jill M. Butler, Vice-Chair
Michael B. MacDonald
Janani Ramachandran
Joe Tuman
Jerett Yan

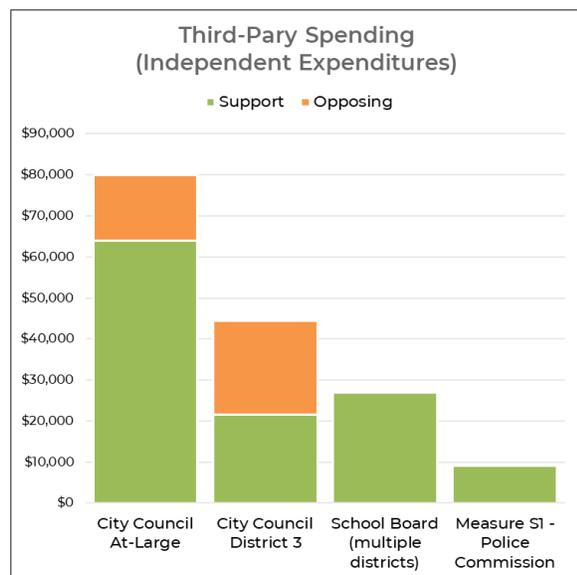
Whitney Barazoto, Executive Director

TO: Public Ethics Commission
FROM: Suzanne Doran, Lead Analyst
Jelani Killings, Ethics Analyst
Whitney Barazoto, Executive Director
DATE: September 25, 2020
RE: Disclosure and Engagement Report for the October 5, 2020, PEC Meeting

This memorandum provides a summary of the Public Ethics Commission’s (PEC or Commission) Disclosure and Engagement program activities since the last monthly meeting. Commission staff disclosure activities focus on improving online tools for public access to local campaign finance and other disclosure data, enhancing compliance with disclosure rules, and conducting data analysis for PEC projects and programs as required. Engagement activities include training and resources provided to the regulated community, as well as general outreach to Oakland residents to raise awareness of the Commission’s role and services and to provide opportunity for dialogue between the Commission and community members.

Filing Officer/Disclosure

Campaign Finance – The first pre-election filing deadline for the November election falls on September 24. All candidates on the November ballot must file. Candidates raising or spending \$2,000 or more file their campaign statements on FPPC Form 460. Candidates intending to keep their campaign under \$2,000 must file FPPC Form 470. Ballot measure committees and other recipient committees with fundraising or spending activity connected with the November ballot must also file for the pre-election deadline.



As reported previously, August 5 started the 90-day period leading up to the election when late contribution reports (FPPC Form 497) and late independent expenditure reports (FPPC Form 496) must be filed within 24-hours for contributions or independent expenditures of \$1,000 or more. After the September 24 deadline, staff will screen campaign statements for untimely and un-reported late contributions and independent expenditures and assess late fees as required.

Since August 5, \$873,000 in late contributions received have been reported, with the bulk of the funds (79 percent) going to third-party committees (not candidate-controlled or ballot measure committees) spending on independent expenditures.

Four committees reported \$160,481 in independent expenditures to influence election results in Oakland. The largest independent expenditures were in connection with the City Council At-Large and District 3 seats.

These figures are based on reports received through September 23 and will likely increase substantially when the data from the September 24 pre-election deadline is available.

Lobbyist Registration and Reporting – July 30 marked the deadline for quarterly lobbyist activity reports covering the period from April 1 through June 30, 2020. To date, 63 lobbyists representing 82 clients have registered using the new OakApps Lobbyist Reporting System. Sixty-two quarterly activity reports have been submitted electronically. A small number of pdf forms were accepted for lobbyists with no reportable activity to disclose.

Oakland lobbyists reported \$475,605 in payments from clients to influence City decisions, and a total of 271 contacts with City officials have been reported to date. No employment relationships with City officials or solicited political contributions were reported for the second quarter.

Illuminating Disclosure Data

Open Disclosure – The www.OpenDisclosure.io campaign finance app is live and newly updated every 24-hours with data for the 2020 election. Team volunteers will demonstrate the updated app live at the October Commission meeting. New features implemented for the 2020 elections include:

- Donor search across all elections and campaigns;
- Election overview pages with data highlights such as contributions reported, the three most expensive races, candidates with the largest proportion of small contributions, and a breakdown of contributions overall by source.

Open Disclosure is a project of OpenOakland volunteers in partnership with the Public Ethics Commission. OpenOakland is part of Code for America, a national network of community organizers and technologists seeking to put technology to work for the benefit of their local communities.

Lobbyist Disclosure – Commission staff continues our collaboration with the IT Department to automate publication of lobbyist disclosure data to the City's OakData open data portal in a user-friendly format.

Limited Public Financing Program (LPF)

The deadline for candidates to opt-in to the LPF program was August 27. Fifteen candidates opted-in to receive public financing. Their next step was for candidates to submit their LPF application (LPF Form 2) demonstrating that they met all of the program's qualification requirements along with their initial reimbursement request (LPF Form 3) by September 18.

Seven candidates met the September 18 deadline and will move forward with public financing for the 2020 election. Staff will now reallocate the available funding per the Commission's two-phased approach, resulting in an increase of \$11,657 for each participating candidate. Participating candidates are now eligible for a maximum of \$21, 857 in public financing. The table below lists the participating candidates and their respective districts:

Name	District
Dan Kalb (Incumbent)	1
Stephanie Dominguez Walton	1
Lynette Gibson McElhane (Incumbent)	3
Carroll Fife	3
Noel Gallo (Incumbent)	5
Richard Santos Raya	5
Treva Reid	7

Staff is now verifying submitted documentation and processing reimbursement claims. Over the next several weeks, staff will work closely with each participating candidate and their treasurer to facilitate claim submission and payments to campaigns. Staff followed up with candidates who did not meet the deadline and found that most of them were not able to meet the program’s five percent contribution eligibility threshold.

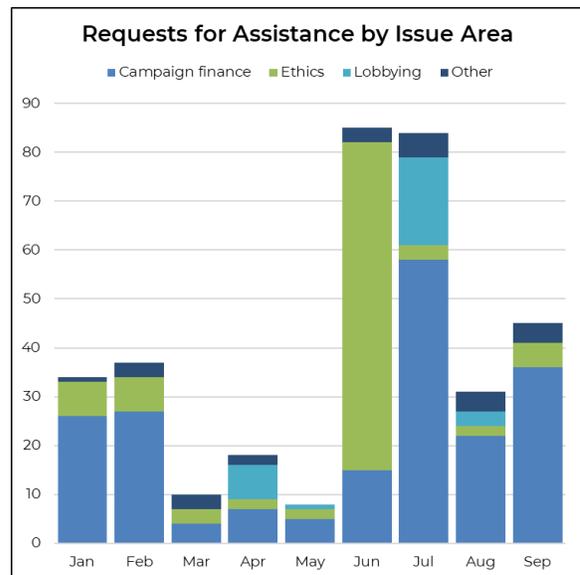
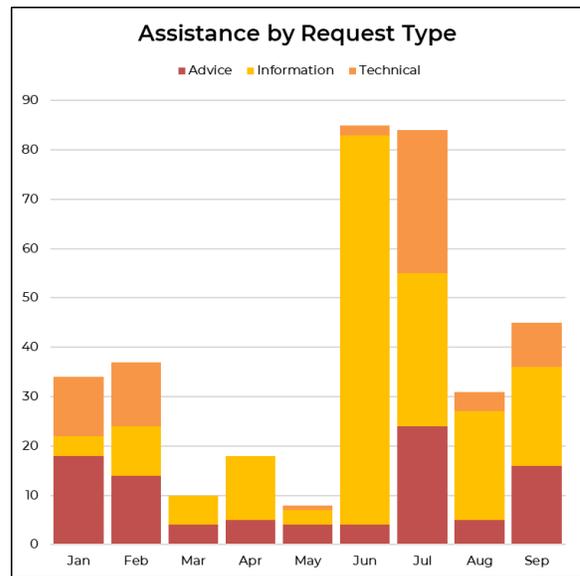
Advice and Engagement

Advice and Assistance – Commission staff responded to 76 requests for advice and assistance during the months of August and September. Over 70 percent of requests were related to campaign finance. Commission staff fulfilled 352 requests for advice and assistance this year.

Candidates and Campaigns – As part of campaign education efforts, staff routinely provides advisories to ensure that candidates and committees are aware of local rules during the election season. On September 22, staff issued an advisory regarding common filing errors to help campaign committees avoid mishaps when filing their pre-election statements. Staff also coordinated with the City’s Public Information Officer to send a city-wide reminder about campaign activity rules and restrictions for officeholders and city staff.

On August 20 and August 21, staff provided trainings for candidates interested in participating in the Limited Public Financing program. All ballot-certified candidates except one either attended or had a campaign representative attend the training to learn about program requirements and the payment process.

Ethics – On July 29, PEC staff conducted a live Government Ethics Training for Form 700 Filers via Zoom. The training was hosted by the Department of Human Resources (HR) and served as an alternative



for employees that have not completed the PEC's online training. Staff will continue to coordinate with HR to provide ethics trainings.

Staff continues to make presentations at the City's monthly New Employee Orientation (NEO) providing new employees with an introduction to the PEC and overview of the Government Ethics Act (GEA). During the months of July, August and September, 82 new employees received training on GEA provisions.

General Outreach

Social Media – Communications in August and September focused on promoting the Commission's report *Race for Power: How Money in Oakland Politics Creates and Perpetuates Disparities Across Income and Race*, Open Disclosure, campaign filing deadlines, recruitment for upcoming Commission vacancies, and the latest PEC newsletter.