

Staff Memorandum



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TO: Public Ethics Commission
FROM: Jelani Killings, Ethics Analyst
Whitney Barazoto, Executive Director
DATE: July 24, 2020, for the August 3, 2020, PEC Meeting
RE: 2020 LPF Program Implementation

Summary

The PEC administers the Limited Public Financing (LPF) Act, which provides public funds for City Council district candidates running for office in Oakland. Commission staff is gearing up for program implementation for the 2020 election. This memorandum provides an overview of the LPF program and plan for the 2020 election.

Background

The Limited Public Financing Act was adopted in 1999 to provide limited monetary assistance to candidates for local elective office for the purpose of helping ensure that all individuals have a fair and equal opportunity to participate in the elective and governmental process. The LPF Act was amended in 2010 to set specific parameters around who may participate, how funds may be used and how the funds may be dispersed. The program now is a reimbursement system for city council district candidates only.

The Commission is responsible for administering the LPF program, including developing procedures, publishing reimbursement application forms, ensuring that candidates meet eligibility criteria, and issuing payments to candidates for qualified expenditures.

The process for applying for public funds begins after the City Clerk certifies the names of all candidates to appear on the ballot, shortly after the close of nominations on August 7, 2020, which is 88 days before the November election. No later than 7 days after the City Clerk certifies the names of candidates, the Commission must determine at a public meeting whether the amount of money in the Election Campaign Fund is adequate to provide the maximum amount of funds to potentially eligible candidates, and if not, the Commission will disburse available funds on a pro rata or other equitable basis.

Funds Available

Currently, there is approximately \$153,000 allocated in the Election Campaign Fund for use for the Limited Public Financing Program for the 2020 election.

There are four district seats open in the November 2020 election: District 1, District 3, District 5, and District 7. As of the date of this memorandum, there are 22 candidates in total who have filed campaign forms as a candidate for office in one of these four districts.

Under the LPF Act, a candidate may receive LPF funds in an amount up to 30% of the voluntary expenditure ceiling for that race; however, the amount in the Election Campaign Fund ultimately dictates how much money would be available to each candidate. The Commission will need to determine whether the amount of money in the Election Campaign Fund is adequate to provide the maximum amount of funds to all potentially eligible candidates, and if not, the Commission will disburse available funds on a pro rata or other equitable basis. The legally-required meeting for the Commission to make that determination will be scheduled to occur sometime in mid to late August, depending on the date the City Clerk announces candidate certifications.

The table below summarizes the potential breakdown of the number of candidates expected to run in the 2020 election, the maximum amount allowable per candidate under the law, and the estimated amount of money that will likely be available for each candidate based on the amount of money in the Fund, assuming all candidates would be eligible and opted into the program.

City Council District	Voluntary Expenditure Ceiling	Maximum Potential LPFA Amount for Each Candidate (if fully funded)	Number of Candidates Currently Campaigning	Estimated Amount Available to Each Candidate (if all participated)
1	153,000	45,900	4	\$6,954
3	153,000	45,900	7	
5	146,000	43,800	2	
7	148,000	44,400	9	

Below is a projected timeline of events for the LPF program:

Process	Details	Date
Nomination Period Begins	The Nomination Period opens 113 days before an election.	Monday, July 13, 2020
Nomination Period Ends	The Nomination Period closes 88 days before the election.	Friday, August 7, 2020
Nomination period extended	If the incumbent does not file for re-election, then the nomination period is extended for five days.	Wednesday, August 12, 2020
City Clerk Certification	The Office of the City Clerk certifies the names of all candidates to appear on the ballot (unless nomination period extended).	Varies depending on the incumbents' filings but it is usually conducted within a few days of the end of Nomination Period
Public Ethics Commission Determines Disbursement Plan	The Commission determines whether the election campaign fund will be adequate to provide the maximum amount of funds to	Not to exceed seven days after City Clerk certification

	potentially eligible candidates, and the Commission decides on a process for disbursement of available funds on a pro rata or other equitable basis.	(special PEC meeting must be set)
Potential Funds Redistribution by the Commission	The Commission may at any time revise the disbursement plan consistent with LPFA.	October 5, 2020, PEC Meeting (if needed)
Election Day	The day before the election is the last day to submit claims for reimbursement to the Commission.	Tuesday, November 3, 2020

This memorandum is for informational purposes in preparation for the Commission's next step of determining the allocation of campaign funds once the number of candidates is confirmed. That determination will be made at a special meeting, exact date to be determined, in mid-August. No Commission action is needed at this time.