



Fair Campaign Practices Commission  
Open Government Commission

## CONCURRENT REGULAR MEETING OF THE FAIR CAMPAIGN PRACTICES COMMISSION AND THE OPEN GOVERNMENT COMMISSION

### MEETING AGENDA

October 19, 2023

6:30 p.m.

#### North Berkeley Senior Center – 1901 Hearst Ave. – Aspen Room

This meeting is being held in a wheelchair accessible location. To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at 981-6418 (V) or 981-6347 (TDD) at least three business days before the meeting date. Please refrain from wearing scented products to this meeting.

Secretary: Samuel Harvey

#### **The Commission may act on any item on this agenda**

1. Call to Order 6:30 p.m.
2. Roll Call.
3. Public Comment. *Comments on subjects not on the agenda that are within the Commissions' purview are heard at the beginning of meeting. Speakers may comment on agenda items when the Commission hears those items.*
4. Approval of minutes for July 20, 2023 FCPC-OGC Regular Meeting

#### **Fair Campaign Practices Commission (FCPC) Agenda**

5. Reports.
  - a. Report from Chair.
  - b. Report from Staff.
6. City Clerk Department enforcement referral regarding Mike Chang for Berkeley School Board 2022; discussion and possible action.
7. Berkeley Election Reform Act (BERA) clean-up amendments to ensure consistency with contribution limit cost of living adjustments; discussion and possible action.

8. Report from staff on public financing matching funds disbursements to Mark Humbert for Council 2022; discussion and possible action.
9. Report from subcommittee on contribution limits under Berkeley Municipal Code § 2.12.415; discussion and possible action.

### **Open Government Commission (OGC) Agenda**

10. Reports.
  - a. Report from Chair.
  - b. Report from Staff.
11. Adjournment.

### **Communications**

None

Communications to Berkeley boards, commissions or committees are public record and will become part of the City's electronic records, which are accessible through the City's website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to a City board, commission or committee, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the secretary of the relevant board, commission or committee. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the secretary to the relevant board, commission or committee for further information. **SB 343 Disclaimer:** Any writings or documents provided to a majority of the Commission regarding any item on this agenda will be made available for public inspection at the City Attorney's Office at 2180 Milvia St., 4<sup>th</sup> Fl., Berkeley, CA.



Fair Campaign Practices Commission  
Open Government Commission

## DRAFT MINUTES

September 21, 2023

### CONCURRENT REGULAR MEETING OF THE FAIR CAMPAIGN PRACTICES COMMISSION AND THE OPEN GOVERNMENT COMMISSION

North Berkeley Senior Center  
1901 Hearst Ave.  
Aspen Room

Secretary: Samuel Harvey

Members Present: Patrick O'Donnell, Kitt Saginor, Jessica Blome, Henry Isselbacher,  
Pedro Hernandez

Also Present: Samuel Harvey, Staff Secretary

1. **Call to Order**

Chair called the meeting to order at 6:31 p.m.

2. **Roll Call**

Roll call taken

3. **Public Comment**

No speakers.

4. **Approval of Minutes:**

a. July 20, 2023 FCPC-OGC Concurrent Regular Meeting

- a. Public comment: No speakers
- b. Commission discussion and action

*Motion to approve minutes (M/S/C: Isselbacher/Blome; Ayes: O'Donnell, Blome, Isselbacher, Hernandez; Noes: none; Abstain: none; Absent: Ching, Saginor, Hynes.)*

### **FCPC Agenda**

5. **Reports**

- a. **Report from Chair**
- b. **Report from Staff**

6. **Berkeley Election Reform Act (BERA) Clean-Up Amendments to Ensure Consistency with Contribution Limit Cost of Living Adjustment**

- a. Public comment: No speakers
- b. Commission discussion

*Based on Commission discussion, staff to revise proposed language in BMC § 2.12.271 to ensure cost of living adjustments to \$250 threshold for quarterly campaign filings for ballot measure committees will occur consistent with other adjustments in BERA.*

7. **Report from subcommittee on contribution limits under Berkeley Municipal Code § 2.12.415**

- a. Public comment: No speakers
- b. Commission discussion.

**OGC Agenda**

8. **Reports**

- a. **Report from Chair**
- b. **Report from Staff**

9. **Letter from Jim McGrath raising concerns regarding compliance with the Open Government Ordinance, Public Records Act and Brown Act**

- a. Public comment: One speaker
- b. Commission discussion and action

*Motion to request staff return with information about a potentially responsive letter allegedly not provided by City staff in response to complainant's Public Records Act requests, and to recommend that staff review requirements for agenda posting (M/S/C: Blome/Sagino; Ayes: O'Donnell, Sagino, Blome, Isselbacher, Hernandez; Noes: none; Abstain: none; Absent: Ching, Hynes.)*

10. **Report from subcommittee reviewing policies and practices related to City Council meeting public commenting, access and public participation**

- a. Public comment: No speakers
- b. Commission discussion and action

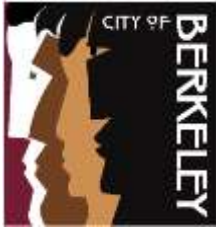
*Motion to approve report to City Council with non-substantive edits (M/S/C: O'Donnell/Isselbacher; Ayes: O'Donnell, Sagino, Blome, Isselbacher, Hernandez; Noes: none; Abstain: none; Absent: Ching, Hynes.)*

*Motion to authorize members of subcommittee for this item to speak on behalf of OGC at City Council Agenda and Rules Committee if needed (M/S/C: Blome/O'Donnell; Ayes: O'Donnell, Saginor, Blome, Isselbacher, Hernandez; Noes: none; Abstain: none; Absent: Ching, Hynes.)*

11. **Adjournment**

*Motion to adjourn (M/S/C: O'Donnell/Isselbacher; ; Ayes: O'Donnell, Saginor, Blome, Isselbacher, Hernandez; Noes: none; Abstain: none; Absent: Ching, Hynes.)*

The meeting adjourned at 8:25 p.m.

**Fair Campaign Practices Commission**

Date: October 12, 2023

To: Fair Campaign Practices Commission

From: Samuel Harvey, Secretary

**Subject: City Clerk Department referral to Commission regarding failure of Mike Chang for Berkeley School Board 2022 to file campaign report covering Oct. 23, 2022 to Dec. 31, 2022**

At its April 20, 2023 meeting, the Commission received the attached referral from the City Clerk Department regarding apparent failure by the campaign committee Mike Chang for Berkeley School Board 2022 (the "Campaign") to file its Campaign Statement (Form 460) covering the period from October 23, 2022 to December 31, 2022. (See Attachment 2, Secretary's May 3, 2023 Letter to Campaign, including attached Clerk referral.) The Campaign Statement, which covers the Campaign's activity immediately preceding and following the November 2022 Election, was due January 31, 2023.

Following discussion at its April meeting, the Commission moved to direct staff to send a letter informing the Campaign that the Commission had received the referral and that continued failure to file the outstanding report would result in enforcement action by the Commission. The Commission Secretary sent the attached letter to the Campaign on May 3, 2023 and provided the Commission with a copy of the letter in the packet for its May 18, 2023 meeting. (See Attachment 2.)

At its May 18, 2023 meeting, the Commission voted to direct the Secretary to return with a report making a recommendation regarding whether the Commission should make a finding of probable cause that the Campaign has violated the Berkeley Election Reform Act ("BERA") (BMC Ch. 2.12.). In response to that direction from the Commission, this Staff Report is submitted pursuant to the Commission's Procedures section VI.A.1, which provides that "[t]he Secretary shall submit a memorandum outlining the Secretary's investigation before any probable cause determination . . ."

BERA requires that City campaign committees file campaign reports consistent with the requirements of state law. (See BMC §§ 2.12.032.A & 2.12.270.A.) The provision of state law incorporated by reference requires that candidates and committees "shall file semiannual statements each year no later than July 31 for the period ending June 30, and not later than January 31 for the period ending December 31." (Cal. Gov. Code § 84200(a).) The Campaign was therefore required to file a Campaign Statement by January 31 covering the period ending on December 31, 2022.

October 12, 2023

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Following receipt of the Clerk's referral, the Secretary confirmed that the City did not possess any record of the Campaign filing the Campaign Statement covering the period from October 23, 2022 to December 31, 2022, which was due on January 31, 2023. The City Clerk Department had sent the Campaign six notices informing the Campaign of its obligation to file this Campaign Statement. Additionally, at the direction of the Commission, the Secretary sent a letter to the Campaign on May 3, 2023, again notifying the Campaign of its obligation to file the outstanding Campaign Statement.

On May 19, 2023, the Campaign filed the outstanding Campaign Statement covering the period from October 23, 2022 to December 31, 2022. The Campaign Statement was due on January 31, 2023. The Campaign Statement was therefore filed one hundred eight (108) days late.

As indicated in the attached report from the City Clerk, the Campaign was notified on July 28, 2023, of items appearing noncompliant with BERA in the filed statement. (Attachment 1.) These included nondisclosure of \$15,930 in Public Matching Funds disbursed to the committee by the City, apparent failure to return all unspent funds no later than January 7, 2023 per BERA Section 2.12.505.H (the statement showed an ending cash balance of \$1,364.44), and potentially improper reporting of payments made and accrued expenses totaling \$13,127.31. On September 12, 2023, the candidate met with City Clerk Department staff to review the NetFile procedures and file amendments to three of the Campaign's statements, including the statement covering the period from October 23, 2022 to December 31, 2022. (Attachment 1.)

As the attached report from the City Clerk indicates, on September 12, 2023, the Campaign also filed the semi-annual campaign statement for the period from January 1, 2023 to June 30, 2023. This statement was due on July 31, 2023.

Despite the amendments and subsequent semi-annual report filed by the Committee, a number of discrepancies remain in the Campaign's reports. For example, as discussed in the attached City Clerk report, the most recent report filed shows a negative cash balance of \$2,292. (Attachment 1 & Attachment 3.) This negative cash balance is indicative of a number of potential errors in the Campaign's reports. For instance, the negative balance could indicate errors in how the Campaign's expenditures or contributions were reported.

The City Clerk has independent authority under state law to issue late filing penalties for campaign committees that file untimely reports. (Cal. Gov. Code § 91013(a) ("If any person files an original statement or report after any deadline imposed by this act, the person shall, in addition to any other penalties or remedies established by this act, be liable in the amount of ten dollars (\$10) per day after the deadline until the statement or report is filed, to the officer with whom the statement or report is required to be filed.").)

The attached report from the City Clerk outlines the late penalty notices which have been issued to the Committee as well as potential late penalty amounts for late filings received in 2023, totaling \$1,660. (Attachment 1.) As the Clerk's report indicates, the Clerk intends to issue these additional fines if the Commission takes no further action.

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Pursuant to section VI.A.2 of the Commission's Procedures, the Secretary shall provide "an analysis of the harm done by the alleged violation." Although failure by campaigns to timely file Campaign Statements is not uncommon, the harm caused in this case by the Campaign's failure to file is significant. First, the late-filed Campaign Statement for October 23, 2022 to December 31, 2022 covers the period immediately preceding and following the November 8, 2022 Election. As a result, the public was denied important information about the Campaign's fundraising and expenditures during what is often the most active period of the campaign cycle. Second, the Campaign Statement was unfiled for one hundred eight (108) days from its due date. This represents a significant period in which important campaign finance information has been withheld from the public. Third, the Campaign was the recipient of \$15,930 of public matching funds as a participant in the City's Public Financing Program. The public arguably has an even greater interest in disclosure of campaign activities where a campaign receives and spends public money.

However, although the significant lateness and continued inaccuracy of the Campaign's reports raises significant issues regarding public access to important campaign financing information, the Commission Secretary is mindful that the campaign reporting process is complex and presents many challenges to candidates and campaigns. As a result, the Secretary recommends that the Commission consider its desire for enforcement along with the practical task of bringing the Campaign into compliance with BERA so that the public may have access to all the information to which it is entitled.

#### Recommendation

After receiving this report from the Secretary, the Commission may take either of the following actions:

1. Dismiss the matter (by majority vote) and proceed no further if evidence of any violation is insufficient or unreliable or if the possible violation has only a slight impact on the administration of BERA and/or the outcome of any election that further proceeding would be an inefficient use of resources.
2. Determine that probable cause exists to believe that the BERA has been violated.

(FCPC Procedures § VI.B.)

As outlined below, the Secretary recommends that the Commission (1) make a finding of probable cause that a violation of BERA has occurred, and (2) empanel a subcommittee which can invite the Campaign to participate in settlement negotiations and work collaboratively with the Campaign to bring its reports into compliance with BERA.

Specifically, the Secretary recommends the Commission find that probable cause exists to believe the following violations have occurred:



October 12, 2023

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1. Failure to timely file the semi-annual campaign statement covering the period from October 23, 2022 to November 31, 2022. (BMC § 2.12.270.)
2. Failure to timely file the semi-annual campaign statement covering the period from January 1, 2023 to June 30, 2023. (BMC § 2.12.270.)
3. Failure to accurately report contributions or expenditures as evidenced by the \$2,292 negative cash balance reported in the Campaign's most recent statement. (BMC § 2.12.280.)

Pursuant to the Commission's Procedures, "Probable cause exists when based on the circumstances presented there is a reasonable basis on which to believe that a violation of the BERA has occurred." (FCPC Procedures § VI.B.2.) As outlined in the foregoing report, there is substantial evidence that the Campaign failed to timely file a required Campaign Statement and that the Campaign's filings continue to misreport contributions and/or expenditures. Note that a finding of probable cause is not a finding that a violation of BERA has actually occurred.

If the Commission accepts the Secretary's recommendation and makes a finding of probable cause, the Commission may take any of the following courses of action:

- a. Dismiss the complaint, where appropriate, and take no further action.
- b. Request the Secretary conduct further investigation, including an audit of campaign records;
- c. Require the timely filing of campaign statements and/or amendments to campaign statements;
- d. Invite the respondent Campaign to participate in settlement negotiations.
- e. Schedule and conduct a hearing pursuant to Section 2.12.230 of BERA.<sup>1</sup>

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<sup>1</sup> BMC § 2.12.230:

After the commission determines there is probable cause for believing that a provision of this chapter has been violated and makes a good faith effort to give reasonable notice to the person or persons involved in the allegation, it may hold a hearing to determine if a violation has occurred, and may determine an appropriate remedy if a violation is found. The hearing pursuant to this section shall be conducted in an impartial manner, consistent with the requirements of due process. A record shall be maintained of the proceedings, and a report summarizing the facts, issues, and any remedial actions shall be issued by the commission following the conclusion of the hearing.

The commission shall conduct such hearings and proceedings with respect to determinations of probable cause pursuant to adopted procedures. All interested persons may participate in the hearing.

October 12, 2023

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f. Ask the City Attorney or the District Attorney to seek legal remedies.

g. Seek any other remedy within its authority.<sup>2</sup>

Under the Commission's Procedures, the Commission may request that the Secretary participate in negotiations on behalf of the Commission. Alternatively, the Chair may appoint a negotiating subcommittee "which shall be guided by the Commission regarding the desired outcome of the settlement." (FCPC Procedures § VI.C.2.d.)

Settlement negotiations must adhere to the following procedures:

1. Negotiations between the Secretary or subcommittee and the respondent are confidential.
2. Any settlement reached by the Secretary or subcommittee must be presented to the Commission for approval.
3. The Secretary or subcommittee will only share a negotiated draft settlement agreement, or the fact of an impasse, with the full Commission.

(FCPC Procedures § VI.C.2.d.)

The Secretary recommends that the Commission empanel a negotiation subcommittee with the power to engage in settlement negotiations with the Campaign. As noted above, the Campaign's filings continue to have a variety of discrepancies and apparent inaccuracies. The goal of such a subcommittee would be to obtain compliance by the Campaign through the filing of amendments and reach an agreed upon monetary penalty. The subcommittee should be mindful that the City Clerk has independent authority to issue fines of \$1,660, but has refrained from issuing these fines pending action by the Commission.

If a settlement cannot be reached, the Commission could then move to a hearing, after which the Commission would make a determination regarding whether a violation of BERA has occurred.

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<sup>2</sup> The Commission's Procedures provide that "[w]hen deciding upon appropriate action, the Commission may take into consideration: (a.) Its policies, procedures, regulations, and past actions in similar situations. (b.) The amount of experience of the candidate, if any, and treasurer in campaign reporting, the history or absence of other campaign violations, and the degree to which these persons made good faith efforts to correct any relevant reporting deficiencies. (c.) The presence, if any, of an apparent intent to conceal, deceive or mislead. (d.) Whether the probable violation appears deliberate, negligent or inadvertent. (e.) The effect of the probable violation upon the election or upon the administration of BERA." (FCPC Procedures § VI.C.1.)

October 12, 2023

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
Attachments:

1. October 6, 2023 City Clerk Report to FCPC
2. FCPC Secretary Letter to Campaign (May 3, 2023), including attached Clerk referral.
3. Campaign Statement (Form 460), Mike Chang for Berkeley School Board 2022:
  - a. Semi-annual statement covering Oct. 23, 2022 to December 31, 2022 (as amended September 12, 2023).
  - b. Semi-annual statement covering Jan. 1, 2023 to June 30, 2023 (as filed September 12, 2023).



City Clerk Department

October 6, 2023

To: Fair Campaign Practices Commission  
From:  Mark Numainville, City Clerk  
Subject: Mike Chang for Berkeley School Board 2022

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This memo details the summary of issues, fines, and referral for enforcement previously brought to the Fair Campaign Practices Commission for the *Mike Chang for Berkeley School Board 2022* campaign committee. Copies of supporting documentation are attached.

### Summary of issues

On March 28, 2023, the committee was referred to the Fair Campaign Practices Commission for enforcement for non-filing of the required semi-annual Form 460 due on January 31, 2023 covering the period of October 23 – December 31, 2022. The referral included additional information regarding unpaid late penalties levied against the committee for failure to timely file two previous campaign reports.

The first unpaid fine is for the semi-annual report covering the period of July 1 – December 31, 2021 due on January 31, 2022 and filed ten (10) days late. This report is for Mr. Chang's 2020 campaign committee. The second unpaid fine is for the pre-election report covering the period of September 25 – October 22, 2022 due on October 27, 2022 and filed five (5) days late.

Government Code Section 91013 imposes a fine of \$10 per day after the filing deadline until the statement is filed. Notices of penalties for the previously issued fines were sent on February 17, 2022 and November 7, 2022. The \$100 and \$50 fines remain unpaid.

On May 19, 2023, the committee filed the required semi-annual Form 460 due on January 31, 2023 covering the period of October 23 – December 31, 2022 one-hundred and eight (108) days late and it is subject to the \$10 per day late filing penalty prescribed in the California Political Reform Act. The statement is eligible for a \$1,080 fine.

On July 28, 2023, the committee was notified of items appearing noncompliant with BERA in the filed statement such as nondisclosure of \$15,930 in Public Matching Funds

disbursed to the committee by the City, failure to return all unspent funds no later than January 7, 2023 per BERA Section 2.12.505.H (the statement showed an ending cash balance of \$1,364.44), and potentially improper reporting of payments made and accrued expenses totaling \$13,127.31.

On September 12, 2023, staff provided assistance to Assistant Treasurer/Candidate Mike Chang regarding the proper method to enter transactions in the NetFile system. On the same day, the committee filed amendments for the following:

- Pre-election statement for the period of 7/1/2022-9/24/2022 (Amendment #2)
- Pre-election statement for the period of 9/25/2022-10/22/2022 (Amendment #2)
- Semi-annual statement for the period of 10/23/2022-12/31/2022 (Amendment #1)

On September 12, the committee also filed the semi-annual statement for the period of January 1 – June 30, 2023. This statement was filed forty-three (43) days late and is subject to the \$10 per day late filing penalty prescribed in the California Political Reform Act. The statement is eligible for a \$430 fine.

On September 20, 2023, the committee was notified on items appearing noncompliant with BERA for the statements filed on September 12, 2023. The most recent statement has an ending cash balance of *negative* \$2,292. The negative cash balance of \$2,292 in the committee’s semi-annual indicates that there are potential errors in how the committee’s transactions were entered, the committee’s bank account is overdrawn, or that there is unreported money received by the committee. Non-disclosure of contributions is a violation of BERA and is subject to a monetary penalty of up to \$1,000 as described in BMC section 2.12.231.

On September 27, 2023 staff provided additional NetFile assistance to Assistant Treasurer/Candidate Mike Chang. The filer has not rectified the negative balance discrepancy as of October 6, 2023.

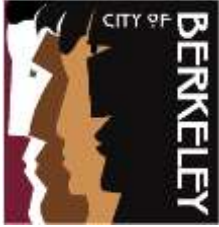
### Summary of Fine Liability

Report Type and Period Covered	Date Due	Date Filed	Days Late	Fine	Notice of Penalty	Status
Semi-Annual (7/1/21 - 12/31/21)	1/31/22	2/10/22	10	\$100	2/17/22	<i>Unpaid</i>
Pre-Election (9/25/22 - 10/22/22)	10/27/22	11/1/22	5	\$50	11/7/22	<i>Unpaid</i>
Semi-Annual (10/23/22 - 12/31/22)	1/31/23	5/19/23	108	\$1,080		<i>Subject to penalty</i>
Semi-Annual (1/1/23 - 6/30/23)	7/31/23	9/12/23	43	\$430		<i>Subject to penalty</i>
<b>Total:</b>				<b>\$1,660</b>		

Due to the unpaid fines, the potential violations in the most recent filings, and the high dollar amount of the fine amounts, the City Clerk is referring the matter to the Commission for further discussion, direction, and enforcement.

If the Commission finds no justification for enforcement at the Commission level, the City Clerk will proceed with levying and collection of the existing fine liability of \$1,660.

ITEM 6  
Attachment 2



Fair Campaign Practices Commission

Date: May 12, 2023

To: Fair Campaign Practices Commission

From: Samuel Harvey, Secretary

**Subject: City Clerk Department referral to Commission regarding failure of Mike Chang for Berkeley School Board 2022 to file campaign report covering Oct. 23, 2022 to Dec. 31, 2022**

At its April 20, 2023 meeting, the Commission received the attached referral from the City Clerk Department regarding apparent failure by the campaign committee Mike Chang for Berkeley School Board 2022 (the "Campaign") to file its Campaign Statement (Form 460) covering the period from October 23, 2022 to December 31, 2022. The Campaign Statement, which covers the Campaign's activity immediately preceding and following the November 8, 2022, Election, was due January 31, 2023.

Following discussion at its April meeting, the Commission moved to direct staff to send a letter informing the Campaign that the Commission has received the referral and that continued failure to file the outstanding report will result in enforcement action by the Commission. The Commission Secretary sent the attached letter to the Campaign on May 3, 2023. (See Attachment 1, Letter to Campaign, including attached Clerk referral.)

The Berkeley Election Reform Act ("BERA") requires that City campaign committees file campaign reports consistent with the requirements of state law. (See BMC §§ 2.12.032.A & 2.12.270.A.) The provision of state law incorporated by reference requires that candidates and committees "shall file semiannual statements each year no later than July 31 for the period ending June 30, and not later than January 31 for the period ending December 31." (Cal. Gov. Code § 84200(a).) The Campaign was therefore required to file a Campaign Statement by January 31, 2023, covering the period ending on December 31, 2022.

Following receipt of the Clerk's referral, the Secretary confirmed that the City does not possess a record of the Campaign filing the Campaign Statement covering the period from October 23, 2022 to December 31, 2022, which was due on January 31, 2023. The City Clerk Department has sent the Campaign six notices informing the Campaign of its obligation to file this Campaign Statement. Additionally, at the direction of the Commission, the Secretary sent a letter to the Campaign on May 3, 2023, again notifying the Campaign of its obligation to file the outstanding Campaign Statement. As of the date of this Staff Report, the City has no record of receiving the outstanding Campaign Statement, which has remained unfiled for one hundred one (101) days from its due date. (See Attachment 2, NetFile summary of Campaign's filings.)

May 12, 2023

Page 2 Re: Mike Chang for Berkeley School Board 2022

Recommendation

Based upon the Campaign's continued failure to file the outstanding Campaign Statement, staff plans to return at a future meeting with a staff report recommending that the Commission make a finding of probable cause that the Campaign has violated BERA, and thereby undertake a formal enforcement process in this matter.

Attachments:

1. FCPC Secretary Letter to Campaign (May 3, 2023), including attached Clerk referral.
2. NetFile summary for Mike Chang for Berkeley School Board 2022





Fair Campaign Practices Commission

May 3, 2023

Mike Chang for Berkeley School Board 2022  
[Mike@mikechangforberkeley.com](mailto:Mike@mikechangforberkeley.com)

VIA E-MAIL

**Re: Failure to File Campaign Statement Due January 31, 2023**

Dear Mr. Chang and Mr. Gray:

Please be informed that the City of Berkeley's Fair Campaign Practices Commission ("FCPC" or "Commission") considered the attached referral ("Referral") from the City Clerk Department at its meeting on Thursday, April 20, 2023. As indicated in the Referral, your campaign committee has failed to file the following:

- Campaign Statement (Form 460) for the period October 23, 2022 to December 31, 2022, due January 31, 2023

As the Clerk's Referral indicates, you have received six separate notices reminding you of your obligation to file the above campaign statement. **Continued failure to file any outstanding campaign statements may result in enforcement action by the FCPC.**

Pursuant to the Berkeley Election Reform Act ("BERA"), the FCPC is empowered to levy fines of up to \$1,000 per violation, or up to the amount of the undisclosed contributions or expenditures, whichever is greater. (BMC § 2.12.231.C.) Additionally, should the Commission determine that a candidate has committed a "substantial violation" of BERA, the candidate will be barred from receiving matching funds under the City's public financing program for a period of four years. (BMC § 2.12.555.)

At its April 20, 2023, meeting, the Commission noted that failure to file this campaign statement in particular deprives the public of important campaign finance information as this statement covers contributions and expenditures for the period immediately preceding and following the 2022 election.

Failure to File Campaign Statement Due January 31, 2023  
May 3, 2023  
Page 2 of 2

Additionally, as the Clerk's Referral indicates, your campaign committee has failed to pay the following late filing fines to the City:

- \$100 penalty for late filing of Campaign Statement (Form 460) for period July 1, 2021 to December 31, 2021, due January 31, 2022. Filed February 10, 2022.
- \$50 penalty for late filing of Campaign Statement (Form 460) for period September 25, 2022 to October 22, 2022, due October 27, 2022. Filed November 1, 2022.

Please remit payment for the above late penalties to the City as soon as possible. Payments may be sent to:

City Clerk Department  
2180 Milvia Street, 1<sup>st</sup> Floor  
Berkeley, CA 94704

Please file your outstanding campaign statement and remit the above payments as soon as possible to avoid any further action.

Sincerely,



Samuel Harvey  
Secretary, Fair Campaign Practices Commission

Attachment: City Clerk Referral of Non-Filers to the Fair Campaign Practices Commission

cc: James Hynes, Chair, Fair Campaign Practices Commission  
Mark Numainville, City Clerk



City Clerk Department

April 20, 2023

To: Fair Campaign Practices Commission  
From: Mark Numainville, City Clerk  
Subject: Referral of Non-Filers to the Fair Campaign Practices Commission

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This memo serves as an official referral to the Fair Campaign Practices Commission for the non-filing of campaign disclosure statements required under the Berkeley Election Reform Act.

Treasurers for the following committees were properly noticed of their requirement to file campaign statements for the semi-annual reporting period ending December 31, 2022.

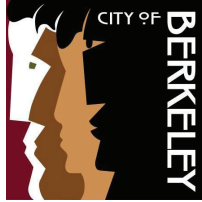
- **Andy Kelley for Rent Board 2020**  
Ending cash balance of previous report \$401.83 (Statement period -1/1/2022 – 6/30/2022)  
The notices were sent on January 12, January 13, January 26, February 6, and March 6, 2023
- **Mike Chang for Berkeley School Board 2022**  
Ending cash balance of previous report \$2,824.44 (Statement period - 9/25/2022 – 10/22/2022).  
The notices were sent on January 12, January 13, January 26, February 6, February 8, and March 6, 2023  
*In addition, this committee has two unpaid late filing fines of \$100 and \$50*

These filers have failed to file the required statements and are being referred to the Fair Campaign Practices Commission for enforcement. Detailed information regarding each filer case, including relevant correspondence, is attached to this memorandum.

Please confirm receipt of this referral and provide notice of any next steps in the enforcement process to my office and to the committees being referred. My staff is available if you have any questions regarding this matter.

**Attachment 1 Omitted:**

**Referral records pertaining to Andy Kelley for Rent Board 2020**



City Clerk's Office

# Non-Filer Referral to the Fair Campaign Practices Commission

## Non-filer Information

Committee Mike Chang for Berkeley School Board 2022

Treasurer Neil Gray

Candidate Michael Chang

## Statement Information

Filing Due Date January 31, 2023

Reporting Period Start Date October 23, 2022

Reporting Period End Date December 31, 2022

## Notifications to Filer

Date 1-12-2023 Type Letter reminder

Date 1-13-2023 Type Email reminder

Date 2-6-2023 Type Email and letter reminders

Date 2-8- 2023 Type Correspondence

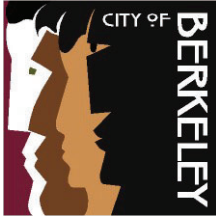
Date 3-6-2023 Type Email and letter reminders

## Additional Information

**Late fine letters were sent for the following dates and are yet to be paid (attached):**

**2-17-2022 - Due Late Filing Penalty \$100 for Form 460 (July-Dec 2021)**

**11-7-2022 - Due Late Filing Penalty \$50 for Form 460 (Sept-Oct 2022)**



City Clerk Department

January 12, 2023

Neil Gray, Treasurer  
Mike Chang for Berkeley School Board 2022  
1364 Tomlee Drive  
Berkeley, CA 94702

Dear Neil:

This letter is a notice that open campaign committees must file a semi-annual campaign statement (Form 460) covering the period of October 23-December 31, 2022. The statement is due no later than **Tuesday, January 31, 2023**. Failure to file by the deadline may result in enforcement actions or fines under the Political Reform Act and the Berkeley Election Reform Act (BERA). Additional information regarding your filing obligations is below.

Annual Filing Fee

Pursuant to Government Code § 84101.5, open committees must pay an annual \$50 fee to the Secretary of State by January 15 (unless the committee was created and paid an initial \$50 fee in October, November, or December of the prior calendar year). Failure to pay the fee by the deadline will incur a \$150 penalty from the Secretary of State.

Termination

Filing obligations continue until the committee has terminated. You may terminate when there are no surplus funds, no outstanding loans or unpaid bills, or there is an inability to discharge a debt. To terminate the committee, file a terminating Form 410 and Form 460. Refer to the applicable [Campaign Disclosure Manual](#) provided by the State for detailed information on these requirements. Please note that the original Form 410 is filed with the Secretary of State, and a copy is filed with the City of Berkeley.

Differences in State and Local Law

Berkeley's campaign disclosure requirements differ from state law. Consult the Fair Campaign Practices Commission's regulations and campaign filing manual (available on our website at <https://berkeleyca.gov/your-government/elections/campaign-finance>) to ensure full compliance with the law.

Most campaign statements must be filed electronically. If you need help with the electronic filing system, please contact my staff at (510) 981-6908 or [elections@cityofberkeley.info](mailto:elections@cityofberkeley.info).

Sincerely,

Mark Numainville  
City Clerk

cc: Fair Campaign Practices Commission  
Michael Chang, Assistant Treasurer

**From:** [Elections](#)  
**To:** [hacneil@gmail.com](mailto:hacneil@gmail.com); [michaelchang1942@gmail.com](mailto:michaelchang1942@gmail.com)  
**Cc:** [Elections](#)  
**Subject:** Semi-Annual Statement - Due 1/31/2023  
**Date:** Friday, January 13, 2023 4:36:00 PM  
**Attachments:** [Mike Chang for Berkeley School Board 2022.pdf](#)

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Good afternoon,

This email is a reminder of the upcoming filing deadline outlined in the attached correspondence.

If you require additional support from the City of Berkeley, please contact the elections team to schedule an in-person or virtual appointment: (510) 981-6908 or [elections@cityofberkeley.info](mailto:elections@cityofberkeley.info).

Thank you,

Neetu Salwan  
Assistant City Clerk  
[elections@cityofberkeley.info](mailto:elections@cityofberkeley.info)  
(510) 981-6908

**From:** [Elections](#)  
**To:** [Mike Chang](#)  
**Cc:** [runwithmike2020@gmail.com](mailto:runwithmike2020@gmail.com); [Elections](#)  
**Subject:** RE: Semi-Annual Non-Filing Notice - Mike Chang for School Board 2020  
**Date:** Wednesday, February 8, 2023 2:07:31 PM  
**Attachments:** [2023-01-26 Mike Chang.pdf](#)

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Hi Mike,

Based on the information filed with our office, the *Mike Chang for School Board 2020* committee is has not met the criteria to terminate. Please see our correspondence dated January 26 (attached) regarding next steps.

Sincerely,

Sarah K. Bunting  
Assistant City Clerk  
City of Berkeley  
2180 Milvia Street, 1st Floor  
Berkeley, CA 94704  
P | (510) 981-6908  
E | [elections@cityofberkeley.info](mailto:elections@cityofberkeley.info)

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**From:** Mike Chang <[michaelchang1942@gmail.com](mailto:michaelchang1942@gmail.com)>  
**Sent:** Monday, February 6, 2023 9:44 PM  
**To:** Elections <[elections@cityofberkeley.info](mailto:elections@cityofberkeley.info)>  
**Cc:** [runwithmike2020@gmail.com](mailto:runwithmike2020@gmail.com)  
**Subject:** Re: Semi-Annual Non-Filing Notice - Mike Chang for School Board 2020

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Hello Neetu,

My understanding was that once the 2020 committee and Netfile account were terminated that no additional reporting would be required. I believe that we had already filed a terminating 460 prior to October 23rd, 2022. Please advise.

Thank you,

Mike chang

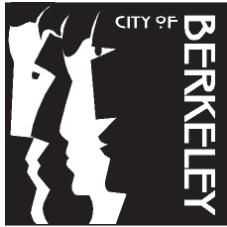
On Mon, Feb 6, 2023 at 2:38 PM Elections <[elections@cityofberkeley.info](mailto:elections@cityofberkeley.info)> wrote:

Good afternoon,

Please see the attached correspondence regarding Mike Chang for School Board 2020 campaign committee. Hard copy to follow by mail.



Sincerely,  
Neetu Salwan  
Assistant City Clerk  
Berkeley City Clerk Department  
[elections@cityofberkeley.info](mailto:elections@cityofberkeley.info)  
510.981.6908



City Clerk Department

January 26, 2023

**VIA Email and U.S. MAIL**

Mike Chang, Candidate/Assistant Treasurer  
Mike Chang for School Board 2020  
943 Hilldale Avenue  
Berkeley, CA 94708

Dear Mike:

The Political Reform Act (PRA) requires filing officers to review campaign statements to ensure compliance with the requirements of the Berkeley Election Reform Act and the PRA. Our office has reviewed the terminating Form 460 filed with our office on July 4, 2023, for the period of 1/1/22-3/31/22. We are contacting you regarding items that require further action.

**(1) *Committee does not meet criteria for terminating***

A committee may terminate only if, among other things, the committee has no remaining campaign funds; and has eliminated all debts, or has no intention or ability to discharge debts. Your committee's terminating Form 460 reports an ending cash balance of \$227.90, and outstanding debts in the amount of \$467.44. Therefore, your committee has not met the termination criteria.

Please review the following information to determine the next steps for your committee.

**If the information in the terminating Form 460 is accurate:**

If you believe the committee has already met the termination criteria and the reported ending cash balance and outstanding debts are a result of data entry errors or omissions, you will need to identify the errors or omissions in NetFile, make the corrections, and file one or more amendments until the terminating statement is accurate.

**If the information in the terminating Form 460 is NOT accurate:**

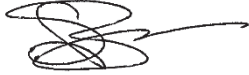
If the ending cash balance and outstanding debts listed in the terminating Form 460 are accurate, then your committee is still active under State law and you have ongoing filing obligations. Semi-annual Form 460s are required for the periods of 1/1/22-6/30/22 and 7/1/22-12/31/22, and will continue to be required until such time as a terminating Form 460 is filed demonstrating that the committee has met the termination criteria. Late fines and other penalties may apply if the forms are not filed timely.

Please contact our office within ten business days from the date of this letter to confirm the actions you have taken to resolve these matters.

RE: Mike Chang for School Board 2020

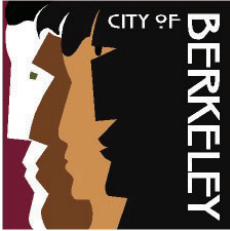
If you have any questions or comments regarding this matter, feel free to contact the City Clerk Department at (510) 981-6908 or [elections@cityofberkeley.info](mailto:elections@cityofberkeley.info).

Sincerely,



Sarah K. Bunting  
Assistant City Clerk  
on behalf of  
Mark Numainville  
City Clerk

cc: Fair Campaign Practices Commission  
Jeremy Alberga, Treasurer



City Clerk Department

February 6, 2023

**VIA Email and U.S. Mail**

Jeremy Alberga, Treasurer  
Mike Chang for Berkeley School Board 2022  
943 Hilldale Avenue  
Berkeley, CA 94708

**NOTICE OF NON-FILING OF CAMPAIGN STATEMENT**

Dear Jeremy:

As a campaign treasurer for an open campaign committee you were required to complete and file a 2<sup>nd</sup> Semi-Annual campaign statement (Form 460) for the period October 23, 2022 through December 31, 2022 with the City Clerk no later than January 31, 2023. **A review of your file indicates that you have not yet filed this statement.**

The Political Reform Act prohibits filing officers from extending filing deadlines. Please file your late statement immediately. If you wish to have any applicable late fines waived, also include an explanation for your late filing by completing the enclosed Request for Waiver of Liability form.

According to Government Code § 91013, a fine of \$10 per day may be assessed for the late filing of a required campaign statement. Please file immediately to avoid increased penalties. If you have discharged the committee's surplus funds in accordance with the Political Reform Act and BERA regulations and your committee is no longer active, you must file a Form 410 and Form 460 to terminate your committee.

Please do not hesitate to contact my staff at [elections@cityofberkeley.info](mailto:elections@cityofberkeley.info) or (510) 981-6908 if you have questions or need assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Numainville".

Mark Numainville  
City Clerk

cc: Fair Campaign Practices Commission  
Mike Chang, Candidate

**From:** [Elections](#)  
**To:** [mike@mikechangforberkeley.com](mailto:mike@mikechangforberkeley.com); [hacneil@gmail.com](mailto:hacneil@gmail.com)  
**Cc:** [Elections](#)  
**Subject:** Semi-annual campaign filing - 2nd notice  
**Date:** Monday, March 6, 2023 2:28:00 PM  
**Attachments:** [Mike Chang for Berkeley School Board 2022.pdf](#)  
[REQUEST FOR WAIVER OF LIABILITY.pdf](#)

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Good afternoon

Please see the attached correspondence regarding the Mike Chang for Berkeley School Board 2022 campaign committee. Hard copy to follow by mail.

Sincerely,

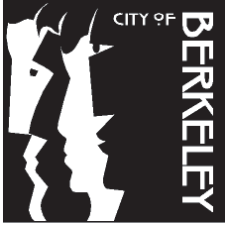
Neetu Salwan

Assistant City Clerk

Berkeley City Clerk Department

[elections@cityofberkeley.info](mailto:elections@cityofberkeley.info)

510.981.6908



City Clerk Department

March 6, 2023

**VIA Email and U.S. Mail**

Neil Gray, Treasurer  
Mike Chang for Berkeley School Board 2022  
1364 Tomlee Drive  
Berkeley, CA 94702

**2<sup>nd</sup> NOTICE OF NON-FILING OF CAMPAIGN STATEMENT**

Dear Neil:

As a campaign treasurer for an open campaign committee, our office sent a reminder email on January 26 and a 1st Notice of Non-Filing on February 6 that you were required to complete and file a 2nd Semi-Annual campaign statement (Form 460) for the period October 23, 2022, through December 31, 2022, with the City Clerk no later than January 31, 2023. **A review of your file indicates that you have not yet filed this statement.**

The Political Reform Act prohibits filing officers from extending filing deadlines. Please file your late statement immediately. If you wish to have any applicable late fines waived, also include an explanation for your late filing by completing the enclosed Request for Waiver of Liability form.

According to Government Code § 91013, a fine of \$10 per day may be assessed for the late filing of a required campaign statement. Please file immediately to avoid increased penalties. If you have discharged the committee's surplus funds in accordance with the Political Reform Act and BERA regulations and your committee is no longer active, you must file Form 410 and Form 460 to terminate your committee.

**Your file will be referred to the Berkeley Fair Campaign Practices Commission for enforcement action if your statement is not filed by Monday, March 20, 2023.**

Please do not hesitate to contact my staff at [elections@cityofberkeley.info](mailto:elections@cityofberkeley.info) or (510) 981-6908 if you have questions or need assistance.

Sincerely,

Mark Numainville  
City Clerk

Encl.

cc: Fair Campaign Practices Commission  
Mike Chang, Assistant Treasurer

ITEM 6  
Attachment 2



**REQUEST FOR WAIVER  
OF LIABILITY**

City Clerk Department  
2180 Milvia Street  
Berkeley, CA 94704  
(510) 981-6909  
(510) 981-6901 fax  
[www.cityofberkeley.info/clerk](http://www.cityofberkeley.info/clerk)

<b>FILER NAME</b>		
<b>TREASURER NAME (IF ANY)</b>		<b>COMMITTEE ID NUMBER</b>
<b>ADDRESS</b>		<b>PHONE NO. WITH AREA CODE</b>
<b>CITY</b>		<b>STATE</b>
<b>PERIOD COVERED</b>		<b>ZIP CODE</b>
<b>FORM TYPE</b>		
<b>AFTER REVIEWING "GOOD CAUSE" WAIVER RESTRICTIONS, IDENTIFY AND EXPLAIN REASON FOR LATE FILING AND SUPPLY SUPPORTING DOCUMENTATION (IF NEEDED):</b>		

**(Continue of reverse side, if needed)**

I declare under penalty of perjury that the foregoing information on this request for waiver is true and correct. I hereby request that the liability for failing to file a statement required by the Political Reform Act on time be waived.

Executed on \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_,  
(Month, Day) (City) (State)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Type or Print Name)

\_\_\_\_\_  
(Signature)

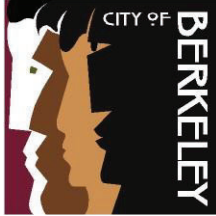
\_\_\_\_\_  
(Type or Print Name)

**AFTER REVIEWING "GOOD CAUSE" WAIVER RESTRICTIONS, IDENTIFY AND EXPLAIN REASON FOR LATE FILING AND SUPPLY SUPPORTING DOCUMENTATION (CONTINUED):**

(Continue of reverse side, if needed)

<b>CITY CLERK DEPARTMENT USE ONLY</b>			
<b>FILING DETAIL</b>			
Period Covered _____			
Form Type _____	Date Due _____	Date Filed _____	Fine (Liability) _____
<b>WAIVER ACTION</b>			
Waived _____	Action Justification/Comment (circle one) F1 F2 F3 F4 S1 S2		
Reduced (Amt.) _____			
Waiver Denied _____			





City Clerk Department

February 17, 2022

Jeremy Alberga, Treasurer  
 Mike Chang for School Board 2020  
 1422 Holly Street  
 Berkeley, CA 94703

**NOTICE OF PENALTY FOR LATE FILING OF CAMPAIGN REPORT**

Dear Jeremy,

This letter serves as notice that a fine has been levied against you for failure to timely file required campaign reports as outlined herein for the *Mike Chang for School Board 2020* campaign committee.

The campaign's semi-annual Form 460, for the reporting period of July 1-December 31, 2021, was due to the City Clerk Department by January 31, 2022. The report was filed ten (10) days late on February 10, 2022.

Government Code Section 91013 imposes a fine of \$10 per day after the filing deadline until the statement is filed. The penalty for late filing is limited to the cumulative amount of the contributions or expenditures for the period covered by the report or \$100, whichever is greater. Therefore, the following fine has been levied:

Date Due	Date Filed	Days Late	\$10/day	Contributions	Expenditures	Fine
1/31/22	2/10/22	10	\$100	\$0	\$0	\$100
Total Due:						\$100

The invoice relating to this fine is enclosed. Send your check, payable to the City of Berkeley, to the address listed below within 20 days from the date of this letter. Failure to pay the fine in a timely manner may result in the matter being referred for collection.

Sincerely,

Mark Numainville  
 City Clerk

Encl.

cc: Fair Campaign Practices Commission  
 Mike Chang, Assistant Treasurer



# INVOICE

Date:  
February 17, 2022

Invoice No.: 151063

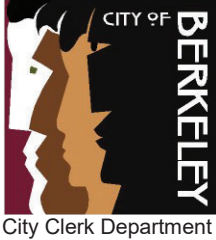
To: Jeremy Alberga, Treasurer  
Mike Chang for School Board 2020  
1422 Holly Street  
Berkeley, CA 94703

Item	Description	Amount
1	Late Filing Penalty for Form 460	\$100.00
<b>Total</b>		<b>\$100.00</b>

Remit payment within 20 days of the date of the invoice (by February 27, 2022).

Make check payable to City of Berkeley.

Send payment to: City Clerk Department  
2180 Milvia Street, 1<sup>st</sup> Floor  
Berkeley, CA 94704



November 7, 2022

Mike Chang, Candidate  
 Mike Chang for Berkeley School Board 2022  
 943 Hilldale Avenue  
 Berkeley, CA 94708

**NOTICE OF PENALTY FOR LATE FILING OF CAMPAIGN REPORT**

Dear Mike:

This letter serves as notice that fines have been levied against you for failure to timely file required campaign reports as outlined herein for the Mike Chang for Berkeley School Board 2022 campaign committee:

1. The campaign's 2<sup>nd</sup> Pre-Election Form 460, for the reporting period of September 25-October 22, 2022, was due to the City Clerk Department by October 27, 2022. The report was filed 5 days late on November 1, 2022.

Government Code Section 91013 imposes a fine of \$10 per day after the filing deadline until the statement is filed. The penalty for late filing is limited to the cumulative amount of the contributions or expenditures for the period covered by the report or \$100, whichever is greater. Therefore, the following fine has been levied:

Date Due	Date Filed	Days Late	\$10/day	Contributions	Expenditures	Fine
10/27/2022	11/01/2022	5	\$50	\$0	\$0	\$50
Total Due:						\$50

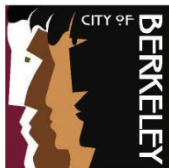
The invoice relating to this fine is enclosed. Send your check, payable to the City of Berkeley, to the address listed below within 20 days from the date of this letter. Failure to pay the fine in a timely manner may result in the matter being referred for collection.

Sincerely,

Mark Numainville  
 City Clerk

Encl.

cc: Fair Campaign Practices Commission  
 Neil Gray, Treasurer



# INVOICE

Date: November 7, 2022

Invoice No.: 151071

To: Mike Chang, Candidate  
Mike Chang for Berkeley School Board 2022  
943 Hilldale Avenue  
Berkeley, CA 94708

Item	Description	Amount
1	Late Filing Penalty for Form 460 (Sept-Oct 2022)	\$50.00
<b>Total</b>		<b>\$50.00</b>

Remit payment within 20 days of the date of the invoice.

Make check payable to City of Berkeley.

Send payment to: City Clerk Department  
2180 Milvia Street, 1<sup>st</sup> Floor  
Berkeley, CA 94704



## City of Berkeley

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[Search by Date](#)
[Elections](#)
[Advanced Search](#)

### Viewing filings made by

### Mike Chang for Berkeley School Board 2022

To sort, click on the heading title.

Filing ID	Filed By	Filing Date	Form	Seq#	Rpt#	Covers Period	View Filing
206307871	Mike Chang for Berkeley School Board 2022	02/06/2023	FPPC 460 Amendment	1		( 09/25/2022 to 10/22/2022 )	<a href="#">View</a>
206307817	Mike Chang for Berkeley School Board 2022	02/06/2023	FPPC 460 Amendment	1		( 07/01/2022 to 09/24/2022 )	<a href="#">View</a>
205470706	Mike Chang for Berkeley School Board 2022	11/01/2022	FPPC 460	Original		( 09/25/2022 to 10/22/2022 )	<a href="#">View</a>
205470611	Mike Chang for Berkeley School Board 2022	11/01/2022	pubfi_qualifyingrequest_v2	Original		( 10/31/2022 to 10/31/2022 )	<a href="#">View</a>
205470431	Mike Chang for Berkeley School Board 2022	11/01/2022	pubfi_matchingrequest_v2	Original		( 10/31/2022 to 10/31/2022 )	<a href="#">View</a>
205135793	Mike Chang for Berkeley School Board 2022	10/12/2022	pubfi_matchingrequest_v2	Original		( 10/11/2022 to 10/11/2022 )	<a href="#">View</a>
205117830	Mike Chang for Berkeley School Board 2022	10/11/2022	pubfi_matchingrequest_v2	Original		( 10/10/2022 to 10/10/2022 )	<a href="#">View</a>
205103791	Mike Chang for Berkeley School Board 2022	10/10/2022	FPPC 460	Original		( 07/01/2022 to 09/24/2022 )	<a href="#">View</a>
204440847	Mike Chang for Berkeley School Board 2022	08/16/2022	pubfi_participation_v2	Original		( 08/15/2022 to 08/15/2022 )	<a href="#">View</a>
204440810	Mike Chang for Berkeley School Board 2022	08/16/2022	pubfi_qualifyingrequest_v2	Original		( 08/15/2022 to 08/15/2022 )	<a href="#">View</a>

Filing ID	Filed By	Filing Date	Form	Seq#	Rpt#	Covers Period	View Filing
204440801	Mike Chang for Berkeley School Board 2022	08/16/2022	pubfi_matchingrequest_v2	Original		( 08/15/2022 to 08/15/2022 )	<a href="#">View</a>
204414197	Mike Chang for Berkeley School Board 2022	08/11/2022	pubfi_participation_v2	Original		( 08/10/2022 to 08/10/2022 )	<a href="#">View</a>
204360054	Mike Chang for Berkeley School Board 2022	08/03/2022	FPPC 460	Original		( 01/01/2022 to 06/30/2022 )	<a href="#">View</a>
202765448	Mike Chang for Berkeley School Board 2022	03/15/2022	FPPC 410 Amendment	1			<a href="#">Paper</a>
202765303	Mike Chang for Berkeley School Board 2022	03/09/2022	FPPC 410	Original			<a href="#">Paper</a>
202765634	Mike Chang for Berkeley School Board 2022	03/08/2022	Statement of Organization	Original			<a href="#">Paper</a>
202764875	Mike Chang for Berkeley School Board 2022	02/28/2022	FPPC 501	Original			<a href="#">Paper</a>

Export ***e-filed*** transaction data only.

- **Select**  ▼
- [Export Amended](#) Most Recently amended version of the transactions **only**
- [Export All](#) Original **and all amended** versions of the transactions

Recipient Committee Campaign Statement Cover Page

(Government Code Sections 84200-84216.5)

For Official Use Only

Date Stamp: E-Filed 09/12/2023 16:27:31, Filing ID: 208573789

Statement covers period from 10/23/2022 through 12/31/2022. Date of election if applicable: 11/08/2022

SEE INSTRUCTIONS ON REVERSE

1. Type of Recipient Committee: All Committees - Complete Parts 1, 2, 3, and 4. [X] Officeholder, Candidate Controlled Committee

2. Type of Statement: [X] Semi-annual Statement. [X] Amendment (Explain below) With corrections to 87 billed to disbursed paid transactions

3. Committee Information: COMMITTEE NAME (OR CANDIDATE'S NAME IF NO COMMITTEE) Mike Chang for Berkeley School Board 2022. I.D. NUMBER 1446072

Treasurer(s): NAME OF TREASURER Neil Gray. MAILING ADDRESS. CITY Berkeley STATE CA ZIP CODE 94702 AREA CODE/PHONE (510) 343-4181

4. Verification I have used all reasonable diligence in preparing and reviewing this statement and to the best of my knowledge the information contained herein and in the attached schedules is true and complete. I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on 09/12/2023 By Michael Chang Signature of Treasurer or Assistant Treasurer

**Recipient Committee  
Campaign Statement  
Cover Page — Part 2**

<b>CALIFORNIA FORM</b>	<b>460</b>
Page <u>2</u> of <u>10</u>	

**5. Officeholder or Candidate Controlled Committee**

NAME OF OFFICEHOLDER OR CANDIDATE  
Mike Chang

OFFICE SOUGHT OR HELD (INCLUDE LOCATION AND DISTRICT NUMBER IF APPLICABLE)  
School Board Trustee: City of Berkeley

RESIDENTIAL/BUSINESS ADDRESS (NO. AND STREET)	CITY	STATE	ZIP
	Berkeley	CA	94708

**Related Committees Not Included in this Statement:** *List any committees not included in this statement that are controlled by you or are primarily formed to receive contributions or make expenditures on behalf of your candidacy.*

COMMITTEE NAME	I.D. NUMBER
NAME OF TREASURER	CONTROLLED COMMITTEE? <input type="checkbox"/> YES <input type="checkbox"/> NO
COMMITTEE ADDRESS	STREET ADDRESS (NO P.O. BOX)
CITY	STATE ZIP CODE AREA CODE/PHONE

COMMITTEE NAME	I.D. NUMBER
NAME OF TREASURER	CONTROLLED COMMITTEE? <input type="checkbox"/> YES <input type="checkbox"/> NO
COMMITTEE ADDRESS	STREET ADDRESS (NO P.O. BOX)
CITY	STATE ZIP CODE AREA CODE/PHONE

**6. Primarily Formed Ballot Measure Committee**

NAME OF BALLOT MEASURE

BALLOT NO. OR LETTER	JURISDICTION	<input type="checkbox"/> SUPPORT <input type="checkbox"/> OPPOSE
----------------------	--------------	---

**Identify the controlling officeholder, candidate, or state measure proponent, if any.**

NAME OF OFFICEHOLDER, CANDIDATE, OR PROPONENT

OFFICE SOUGHT OR HELD	DISTRICT NO. IF ANY
-----------------------	---------------------

**7. Primarily Formed Candidate/Officeholder Committee** *List names of officeholder(s) or candidate(s) for which this committee is primarily formed.*

NAME OF OFFICEHOLDER OR CANDIDATE	OFFICE SOUGHT OR HELD	<input type="checkbox"/> SUPPORT <input type="checkbox"/> OPPOSE
NAME OF OFFICEHOLDER OR CANDIDATE	OFFICE SOUGHT OR HELD	<input type="checkbox"/> SUPPORT <input type="checkbox"/> OPPOSE
NAME OF OFFICEHOLDER OR CANDIDATE	OFFICE SOUGHT OR HELD	<input type="checkbox"/> SUPPORT <input type="checkbox"/> OPPOSE
NAME OF OFFICEHOLDER OR CANDIDATE	OFFICE SOUGHT OR HELD	<input type="checkbox"/> SUPPORT <input type="checkbox"/> OPPOSE

*Attach continuation sheets if necessary*



**Campaign Disclosure Statement  
Summary Page**

Amounts may be rounded  
to whole dollars.

Statement covers period from <u>10/23/2022</u>	<b>CALIFORNIA FORM 460</b>
through <u>12/31/2022</u>	
Page <u>3</u> of <u>10</u>	I.D. NUMBER <u>1446072</u>

SEE INSTRUCTIONS ON REVERSE

NAME OF FILER

Mike Chang for Berkeley School Board 2022

**Contributions Received**

	Column A TOTAL THIS PERIOD (FROM ATTACHED SCHEDULES)	Column B CALENDAR YEAR TOTAL TO DATE
1. Monetary Contributions ..... Schedule A, Line 3	\$ <u>60.00</u>	\$ <u>6,842.10</u>
2. Loans Received ..... Schedule B, Line 3	<u>0.00</u>	<u>0.00</u>
3. SUBTOTAL CASH CONTRIBUTIONS ..... Add Lines 1 + 2	\$ <u>60.00</u>	\$ <u>6,842.10</u>
4. Nonmonetary Contributions ..... Schedule C, Line 3	<u>0.00</u>	<u>0.00</u>
5. TOTAL CONTRIBUTIONS RECEIVED ..... Add Lines 3 + 4	\$ <u>60.00</u>	\$ <u>6,842.10</u>

**Calendar Year Summary for Candidates  
Running in Both the State Primary and  
General Elections**

	1/1 through 6/30	7/1 to Date
20. Contributions Received	\$ _____	\$ _____
21. Expenditures Made	\$ _____	\$ _____

**Expenditures Made**

	Column A TOTAL THIS PERIOD (FROM ATTACHED SCHEDULES)	Column B CALENDAR YEAR TOTAL TO DATE
6. Payments Made ..... Schedule E, Line 4	\$ <u>4,546.79</u>	\$ <u>24,299.35</u>
7. Loans Made ..... Schedule H, Line 3	<u>0.00</u>	<u>0.00</u>
8. SUBTOTAL CASH PAYMENTS ..... Add Lines 6 + 7	\$ <u>4,546.79</u>	\$ <u>24,299.35</u>
9. Accrued Expenses (Unpaid Bills) ..... Schedule F, Line 3	<u>0.00</u>	<u>-21.12</u>
10. Nonmonetary Adjustment ..... Schedule C, Line 3	<u>0.00</u>	<u>0.00</u>
11. TOTAL EXPENDITURES MADE ..... Add Lines 8 + 9 + 10	\$ <u>4,546.79</u>	\$ <u>24,278.23</u>

**Expenditure Limit Summary for State  
Candidates**

**22. Cumulative Expenditures Made\***  
(If Subject to Voluntary Expenditure Limit)

Date of Election (mm/dd/yy)	Total to Date
<u>   </u> / <u>   </u> / <u>   </u>	\$ _____
<u>   </u> / <u>   </u> / <u>   </u>	\$ _____

**Current Cash Statement**

12. Beginning Cash Balance ..... Previous Summary Page, Line 16	\$ <u>-190.21</u>
13. Cash Receipts ..... Column A, Line 3 above	<u>60.00</u>
14. Miscellaneous Increases to Cash ..... Schedule I, Line 4	<u>3,150.00</u>
15. Cash Payments ..... Column A, Line 8 above	<u>4,546.79</u>
16. ENDING CASH BALANCE ..... Add Lines 12 + 13 + 14, then subtract Line 15	\$ <u>-1,527.00</u>

To calculate Column B, add amounts in Column A to the corresponding amounts from Column B of your last report. Some amounts in Column A may be negative figures that should be subtracted from previous period amounts. If this is the first report being filed for this calendar year, only carry over the amounts from Lines 2, 7, and 9 (if any).

\*Amounts in this section may be different from amounts reported in Column B.

If this is a termination statement, Line 16 must be zero.

17. LOAN GUARANTEES RECEIVED ..... Schedule B, Part 2	\$ <u>0.00</u>
---	----------------

**Cash Equivalents and Outstanding Debts**

18. Cash Equivalents ..... See instructions on reverse	\$ <u>0.00</u>
19. Outstanding Debts ..... Add Line 2 + Line 9 in Column B above	\$ <u>-21.12</u>

**Schedule A  
Monetary Contributions Received**

Amounts may be rounded  
to whole dollars.

Statement covers period  
from 10/23/2022  
through 12/31/2022

**CALIFORNIA  
FORM 460**  
Page 4 of 10  
I.D. NUMBER  
1446072

SEE INSTRUCTIONS ON REVERSE

NAME OF FILER

Mike Chang for Berkeley School Board 2022

DATE RECEIVED	FULL NAME, STREET ADDRESS AND ZIP CODE OF CONTRIBUTOR (IF COMMITTEE, ALSO ENTER I.D. NUMBER)	CONTRIBUTOR CODE *	IF AN INDIVIDUAL, ENTER OCCUPATION AND EMPLOYER (IF SELF-EMPLOYED, ENTER NAME OF BUSINESS)	AMOUNT RECEIVED THIS PERIOD	CUMULATIVE TO DATE CALENDAR YEAR (JAN. 1 - DEC. 31)	PER ELECTION TO DATE (IF REQUIRED)
10/27/2022	Amanda Abarbanel BERKELEY, CA 94702-2245	<input checked="" type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC	Teacher BUSD	60.00	60.00	G2022 \$60.00
		<input type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC				
		<input type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC				
		<input type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC				
		<input type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC				
<b>SUBTOTAL \$</b>				60.00		

**Schedule A Summary**

- Amount received this period – itemized monetary contributions.  
(Include all Schedule A subtotals.) ..... \$ 60.00
- Amount received this period – unitemized monetary contributions of less than \$100 ..... \$ 0.00
- Total monetary contributions received this period.  
(Add Lines 1 and 2. Enter here and on the Summary Page, Column A, Line 1.) ..... **TOTAL \$** 60.00

\*Contributor Codes  
IND – Individual  
COM – Recipient Committee  
(other than PTY or SCC)  
OTH – Other (e.g., business entity)  
PTY – Political Party  
SCC – Small Contributor Committee

**Schedule E  
Payments Made**

Amounts may be rounded  
to whole dollars.

Statement covers period		<b>CALIFORNIA FORM 460</b>
from	10/23/2022	
through	12/31/2022	Page 5 of 10
NAME OF FILER		I.D. NUMBER
Mike Chang for Berkeley School Board 2022		1446072

SEE INSTRUCTIONS ON REVERSE

NAME OF FILER

Mike Chang for Berkeley School Board 2022

**CODES:** If one of the following codes accurately describes the payment, you may enter the code. Otherwise, describe the payment.

CMP	campaign paraphernalia/misc.	MBR	member communications	RAD	radio airtime and production costs
CNS	campaign consultants	MTG	meetings and appearances	RFD	returned contributions
CTB	contribution (explain nonmonetary)*	OFC	office expenses	SAL	campaign workers' salaries
CVC	civic donations	PET	petition circulating	TEL	t.v. or cable airtime and production costs
FIL	candidate filing/ballot fees	PHO	phone banks	TRC	candidate travel, lodging, and meals
FND	fundraising events	POL	polling and survey research	TRS	staff/spouse travel, lodging, and meals
IND	independent expenditure supporting/opposing others (explain)*	POS	postage, delivery and messenger services	TSF	transfer between committees of the same candidate/sponsor
LEG	legal defense	PRO	professional services (legal, accounting)	VOT	voter registration
LIT	campaign literature and mailings	PRT	print ads	WEB	information technology costs (internet, e-mail)

NAME AND ADDRESS OF PAYEE (IF COMMITTEE, ALSO ENTER I.D. NUMBER)	CODE	OR	DESCRIPTION OF PAYMENT	AMOUNT PAID
Stripe South San Francisco, CA 94080	CMP		Payment processing fee for donations through campaign website	2.64
Stripe South San Francisco, CA 94080	CMP		Payment processing fee for donations through campaign website	7.92
Nationbuilder Support Los Angeles, CA 90071	WEB		Campaign website monthly service charge	205.00

\* Payments that are contributions or independent expenditures must also be summarized on Schedule D. **SUBTOTAL \$** 215.56

**Schedule E Summary**

1. Itemized payments made this period. (Include all Schedule E subtotals.)	\$ 4,546.79
2. Unitemized payments made this period of under \$100	\$ 0.00
3. Total interest paid this period on loans. (Enter amount from Schedule B, Part 1, Column (e).)	\$ 0.00
4. Total payments made this period. (Add Lines 1, 2, and 3. Enter here and on the Summary Page, Column A, Line 6.)	<b>TOTAL \$ 4,546.79</b>

**Schedule E  
(Continuation Sheet)  
Payments Made**

Amounts may be rounded  
to whole dollars.

Statement covers period		<b>CALIFORNIA FORM 460</b>
from	10/23/2022	
through	12/31/2022	Page 6 of 10
NAME OF FILER		I.D. NUMBER
Mike Chang for Berkeley School Board 2022		1446072

SEE INSTRUCTIONS ON REVERSE

NAME OF FILER

Mike Chang for Berkeley School Board 2022

**CODES:** If one of the following codes accurately describes the payment, you may enter the code. Otherwise, describe the payment.

CMP	campaign paraphernalia/misc.	MBR	member communications	RAD	radio airtime and production costs
CNS	campaign consultants	MTG	meetings and appearances	RFD	returned contributions
CTB	contribution (explain nonmonetary)*	OFC	office expenses	SAL	campaign workers' salaries
CVC	civic donations	PET	petition circulating	TEL	t.v. or cable airtime and production costs
FIL	candidate filing/ballot fees	PHO	phone banks	TRC	candidate travel, lodging, and meals
FND	fundraising events	POL	polling and survey research	TRS	staff/spouse travel, lodging, and meals
IND	independent expenditure supporting/opposing others (explain)*	POS	postage, delivery and messenger services	TSF	transfer between committees of the same candidate/sponsor
LEG	legal defense	PRO	professional services (legal, accounting)	VOT	voter registration
LIT	campaign literature and mailings	PRT	print ads	WEB	information technology costs (internet, e-mail)

NAME AND ADDRESS OF PAYEE (IF COMMITTEE, ALSO ENTER I.D. NUMBER)	CODE	OR	DESCRIPTION OF PAYMENT	AMOUNT PAID
Stripe South San Francisco, CA 94080	CMP		Payment processing fee for donations through campaign website	2.64
Stripe South San Francisco, CA 94080	CMP		Payment processing fee for donations through campaign website	5.28
Cooperative Center Federal Credit Union Martinez, CA 94553	CMP		Campaign committee bank 'service charge'	20.00
Autumn Press Berkeley, CA 94710	LIT		Printer campaign mailers by bulk and certain districts	1,500.00
FaceBook Menlo Park, CA 94025	WEB			59.00

\* Payments that are contributions or independent expenditures must also be summarized on Schedule D.

**SUBTOTAL \$** 1,586.92

**Schedule E  
(Continuation Sheet)  
Payments Made**

Amounts may be rounded  
to whole dollars.

Statement covers period		<b>CALIFORNIA FORM 460</b>
from	10/23/2022	
through	12/31/2022	Page 7 of 10
NAME OF FILER		I.D. NUMBER
Mike Chang for Berkeley School Board 2022		1446072

SEE INSTRUCTIONS ON REVERSE

NAME OF FILER

Mike Chang for Berkeley School Board 2022

**CODES:** If one of the following codes accurately describes the payment, you may enter the code. Otherwise, describe the payment.

CMP	campaign paraphernalia/misc.	MBR	member communications	RAD	radio airtime and production costs
CNS	campaign consultants	MTG	meetings and appearances	RFD	returned contributions
CTB	contribution (explain nonmonetary)*	OFC	office expenses	SAL	campaign workers' salaries
CVC	civic donations	PET	petition circulating	TEL	t.v. or cable airtime and production costs
FIL	candidate filing/ballot fees	PHO	phone banks	TRC	candidate travel, lodging, and meals
FND	fundraising events	POL	polling and survey research	TRS	staff/spouse travel, lodging, and meals
IND	independent expenditure supporting/opposing others (explain)*	POS	postage, delivery and messenger services	TSF	transfer between committees of the same candidate/sponsor
LEG	legal defense	PRO	professional services (legal, accounting)	VOT	voter registration
LIT	campaign literature and mailings	PRT	print ads	WEB	information technology costs (internet, e-mail)

NAME AND ADDRESS OF PAYEE (IF COMMITTEE, ALSO ENTER I.D. NUMBER)	CODE	OR	DESCRIPTION OF PAYMENT	AMOUNT PAID
Autumn Press Berkeley, CA 94710	LIT		Campaign flyers	1,500.00
Autumn Press Berkeley, CA 94710	LIT		Campaign street signs	794.31
Nationbuilder Support Los Angeles, CA 90071	WEB		Monthly campaign website maintenance fee	205.00
Cooperative Center Federal Credit Union Martinez, CA 94553	CMP		Campaign bank account service charge	20.00
Nationbuilder Support Los Angeles, CA 90071	WEB		Campaign website monthly service charge	205.00

\* Payments that are contributions or independent expenditures must also be summarized on Schedule D.

**SUBTOTAL \$** 2,724.31

**Schedule E  
(Continuation Sheet)  
Payments Made**

Amounts may be rounded  
to whole dollars.

Statement covers period		<b>CALIFORNIA FORM 460</b>
from	10/23/2022	
through	12/31/2022	Page 8 of 10
NAME OF FILER		I.D. NUMBER
Mike Chang for Berkeley School Board 2022		1446072

SEE INSTRUCTIONS ON REVERSE

NAME OF FILER

Mike Chang for Berkeley School Board 2022

**CODES:** If one of the following codes accurately describes the payment, you may enter the code. Otherwise, describe the payment.

CMP	campaign paraphernalia/misc.	MBR	member communications	RAD	radio airtime and production costs
CNS	campaign consultants	MTG	meetings and appearances	RFD	returned contributions
CTB	contribution (explain nonmonetary)*	OFC	office expenses	SAL	campaign workers' salaries
CVC	civic donations	PET	petition circulating	TEL	t.v. or cable airtime and production costs
FIL	candidate filing/ballot fees	PHO	phone banks	TRC	candidate travel, lodging, and meals
FND	fundraising events	POL	polling and survey research	TRS	staff/spouse travel, lodging, and meals
IND	independent expenditure supporting/opposing others (explain)*	POS	postage, delivery and messenger services	TSF	transfer between committees of the same candidate/sponsor
LEG	legal defense	PRO	professional services (legal, accounting)	VOT	voter registration
LIT	campaign literature and mailings	PRT	print ads	WEB	information technology costs (internet, e-mail)

NAME AND ADDRESS OF PAYEE (IF COMMITTEE, ALSO ENTER I.D. NUMBER)	CODE	OR	DESCRIPTION OF PAYMENT	AMOUNT PAID
Cooperative Center Federal Credit Union Martinez, CA 94553	CMP		Campaign bank account service charge	20.00

\* Payments that are contributions or independent expenditures must also be summarized on Schedule D.

**SUBTOTAL \$ 20.00**

**Schedule F  
Accrued Expenses (Unpaid Bills)**

Amounts may be rounded  
to whole dollars.

Statement covers period		<b>CALIFORNIA FORM 460</b>
from	10/23/2022	
through	12/31/2022	Page 9 of 10
NAME OF FILER		I.D. NUMBER
Mike Chang for Berkeley School Board 2022		1446072

SEE INSTRUCTIONS ON REVERSE

NAME OF FILER

Mike Chang for Berkeley School Board 2022

**CODES:** If one of the following codes accurately describes the payment, you may enter the code. Otherwise, describe the payment.

CMP campaign paraphernalia/misc.	MBR member communications	RAD radio airtime and production costs
CNS campaign consultants	MTG meetings and appearances	RFD returned contributions
CTB contribution (explain nonmonetary)*	OFC office expenses	SAL campaign workers' salaries
CVC civic donations	PET petition circulating	TEL t.v. or cable airtime and production costs
FIL candidate filing/ballot fees	PHO phone banks	TRC candidate travel, lodging, and meals
FND fundraising events	POL polling and survey research	TRS staff/spouse travel, lodging, and meals
IND independent expenditure supporting/opposing others (explain)*	POS postage, delivery and messenger services	TSF transfer between committees of the same candidate/sponsor
LEG legal defense	PRO professional services (legal, accounting)	VOT voter registration
LIT campaign literature and mailings	PRT print ads	WEB information technology costs (internet, e-mail)

NAME AND ADDRESS OF CREDITOR (IF COMMITTEE, ALSO ENTER I.D. NUMBER)	CODE OR DESCRIPTION OF PAYMENT	(a) OUTSTANDING BALANCE BEGINNING OF THIS PERIOD	(b) AMOUNT INCURRED THIS PERIOD	(c) AMOUNT PAID THIS PERIOD (ALSO REPORT ON E)	(d) OUTSTANDING BALANCE AT CLOSE OF THIS PERIOD
Cooperative Center Federal Credit Union Martinez, CA 94553	CMP Campaign bank account service charge	-21.12	0.00	0.00	-21.12

\* Payments that are contributions or independent expenditures must also be summarized on Schedule D.

<b>SUBTOTALS \$</b>	-21.12\$	0.00\$	0.00\$	-21.12
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**Schedule F Summary**

- Total accrued expenses incurred this period. (Include all Schedule F, Column (b) subtotals for accrued expenses of \$100 or more, plus total unitemized accrued expenses under \$100.) ..... **INCURRED TOTALS \$** 0.00
- Total accrued expenses paid this period. (Include all Schedule F, Column (c) subtotals for payments on accrued expenses of \$100 or more, plus total unitemized payments on accrued expenses under \$100.) ..... **PAID TOTALS \$** 0.00
- Net change this period. (**Subtract** Line 2 from Line 1. Enter the difference here and on the Summary Page, Column A, Line 9.) ..... **NET \$** 0.00  
May be a negative number

**Schedule I  
Miscellaneous Increases to Cash**

Amounts may be rounded  
to whole dollars.

Statement covers period  
from 10/23/2022  
through 12/31/2022

**CALIFORNIA  
FORM 460**

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SEE INSTRUCTIONS ON REVERSE

NAME OF FILER

Mike Chang for Berkeley School Board 2022

I.D. NUMBER

1446072

DATE RECEIVED	FULL NAME AND ADDRESS OF SOURCE (IF COMMITTEE, ALSO ENTER I.D. NUMBER)	DESCRIPTION OF RECEIPT	AMOUNT OF INCREASE TO CASH
11/09/2022	City of Berkeley Berkeley, CA 94704	COB public matching funds deposited to committee Cooperative Center Fed bank,1699170719	3,150.00

Attach additional information on appropriately labeled continuation sheets.

**SUBTOTAL \$** 3,150.00

**Schedule I Summary**

- 1. Itemized increases to cash this period. .... \$ 3,150.00
- 2. Unitemized increases to cash of under \$100 this period. .... \$ 0.00
- 3. Total of all interest received this period on loans made to others. (Schedule H, Column (e).) .... \$ 0.00
- 4. Total miscellaneous increases to cash this period. (Add Lines 1, 2, and 3. Enter here and on the Summary Page, Line 14.) ..... **TOTAL \$** 3,150.00



Recipient Committee Campaign Statement Cover Page

(Government Code Sections 84200-84216.5)

For Official Use Only

Date Stamp: E-Filed 09/12/2023 16:33:31, Filing ID: 208573836

Statement covers period from 01/01/2023 through 06/30/2023. Date of election if applicable: 11/08/2022

SEE INSTRUCTIONS ON REVERSE

1. Type of Recipient Committee: All Committees - Complete Parts 1, 2, 3, and 4. Includes checkboxes for Officeholder, Candidate Controlled Committee, State Candidate Election Committee, Recall, General Purpose Committee, etc.

2. Type of Statement: Includes checkboxes for Preelection Statement, Semi-annual Statement, Termination Statement, Amendment, Quarterly Statement, Special Odd-Year Report, Supplemental Preelection Statement.

3. Committee Information: COMMITTEE NAME (OR CANDIDATE'S NAME IF NO COMMITTEE) Mike Chang for Berkeley School Board 2022. Includes fields for STREET ADDRESS, CITY, STATE, ZIP CODE, AREA CODE/PHONE, and MAILING ADDRESS.

Treasurer(s): NAME OF TREASURER Neil Gray. MAILING ADDRESS. Includes fields for CITY, STATE, ZIP CODE, AREA CODE/PHONE, NAME OF ASSISTANT TREASURER, IF ANY, and MAILING ADDRESS.

4. Verification: I have used all reasonable diligence in preparing and reviewing this statement and to the best of my knowledge the information contained herein and in the attached schedules is true and complete. I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on 09/12/2023 By Michael Chang Signature of Treasurer or Assistant Treasurer. Executed on 09/12/2023 By Michael Chang Signature of Controlling Officeholder, Candidate, State Measure Proponent or Responsible Officer of Sponsor.

**Recipient Committee  
Campaign Statement  
Cover Page — Part 2**

<b>CALIFORNIA FORM</b>	<b>460</b>
Page <u>2</u> of <u>6</u>	

**5. Officeholder or Candidate Controlled Committee**

NAME OF OFFICEHOLDER OR CANDIDATE				
Mike Chang				
OFFICE SOUGHT OR HELD (INCLUDE LOCATION AND DISTRICT NUMBER IF APPLICABLE)				
School Board Trustee: City of Berkeley				
RESIDENTIAL/BUSINESS ADDRESS (NO. AND STREET)	CITY	STATE	ZIP	
	Berkeley	CA	94708	

**Related Committees Not Included in this Statement:** *List any committees not included in this statement that are controlled by you or are primarily formed to receive contributions or make expenditures on behalf of your candidacy.*

COMMITTEE NAME	I.D. NUMBER
NAME OF TREASURER	CONTROLLED COMMITTEE? <input type="checkbox"/> YES <input type="checkbox"/> NO
COMMITTEE ADDRESS	STREET ADDRESS (NO P.O. BOX)
CITY	STATE ZIP CODE AREA CODE/PHONE

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COMMITTEE NAME	I.D. NUMBER
NAME OF TREASURER	CONTROLLED COMMITTEE? <input type="checkbox"/> YES <input type="checkbox"/> NO
COMMITTEE ADDRESS	STREET ADDRESS (NO P.O. BOX)
CITY	STATE ZIP CODE AREA CODE/PHONE

**6. Primarily Formed Ballot Measure Committee**

NAME OF BALLOT MEASURE		
BALLOT NO. OR LETTER	JURISDICTION	<input type="checkbox"/> SUPPORT <input type="checkbox"/> OPPOSE
Identify the controlling officeholder, candidate, or state measure proponent, if any.		
NAME OF OFFICEHOLDER, CANDIDATE, OR PROPONENT		
OFFICE SOUGHT OR HELD	DISTRICT NO. IF ANY	

**7. Primarily Formed Candidate/Officeholder Committee** *List names of officeholder(s) or candidate(s) for which this committee is primarily formed.*

NAME OF OFFICEHOLDER OR CANDIDATE	OFFICE SOUGHT OR HELD	<input type="checkbox"/> SUPPORT <input type="checkbox"/> OPPOSE
NAME OF OFFICEHOLDER OR CANDIDATE	OFFICE SOUGHT OR HELD	<input type="checkbox"/> SUPPORT <input type="checkbox"/> OPPOSE
NAME OF OFFICEHOLDER OR CANDIDATE	OFFICE SOUGHT OR HELD	<input type="checkbox"/> SUPPORT <input type="checkbox"/> OPPOSE
NAME OF OFFICEHOLDER OR CANDIDATE	OFFICE SOUGHT OR HELD	<input type="checkbox"/> SUPPORT <input type="checkbox"/> OPPOSE

*Attach continuation sheets if necessary*

# Campaign Disclosure Statement Summary Page

Amounts may be rounded  
to whole dollars.

Statement covers period from <u>01/01/2023</u>  through <u>06/30/2023</u>	<b>CALIFORNIA FORM 460</b>  Page <u>3</u> of <u>6</u>  I.D. NUMBER  1446072
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SEE INSTRUCTIONS ON REVERSE

NAME OF FILER

Mike Chang for Berkeley School Board 2022

## Contributions Received

		Column A TOTAL THIS PERIOD (FROM ATTACHED SCHEDULES)	Column B CALENDAR YEAR TOTAL TO DATE
1. Monetary Contributions .....	Schedule A, Line 3	\$ 0.00	\$ 0.00
2. Loans Received .....	Schedule B, Line 3	0.00	0.00
3. SUBTOTAL CASH CONTRIBUTIONS .....	Add Lines 1 + 2	\$ 0.00	\$ 0.00
4. Nonmonetary Contributions .....	Schedule C, Line 3	0.00	0.00
5. TOTAL CONTRIBUTIONS RECEIVED .....	Add Lines 3 + 4	\$ 0.00	\$ 0.00

## Calendar Year Summary for Candidates Running in Both the State Primary and General Elections

	1/1 through 6/30	7/1 to Date
20. Contributions Received	\$ _____	\$ _____
21. Expenditures Made	\$ _____	\$ _____

## Expenditures Made

6. Payments Made .....	Schedule E, Line 4	\$ 765.00	\$ 765.00
7. Loans Made .....	Schedule H, Line 3	0.00	0.00
8. SUBTOTAL CASH PAYMENTS .....	Add Lines 6 + 7	\$ 765.00	\$ 765.00
9. Accrued Expenses (Unpaid Bills) .....	Schedule F, Line 3	0.00	-21.12
10. Nonmonetary Adjustment .....	Schedule C, Line 3	0.00	0.00
11. TOTAL EXPENDITURES MADE .....	Add Lines 8 + 9 + 10	\$ 765.00	\$ 743.88

## Expenditure Limit Summary for State Candidates

**22. Cumulative Expenditures Made\***  
(If Subject to Voluntary Expenditure Limit)

Date of Election (mm/dd/yy)	Total to Date
____/____/____	\$ _____
____/____/____	\$ _____

## Current Cash Statement

12. Beginning Cash Balance .....	Previous Summary Page, Line 16	\$ -1,527.00
13. Cash Receipts .....	Column A, Line 3 above	0.00
14. Miscellaneous Increases to Cash .....	Schedule I, Line 4	0.00
15. Cash Payments .....	Column A, Line 8 above	765.00
16. ENDING CASH BALANCE .....	Add Lines 12 + 13 + 14, then subtract Line 15	\$ -2,292.00

To calculate Column B, add amounts in Column A to the corresponding amounts from Column B of your last report. Some amounts in Column A may be negative figures that should be subtracted from previous period amounts. If this is the first report being filed for this calendar year, only carry over the amounts from Lines 2, 7, and 9 (if any).

\*Amounts in this section may be different from amounts reported in Column B.

If this is a termination statement, Line 16 must be zero.

17. LOAN GUARANTEES RECEIVED .....	Schedule B, Part 2	\$ 0.00
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## Cash Equivalents and Outstanding Debts

18. Cash Equivalents .....	See instructions on reverse	\$ 0.00
19. Outstanding Debts .....	Add Line 2 + Line 9 in Column B above	\$ -21.12

**Schedule E  
Payments Made**

Amounts may be rounded  
to whole dollars.

Statement covers period		<b>CALIFORNIA FORM 460</b>
from	01/01/2023	
through	06/30/2023	Page 4 of 6
NAME OF FILER		I.D. NUMBER
Mike Chang for Berkeley School Board 2022		1446072

SEE INSTRUCTIONS ON REVERSE

NAME OF FILER

Mike Chang for Berkeley School Board 2022

**CODES:** If one of the following codes accurately describes the payment, you may enter the code. Otherwise, describe the payment.

CMP	campaign paraphernalia/misc.	MBR	member communications	RAD	radio airtime and production costs
CNS	campaign consultants	MTG	meetings and appearances	RFD	returned contributions
CTB	contribution (explain nonmonetary)*	OFC	office expenses	SAL	campaign workers' salaries
CVC	civic donations	PET	petition circulating	TEL	t.v. or cable airtime and production costs
FIL	candidate filing/ballot fees	PHO	phone banks	TRC	candidate travel, lodging, and meals
FND	fundraising events	POL	polling and survey research	TRS	staff/spouse travel, lodging, and meals
IND	independent expenditure supporting/opposing others (explain)*	POS	postage, delivery and messenger services	TSF	transfer between committees of the same candidate/sponsor
LEG	legal defense	PRO	professional services (legal, accounting)	VOT	voter registration
LIT	campaign literature and mailings	PRT	print ads	WEB	information technology costs (internet, e-mail)

NAME AND ADDRESS OF PAYEE (IF COMMITTEE, ALSO ENTER I.D. NUMBER)	CODE	OR	DESCRIPTION OF PAYMENT	AMOUNT PAID
Caroline Valverde Oakland, CA 94610	RFD		Donor gave in excess of public financing max-\$100, thus contribution was refunded.	100.00
Teresa Provenzano Berkeley, CA 94703	CMP		Food and drinks for election night	95.00
Nationbuilder Support Los Angeles, CA 90071			Monthly campaign website service charge	205.00

\* Payments that are contributions or independent expenditures must also be summarized on Schedule D.

**SUBTOTAL \$** 400.00

**Schedule E Summary**

1. Itemized payments made this period. (Include all Schedule E subtotals.)	\$	700.00
2. Unitemized payments made this period of under \$100	\$	65.00
3. Total interest paid this period on loans. (Enter amount from Schedule B, Part 1, Column (e).)	\$	0.00
4. Total payments made this period. (Add Lines 1, 2, and 3. Enter here and on the Summary Page, Column A, Line 6.)	<b>TOTAL \$</b>	765.00

**Schedule E  
(Continuation Sheet)  
Payments Made**

Amounts may be rounded  
to whole dollars.

Statement covers period		<b>CALIFORNIA FORM 460</b>
from	01/01/2023	
through	06/30/2023	Page 5 of 6
NAME OF FILER		I.D. NUMBER
Mike Chang for Berkeley School Board 2022		1446072

SEE INSTRUCTIONS ON REVERSE

NAME OF FILER

Mike Chang for Berkeley School Board 2022

**CODES:** If one of the following codes accurately describes the payment, you may enter the code. Otherwise, describe the payment.

CMP	campaign paraphernalia/misc.	MBR	member communications	RAD	radio airtime and production costs
CNS	campaign consultants	MTG	meetings and appearances	RFD	returned contributions
CTB	contribution (explain nonmonetary)*	OFC	office expenses	SAL	campaign workers' salaries
CVC	civic donations	PET	petition circulating	TEL	t.v. or cable airtime and production costs
FIL	candidate filing/ballot fees	PHO	phone banks	TRC	candidate travel, lodging, and meals
FND	fundraising events	POL	polling and survey research	TRS	staff/spouse travel, lodging, and meals
IND	independent expenditure supporting/opposing others (explain)*	POS	postage, delivery and messenger services	TSF	transfer between committees of the same candidate/sponsor
LEG	legal defense	PRO	professional services (legal, accounting)	VOT	voter registration
LIT	campaign literature and mailings	PRT	print ads	WEB	information technology costs (internet, e-mail)

NAME AND ADDRESS OF PAYEE (IF COMMITTEE, ALSO ENTER I.D. NUMBER)	CODE	OR	DESCRIPTION OF PAYMENT	AMOUNT PAID
David Lee Berkeley, CA 94704-2423	SAL		Committee communications coordinator salary	150.00
Jin Yoo Cypress, CA 90630	SAL		Committee Communications Coordinator Salary	150.00

\* Payments that are contributions or independent expenditures must also be summarized on Schedule D.

**SUBTOTAL \$** 300.00

**Additional Comments  
For Form 460**

Page 6 of 6

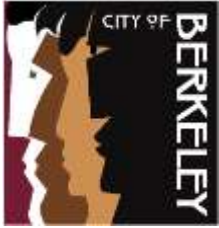
NAME OF FILER

Mike Chang for Berkeley School Board 2022

I.D. NUMBER

1446072

With corrections to 87 transactions from billed to paid bills



Fair Campaign Practices Commission

Date: October 12, 2023

To: Fair Campaign Practices Commission

From: Samuel Harvey, Secretary

**Subject: BERA Clean-up amendment to ensure consistency with contribution limit cost of living adjustment**

---

City staff have drafted a set of proposed technical amendments to the Berkeley Election Reform Act (BERA) to amend sections of BERA which have been affected by the 2021 adoption of a cost of living adjustment for the candidate contribution limit and subsequent amendments. (See BMC § 2.12.415.)

First, the proposed amendments address sections of BERA which use the now-obsolete \$250 amount to set thresholds for filing and disclaimer requirements. (See Attachment 1.) The \$250 threshold was presumably adopted in these contexts to parallel the candidate contribution limit. Now that the candidate contribution limit changes with cost of living, and is currently set at \$270, staff recommends that these other thresholds be amended so that they will similarly change as cost of living adjustments are made to the candidate contribution limit.

Second, the proposed amendments provide changes to provisions related filing requirements in order to parallel the new threshold for qualification as a “committee,” which was increased from \$250 to \$1,000 following adoption of the cost of living adjustment for the candidate contribution limit.

These amendments were first presented to the Commission at its September 21, 2023 meeting. At that meeting, the Commission noted a concern about the proposal’s adjustment of the \$250 limits in Section 2.12.271 and 2.12.335 to \$270. The Commission discussed how increasing the dollar amounts in the body of BERA would cause the amounts to increase in a manner inconsistent with the rest of the adjusted amounts in BERA. Staff have revised the proposed amendment to provide for an initial adjustment of the \$250 amounts Section 2.12.271 and 2.12.335 so that these amounts may “catch up” to other adjustable amounts in BERA and thereafter be increased in January of each odd-numbered year consistent with all other BERA cost of living adjustments. This change is reflected with a new proposed Section 2.12.545.B.

Pursuant to Berkeley Municipal Code Section 2.12.051, BERA may be amended by the “double green light” process. This process requires that the FCPC adopt the amendments by a two-thirds vote, and the City Council hold a public hearing and adopt the amendments by a two-thirds vote.

Staff believes these technical amendments ensure consistency between BERA’s interrelated provisions and therefore recommends that the Commission approve the attached amendments by a two-thirds vote for submission to the City Council.

Attachments:

1. Proposed Amendments to BERA – October 2023
2. Prior Version of Proposed Amendments to BERA from FCPC Sep. 21, 2023 meeting



## **Clean Up Amendments to Berkeley Election Reform Act (October 2023)**

With the recent adoption of technical amendments to BERA in June of 2023, other cross-referenced or related sections were discovered and must now be amended for consistency.

The original set of clean up amendments was presented to the FCPC on September 21, 2023. At the meeting it was discovered that the proposed amendments would result in an offset in the dollar amounts due to the formula used for the CPI inflator.

Staff is proposing a new path for the amendments to achieve consistency with all former \$250 limits/thresholds as they are adjusted every two years.

### **Amendment #1**

Section 2.12.545 Cost of living adjustments

Section 2.12.271 Campaign statements--Additional filing requirements

Section 2.12.335 Disclosure on campaign communications of certain contributions and loans

Both Section 2.12.271 and Section 2.12.335 have dollar amount thresholds that are related to the now-obsolete \$250 contribution limit. As you know, the \$250 limit was indexed up to \$270 earlier this year.

These two sections have been added to the list of dollar amounts that are indexed contained in Section 2.12.545. Section 2.12.545 requires that the amounts are adjusted in January of odd-numbered years. In order for the amounts in 2.12.271 and 2.12.335 to “catch-up” to the previously indexed amounts, language has been added to provide for the amounts in these sections to be adjusted immediately after the clean-up amendments have been adopted.

Section 2.12.271 adds additional filing requirements for committees that make contributions for or against ballot measures. The quarterly filing requirement in this section is for committees that make expenditures in excess of \$250 in support of or in opposition to a city ballot measure. In order to keep this threshold tied to the contribution limit.

Section 2.12.335 requires the listing of the top-four contributors under “Major Funding Provided By” on certain campaign materials. The threshold for the top-four was established at “over \$250” so that it only captured contributions that exceeded the individual person limit of \$250.

### **2.12.545 Cost of living adjustments.**

A) The Commission shall adjust the dollar amounts specified in Sections 2.12.167, 2.12.271, 2.12.335, 2.12.500.A.3, 2.12.500.A.6, 2.12.500.A.7, 2.12.500.A.8, 2.12.505.B, and 2.12.530.B.3.b for cost of living changes pursuant to Section 2.12.075 in January of every odd-numbered year following Council implementation. Such adjustments shall be

rounded to the nearest ten dollars (\$10) with respect to Sections 2.12.167, 2.12.500.A.3 and 2.12.530.B.3.b and one thousand dollars (\$1,000) with respect to Section 2.12.505.B.

B) As soon as practicable after adoption of the amendments providing for the adjustment of Sections 2.12.271 and 2.12.335, but no later than December 31, 2024, the Commission shall perform an initial adjustment of the dollar amounts in those sections.

### **Amendment #2**

The definition of a campaign committee was changed from a \$250 threshold to a \$1,000 threshold in Section 2.12.095. The related change to Section 2.12.270 reflects this update, but uses a cross-reference to Section 2.12.095 in order to keep the language relevant and current even if future amendments are adopted. Also, staff recommends deleting the use of “telegram” as a communication method to help modernize the code.

### **2.12.270 Campaign statement--Filing requirements.**

A. Each candidate and each committee shall file no fewer than two campaign statements prior to an election, excluding run-off elections, and one campaign statement following the election, excluding run-off elections. Campaign statements shall be filed in accordance with the filing dates prescribed by state law. The semi-annual campaign statement that is filed pursuant to state law following an election shall serve as the post-campaign statement required by this section. If state law does not establish the filing dates for campaign statements, the commission shall set the necessary filing dates.

B. Each candidate and committee involved in a run-off election, and each committee supporting or opposing a candidate participating in a run-off election, shall file one campaign statement prior to the run-off election in addition to any other campaign statements required by this section and one campaign statement following the run-off election. The semi-annual statement that is filed pursuant to state law following a run-off election shall serve as the post-campaign statement required by this section. The campaign statements shall be filed in accordance with the filing dates prescribed by state law. If state law does not establish the filing dates for campaign statements in run-off elections, the commission shall set the necessary filing dates.

C. 1. Notwithstanding subsections A and B of this section, a candidate or officeholder who plans to receive contributions or make expenditures of less than the committee threshold in Section 2.12.095~~two hundred fifty dollars and who plans to make expenditures of less than two hundred fifty dollars~~ in a calendar year may file a short form campaign statement for that calendar year as prescribed by state laws and regulations. The period covered by the short form is the calendar year. If No other campaign statements must be filed by a candidate or officeholder who has filed a short form campaign statement for activity in the calendar year unless the candidate

makes receives two hundred fifty dollars or more in expenditures or receives contributions that exceed the committee threshold in Section 2.12.095, they must file campaign statements as required by subsections A or B, or other applicable sections of Chapter 2.12.

2. During the six months prior to an election in which the candidate or officeholder is being voted upon, a candidate or officeholder who files a short form campaign statement and subsequently receives contributions or makes expenditures exceeding the committee threshold in Section 2.12.095~~totaling two hundred fifty dollars or more or makes expenditures totaling two hundred fifty dollars or more~~ during the calendar year shall send written notification to the City Clerk, and each candidate or officeholder contending for the same office, as follows:

(a) The notification shall be sent within forty-eight hours of receiving contributions or making expenditures exceeding the committee threshold in Section 2.12.095~~totaling two hundred fifty dollars or more or making expenditures of two hundred fifty dollars or more~~;

(b) The notification shall include the name and address of the candidate or officeholder, the elective office for which the short form campaign statement was filed, the date of the election, and the date contributions exceeding the committee threshold in Section 2.12.095 ~~totaling two hundred fifty dollars~~ or more were received or expenditures exceeding the committee threshold in Section 2.12.095~~totaling two hundred fifty dollars or more~~ were made;

(c) The notification shall be sent by ~~telegram~~, guaranteed overnight delivery, personal delivery, or facsimile transmission.

## Clean Up Amendments to Berkeley Election Reform Act (September 2023)

With the recent adoption of technical amendments to BERA in June of 2023, other cross-referenced or related sections have been identified which staff recommend be amended for consistency. The proposed text of the amendments and a narrative description is provided below.

### Amendment #1

Section 2.12.545 Cost of living adjustments

Section 2.12.271 Campaign statements--Additional filing requirements

Section 2.12.335 Disclosure on campaign communications of certain contributions and loans

Both Section 2.12.271 and Section 2.12.335 have dollar amount thresholds that are related to the now-obsolete \$250 contribution limit. As you know, the \$250 limit is now indexed every two years and is currently set at \$270.

Section 2.12.271 adds additional filing requirements for committees that make contributions for or against ballot measures. The quarterly filing requirement in this section is for committees that make expenditures in excess of \$250 in support of or in opposition to a city ballot measure. In order to keep this threshold tied to the contribution limit, this amendment sets the threshold at \$270 in Section 2.12.271 and adds it to the list of dollar amounts that are adjusted every two years per Section 2.12.545.

Section 2.12.335 requires the listing of the top-four contributors under "Major Funding Provided By" on certain campaign materials. The threshold for the top-four was established at "over \$250" so that it only captured contributions that exceeded the individual person limit of \$250. Similar to the amendment described above, in order to keep this threshold tied to the contribution limit, this amendment sets the threshold at \$270 in Section 2.12.335 and adds it to the list of dollar amounts that are adjusted every two years per Section 2.12.545.

### **2.12.545 Cost of living adjustments.**

The Commission shall adjust the dollar amounts specified in Sections 2.12.167, [2.12.271](#), [2.12.335](#), 2.12.500.A.3, 2.12.500.A.6, 2.12.500.A.7, 2.12.500.A.8, 2.12.505.B, and 2.12.530.B.3.b for cost of living changes pursuant to Section 2.12.075 in January of every odd-numbered year following Council implementation. Such adjustments shall be rounded to the nearest ten dollars (\$10) with respect to Sections 2.12.167, 2.12.500.A.3 and 2.12.530.B.3.b and one thousand dollars (\$1,000) with respect to Section 2.12.505.B.

### **2.12.271 Campaign statements--Additional filing requirements.**

A. Each committee that makes expenditures in excess of ~~\$250~~ \$270 in support of or in opposition to a measure must, in addition to campaign statements required by Section 2.12.270 of this Chapter, file campaign statements on the following dates: (1) no later

**Clean Up Amendments to Berkeley Election Reform Act (September 2023)**

than April 30 for the period January 1 through March 31; and (2) no later than October 31 for the period July 1 through September 30. If the committee has earlier pre-election statement filing deadlines, the earlier deadlines apply.

B. Any additional filing requirement under this section shall cease upon the occurrence of any of the following dates, whichever occurs first: (1) the election day on which the measure is voted upon, (2) six months after the measure fails to qualify for the ballot, (3) six months after an ordinance subject to referendum is repealed by the City Council, or (4) six months after an elected official subject to recall resigns or otherwise leaves office.

**2.12.335 Disclosure on campaign communications of certain contributions and loans.**

A. Campaign communications supporting or opposing any candidate or measure shall include the name of the committee and the phrase "Major Funding Provided By" immediately followed by the name of the contributor, the city of domicile, and the total cumulative sum of contributions by each of the top four contributors over ~~\$270250~~ to the committee funding the expenditure made within six months of the expenditure. For purposes of this section, the term "contributor" shall include lender, and committees shall aggregate contributions and any loan balances from the same person when determining the total cumulative sum of contributions from a contributor.

B. The disclosures required by this section shall list contributors in descending order by the cumulative total amount of their contributions and shall be presented in a clear and conspicuous manner to give the reader, observer, or listener adequate notice. For all communications, the complete name of the contributor must be listed. No acronyms may be used. For purposes of this section, "campaign communication" means any of the following items:

1. One thousand or more substantially similar pieces of campaign literature, including but not limited to mailers, flyers, pamphlets, and door hangers;
2. Paid advertisements, including but not limited to advertisements in newspapers, magazines, and on the Internet;
3. One thousand or more substantially similar e-mails or pre-recorded telephone calls made within a calendar month.

C. For purposes of this section, "campaign communication" does not include: small promotional items such as pens, pencils, clothing, mugs, potholders, or other items on which the statement required by this section cannot be reasonably printed or displayed in an easily legible typeface; posters, yard or street signs, billboards, supergraphic signs, skywriting, and similar items; television, cable, satellite, and radio broadcasts or advertisements; communications paid for by a newspaper, radio station, television

**Clean Up Amendments to Berkeley Election Reform Act (September 2023)**

station or other recognized news medium; and communications from an organization to its members.

D. When a new contribution changes the list of contributors required to be disclosed on campaign communications under subsection A, campaign communications must be updated on the following schedule:

1. For printed campaign communications under subsection B.1 or subsection B.2, disclosures must be updated within seven calendar days to include current disclosure information every time an order to reproduce the campaign communication is placed, or any time the campaign communication is reprinted;
2. For e-mails or pre-recorded telephone calls under subsection B.3, disclosures must be updated to include current disclosure information within seven calendar days.

## Clean Up Amendments to Berkeley Election Reform Act (September 2023)

### Amendment #2

The definition of a campaign committee was changed from a \$250 threshold to a \$1,000 threshold in Section 2.12.095. The related change to Section 2.12.270 reflects this update, but uses a cross-reference to Section 2.12.095 in order to keep the language relevant and current even if future amendments are adopted. Also, staff recommends deleting the use of “telegram” as a communication method to help modernize the code.

### **2.12.270 Campaign statement--Filing requirements.**

A. Each candidate and each committee shall file no fewer than two campaign statements prior to an election, excluding run-off elections, and one campaign statement following the election, excluding run-off elections. Campaign statements shall be filed in accordance with the filing dates prescribed by state law. The semi-annual campaign statement that is filed pursuant to state law following an election shall serve as the post-campaign statement required by this section. If state law does not establish the filing dates for campaign statements, the commission shall set the necessary filing dates.

B. Each candidate and committee involved in a run-off election, and each committee supporting or opposing a candidate participating in a run-off election, shall file one campaign statement prior to the run-off election in addition to any other campaign statements required by this section and one campaign statement following the run-off election. The semi-annual statement that is filed pursuant to state law following a run-off election shall serve as the post-campaign statement required by this section. The campaign statements shall be filed in accordance with the filing dates prescribed by state law. If state law does not establish the filing dates for campaign statements in run-off elections, the commission shall set the necessary filing dates.

C. 1. Notwithstanding subsections A and B of this section, a candidate or officeholder who plans to receive contributions or make expenditures of less than the committee threshold in Section 2.12.095 ~~two hundred fifty dollars and who plans to make expenditures of less than two hundred fifty dollars~~ in a calendar year may file a short form campaign statement for that calendar year as prescribed by state laws and regulations. The period covered by the short form is the calendar year. ~~If No other campaign statements must be filed by a~~ candidate or officeholder who has filed a short form campaign statement for activity in the calendar year ~~unless the candidate makes receives two hundred fifty dollars or more in~~ expenditures or receives contributions that exceed the committee threshold in Section 2.12.095, they must file campaign statements as required by subsections A or B, or other applicable sections of Chapter 2.12.

2. During the six months prior to an election in which the candidate or officeholder is being voted upon, a candidate or officeholder who files a short form campaign statement and subsequently receives contributions or makes expenditures exceeding the committee threshold in Section 2.12.095 ~~totaling two hundred fifty dollars or more or makes expenditures totaling two hundred fifty dollars or more~~ during the calendar year

**Clean Up Amendments to Berkeley Election Reform Act (September 2023)**

shall send written notification to the City Clerk, and each candidate or officeholder contending for the same office, as follows:

- (a) The notification shall be sent within forty-eight hours of receiving contributions or making expenditures- exceeding the committee threshold in Section 2.12.095 ~~totaling two hundred fifty dollars or more or making expenditures of two hundred fifty dollars or more~~;
- (b) The notification shall include the name and address of the candidate or officeholder, the elective office for which the short form campaign statement was filed, the date of the election, and the date contributions exceeding the committee threshold in Section 2.12.095 ~~totaling two hundred fifty dollars~~ or more were received or expenditures exceeding the committee threshold in Section 2.12.095 ~~totaling two hundred fifty dollars or more~~ were made;
- (c) The notification shall be sent by ~~telegram~~, guaranteed overnight delivery, personal delivery, or facsimile transmission.



**Fair Campaign Practices Commission**

Date: October 11, 2023

To: Fair Campaign Practices Commission

From: Samuel Harvey, Secretary

**Subject: Public financing matching funds disbursements to Mark Humbert for Council 2022**

---

On March 30, 2023, Commission staff received the attached complaint alleging that the campaign committee Mark Humbert for Council 2022 (“Committee”) included 47 duplicate contributions on two separate matching funds requests (Declarations for Public Funds) and that, as a result, the Committee was awarded duplicate matching funds for these contributions and thereby received public matching funds to which the Committee was not entitled. (Attachment 1.)

Following receipt of the complaint, the Commission Secretary and Clerk Department staff reviewed the Committee’s public financing matching funds requests and disbursements of public matching funds. Staff initially concluded that incorrect duplication of qualified contribution entries was likely the result of the filer selecting an incorrect date range within the NetFile system and thereby generating a report which covered some previously reported contributions. Staff determined that, although this may be a reporting irregularity by the Committee, duplicating qualifying contributions in this manner did not violate the Berkeley Election Reform Act (“BERA”) (BMC Ch. 2.12). Moreover, given that the Clerk Department reviews all qualifying contributions before disbursing matching funds, staff identified no harm done to the public financing program by the duplicate entries. As a result, staff recommended the Commission dismiss the complaint based on the determination that the complaint did not state a violation of BERA or provide any evidence suggesting that a violation of BERA had occurred. The Commission adopted staff’s recommendation at its April 20, 2023 meeting.

Following the Commission’s dismissal of the complaint, the complainant further asserted that the Committee’s duplicate qualifying contribution entries had resulted in the Committee receiving an overpayment of matching funds. The Commission Secretary and City Clerk indicated that they would review the disbursements further and return at a future Commission meeting with any additional information.

Following additional review of the Committee’s filings and disbursements of public matching funds, staff have determined that the Committee received an overpayment of matching funds. As discussed below, City staff have determined that this overpayment was the result of a City clerical error and was not the result of any wrongdoing or violation of BERA by the Committee.

October 11, 2023

Page 2 Re: Public financing matching funds - Mark Humbert for Council 2022

### Berkeley Public Financing Program

Under the City's Fair Elections public financing program, participating candidates may receive public matching funds at a 6:1 ratio for all qualified contributions received from a natural person residing in the City of Berkeley. (BMC §§ 2.12.167 & 2.12.505.A.)

In order to receive matching funds, candidates must submit an Initial Qualifying Declaration for Public Funds listing the qualifying contributions the candidate has received, and provide a qualified contribution receipt and supporting documentation (copy of check, online payment etc.) for each contribution. For any subsequent matching funds requests, the candidate must submit a subsequent Declaration for Public Funds, listing the additional qualifying contributions and providing the same receipt and supporting documentation. City Clerk Department staff then review and verify each of the qualifying contribution entries before disbursing matching funds.

### The Committee's Matching Funds Requests

The Committee submitted two separate matching funds requests during the 2022 election cycle: one on August 8, 2022 and the other on September 29, 2022. Staff have identified 45 duplicate entries between these two matching requests.

Staff have not identified a provision of BERA that would be violated by submitting duplicate contribution entries. There are a number of reasons a committee may purposely or inadvertently submit one or more duplicate contribution entries. For example, campaigns may resubmit a contribution from a prior matching request where that contribution was initially denied matching funds for having incomplete information. Alternatively, a campaign may inadvertently resubmit one or more contributions by erroneously selecting the wrong date range within the NetFile system from which to generate a contribution report.

The City's NetFile system does not automatically identify duplicate entries. Instead, City staff review candidate matching funds requests to verify each contribution's eligibility for matching funds. BERA provides that it is the duty of the City to verify the eligibility for matching funds of each contribution for which matching funds are disbursed. (See BMC § 2.12.505.D ("The City shall verify that a candidate's qualified contributions meet all of the requirements and restrictions of this Act prior to the disbursement of Fair Elections funds to the candidate.")) Based on staff's review of this matter, City staff unfortunately did not manually check for duplicate entries in accordance with standard procedures in this case.

For its two matching requests, the Committee received a total of \$47,000 in matching funds, which is the limit under the public financing program. (BMC §§ 2.12.505.B.2 & 2.12.545.) The Committee was eligible for an additional \$520 of matching funds, which was withheld due to reaching the \$47,000 limit. The 45 duplicate contribution entries accounted for \$16,140 of these matching funds.

October 11, 2023

Page 3 Re: Public financing matching funds - Mark Humbert for Council 2022

City staff have identified an additional 41 contributions for which the Committee would have been able to submit matching requests and receive matching funds had the Committee not erroneously reached the \$47,000 matching funds limit due to improper award of matching funds for duplicate entries. The Committee would have been entitled to an additional \$14,520 in matching funds for these 41 eligible contributions. As a result, City staff have determined that the Committee received an overpayment of \$1,100 in matching funds to which it was not entitled under the public financing program. City records indicate that the Committee was terminated on December 26, 2022.

#### Recommendation

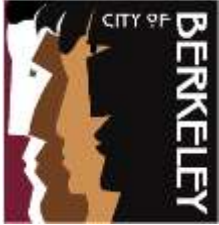
Staff has determined that the overpayment of public matching funds to the Committee was the result of a clerical error by City staff due to failure to adequately perform a manual review of the Committee's matching funds requests. Given that the NetFile system does not automatically identify duplicate qualifying contribution entries, the City's current matching funds disbursement process relies on City staff manually reviewing all contribution entries. Although the Committee submitted duplicate entries in its matching funds requests, staff have not identified a provision of BERA that is violated by submitting one or more duplicate entries. As noted above, the Committee was closed in December 2022 and, as a result, no longer has any funds.

Given that the overpayment was the result of a clerical error by City staff, and staff have been unable to identify a provision of BERA that is violated when a Committee duplicates qualifying contribution entries on a Declaration for Public funds, staff recommends the Commission take no additional enforcement action on this matter. However, the Commission may wish to review this matter as it evaluates and identifies ways to improve the City's public financing system.

#### Attachments:

1. Staff report from FCPC April 20, 2023 meeting packet and attachments

ITEM 8  
Attachment 1



Fair Campaign Practices Commission

Date: April 17, 2023  
To: Fair Campaign Practices Commission  
From: Samuel Harvey, Secretary  
**Subject: Complaint alleging violations of BERA by Mark Humbert for Council 2022**

On March 30, 2023, Commission staff received the attached complaint alleging that the campaign committee Mark Humbert for Council 2022 (“Committee”) included forty-seven duplicate contributions on two separate Declarations for Public Funds and that, as a result, the Committee was awarded duplicate matching funds for these contributions and thereby received public matching funds to which the Committee was not entitled. (Attachment 1.)

In order to receive matching funds under the City’s public financing program, candidates must submit an Initial Qualifying Declaration for Public Funds listing the qualifying contributions the candidate has received, and provide a qualified contribution receipt and supporting documentation (copy of check, online payment etc.) for each contribution. For any subsequent matching funds requests, the candidate must submit a subsequent Declaration for Public Funds, listing the additional qualifying contributions and providing the same receipt and supporting documentation.

The complaint alleges that the Committee has reported forty-seven duplicate contributions on two different Declarations for Public Funds. As a result, the complaint states, the Committee may have received matching funds twice for these contributions. This would result in the Committee receiving matching funds in an amount beyond which it was entitled.

The Commission Secretary and City Clerk Department staff have reviewed the Committee’s filings and matching funds receipts, including the two Declarations for Public Funds identified in the complaint. Clerk Staff review all qualifying contributions prior to disbursing City funds and have confirmed that the Committee did not receive matching funds for any duplicate entries. Attachments 2 and 3 are copies of the Declarations as reviewed by the Clerk Department prior to disbursement of City funds indicating strikethroughs where Clerk staff identified duplicate entries.

Staff believe that the incorrect duplication of qualified contribution entries in the subsequent Declaration was likely the result of the filer selecting an incorrect date range within the Netfile system and thereby generating a report which covered some previously reported contributions. While this may be a reporting irregularity by the Committee, staff

ITEM 8  
Attachment 1

April 17, 2023  
Page 2 Re: Humbert

are unable to identify a provision of the Berkeley Election Reform Act (“BERA”) which would be violated by duplicating qualifying contributions in this manner. Additionally, given that the Clerk Department reviews all qualifying contributions before disbursing matching funds, staff have not identified a harm done to the public financing program.

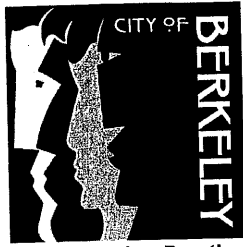
Recommendation

Under the Commission’s Procedures the Commission may (1) direct the Secretary to investigate the complaint, to the extent the Secretary has not already done so; (2) dismiss the complaint; or (c) find probable cause to believe BERA has been violated. (FCPC Procedures Section V.B.2.)

Staff recommends the Commission dismiss this complaint. As discussed above, after reviewing the complaint, staff have determined that the complaint does not state a violation of BERA or provide any other evidence suggesting that a violation of BERA has occurred.

Attachments:

1. Complaint
2. Initial Qualifying Declaration for Public Funds (filed August 8, 2022)
3. Declaration for Public Funds (filed September 29, 2022)



Fair Campaign Practices Commission

**Complaint of Noncompliance**  
Berkeley Election Reform Act ("BERA")\*

RECEIVED  
3/30/23  
City Attorney

Full Name: Gregory Kalkanis  
Date: Friday 24 March 2023  
Address: [REDACTED] / Berkeley 94704  
E-mail (optional but suggested): gkalkanis@yahoo.com  
Phone (optional but suggested): (510) 839-6012

Party or parties alleged to have committed or are about to commit a violation of BERA:  
Mark Humbert for Council 2022

Clear, concise and accurate statement of the facts that constitute the violation of BERA.  
If additional space is needed, you may attach additional pages:

The Declarations for Public Funds dated 7 August 2022 and 29 September 2022 include forty seven duplicate names - each listed as making the maximum contribution of sixty dollars. The Humbert for Council campaign was awarded public matching funds to which they were not entitled. (47,000 - 40,980) = \$6,020

Total contribution 7 August = \$4,270	total	8	
total contribution 9 sept. = \$5,380	total contrib.	9,650	excess award
duplicate	duplicate contrib.	- 2,820	
unawarded contributions = 47 x 60 = \$2,820	valid contrib.	\$6,830	
	public funds =	4 1	
	to which the	6,830	
	campaign was	x 6	
	entitled	\$40,980	

Documents: Attach any documentation supporting the facts alleged.

Statements that are not based upon personal knowledge should identify the source of information that gives rise to the complainant's belief in the truth of such statements.

**I declare under penalty of perjury under the laws of the State of California that all information submitted hereon and in the attachments is true and correct.**

Signature [REDACTED] Date 24 marzo 2023

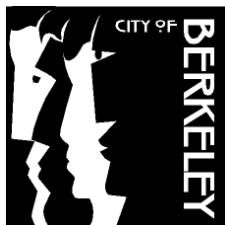
\*Use this "Complaint of Noncompliance" form to allege a violation of BERA pursuant to Berkeley Municipal Code Section 2.12.225 and the Procedures of the Fair Campaign Practices Commission.

To: City of Berkeley Deputy City Attorney Samuel J. Harvey  
Cc: Councilmember Ben Bartlett  
From: Gregory Kalkanis  
Regarding: Complaint of Noncompliance; Mark Humbert for Council 2022  
Date: Friday 24 March 2023

Dear Samuel Harvey:

Please find attached a completed Complaint of Noncompliance form for the campaign of Mark Humbert for Council 2022. The pleasure of a response would be appreciated.

Best Regards,  
Gregory Kalkanis



City Clerk Department  
2180 Milvia Street  
Berkeley, CA 94704  
(510) 981-6900  
[www.cityofberkeley.info](http://www.cityofberkeley.info) | [elections@cityofberkeley.info](mailto:elections@cityofberkeley.info)

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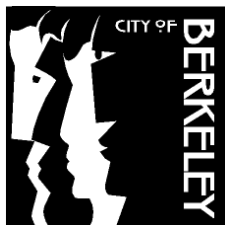
**FAIR ELECTIONS ACT FORM**

**APPLICATION FOR PARTICIPATION  
IN PUBLIC FINANCING PROGRAM**

(Berkeley Municipal Code Chapter 2.12 – Election Reform Act)

<b>OFFICE SOUGHT</b>		
OFFICE City Council Member	COUNCIL DISTRICT (IF APPLICABLE) 8	
ELECTION CYCLE 11/08/2022		
<b>CANDIDATE INFORMATION</b>		
LAST Humbert	FIRST Mark	M.I.
<b>COMMITTEE INFORMATION</b>		
NAME OF CAMPAIGN COMMITTEE Mark Humbert for Council 2022		FPPC I.D. No. 1448572
<b>CANDIDATE CERTIFICATION</b>		
<p>Under penalty of perjury, I hereby certify:</p> <p>I have complied with the restrictions of Berkeley Municipal Code Chapter 2.12 (Election Reform Act) during the election cycle to date; and</p> <p>My campaign committee has filed all campaign finance reports required by law during the election cycle to date and that they are complete and accurate; and</p> <p>I will comply with the requirements of Chapter 2.12 during the remainder of the election cycle and, specifically, if certified as an eligible participating candidate, will comply with the requirements applicable to participating candidates.</p>		
Mark Humbert CANDIDATE SIGNATURE		06/29/2022 DATE SIGNED





City Clerk Department  
2180 Milvia Street  
Berkeley, CA 94704  
(510) 981-6900  
[www.cityofberkeley.info](http://www.cityofberkeley.info) | [elections@cityofberkeley.info](mailto:elections@cityofberkeley.info)

E-Filed  
08/08/2022  
08:28:31  
Filing ID:  
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**FAIR ELECTIONS ACT FORM  
INITIAL QUALIFYING DECLARATION FOR PUBLIC FUNDS  
BY CANDIDATES FOR MAYOR, CITY COUNCIL, CITY AUDITOR,  
SCHOOL BOARD DIRECTOR, OR RENT STABILIZATION BOARD COMMISSIONER**

<b>OFFICE SOUGHT</b>			
OFFICE City Council Member		COUNCIL DISTRICT (IF APPLICABLE) District 8	
ELECTION CYCLE 11/08/2022			
<b>COMMITTEE INFORMATION</b>			
NAME OF CAMPAIGN COMMITTEE Mark Humbert for Council 2022		FPPC I.D. No. 1448572	
STREET ADDRESS 2928 Linden Avenue		APARTMENT/SUITE/FLOOR	
CITY Berkeley	STATE CA	ZIP CODE 94705	
TELEPHONE (415) 260-3398	EMAIL ADDRESS mark@humbertforcouncil.com		
<b>CANDIDATE DECLARATION</b>			
<p>I hereby declare that the following information is true and correct:</p> <ul style="list-style-type: none"> <li>All information on the attached Qualified Contribution Receipts is complete and accurate to the best of my knowledge.</li> <li>I understand that the City shall verify that the qualified contributions meet all of the requirements and restrictions prior to the disbursement of funds.</li> <li>I understand that if I submit any contributions that are not from the person(s) identified on the receipt I shall be liable to pay the Fair Elections Fund the entire amount in addition to any penalties.</li> <li>All Qualified Contributions, of any dollar amount, eligible for matching Fair Elections funds must be publically disclosed with the contributor information required under Sections 2.12.280 and 2.12.283.</li> <li>I understand that all campaign filings must be current in order for a disbursement of Fair Election funds to be released.</li> </ul>			
Mark Humbert CANDIDATE SIGNATURE		08/07/2022 DATE SIGNED	

**INITIAL QUALIFYING REQUEST FOR FAIR ELECTIONS FUNDS PAYMENT**

In order to participate in the Public Financing Program, a candidate must collect at least 30 Qualified Contributions from at least 30 unique contributors of at least \$10.00 and no more than \$60.00 each, for a total dollar amount of at least \$580.00.

All approved Qualified Contributions are matched at a 6:1 ratio. For all public matching funds requests, a candidate must submit the following documentation:

- Qualified Contributions List (below).
- Receipt for Qualified Contribution for Fair Elections Funds.
- Evidence of each contribution received, such as electronic copies of contributor checks, credit card authorizations, or online payment receipts.
- Electronic copies of itemized deposit slips.
- Complete contributor information (full name, address, occupation, and employer) as required by BERA and the Political Reform Act.

Last Name	First Name	Address	Zip Code, City	Occupation	Employer	Payment Method	Date Received	Date Deposited	Deposit Batch #	Amount of Contribution
1. Gray	Tim	628 San Miguel Ave.	94707-1535 Berkeley	N/A	Retired	Electronic	07/07/2022	07/13/2022	1	60.00
2. Scott	Peggy	1839 Catalina Ave	94707 Berkeley	unemployed	unemployed	Electronic	07/07/2022	07/13/2022	1	60.00
3. Haesloop	Eric	2725 Elmwood Avenue	94705 Berkeley	Architect	Turnbull Griffin Haesloop	Electronic	06/30/2022	07/06/2022	1	60.00
4. Rosales	Ces	2315 Russell Street	94705 Berkeley	unemployed	unemployed	Electronic	06/30/2022	07/06/2022	1	60.00
5. Buswell-Charkow	Joshua	3011 Dohr st	94702-2713 Berkeley	Deputy Director	CALSSA	Electronic	06/30/2022	07/06/2022	1	60.00
6. London	Ellen	2810 Ashby Avenue, Berkeley, CA, USA	94705 Berkeley	Attorney	London & Stout	Electronic	06/29/2022	07/05/2022	1	60.00
7. Birnbach	Kerry	1735 Hopkins Street, A	94707 Berkeley	Policy analyst	City/county of SF	Electronic	06/29/2022	07/05/2022	1	60.00
8. Vincent	Jeff	1134 Baneroft Way	94702 Berkeley	Researcher	UC Berkeley	Electronic	06/29/2022	07/05/2022	1	60.00
9. Subbotin	Kyra	2625 Alcatraz Avenue	94705 Berkeley	Lawyer	Self, Berkeley, CA	Electronic	06/29/2022	07/05/2022	1	60.00
10. Gerstein	Beth	1530 Berkeley Way	94703 Berkeley	Legislative aide	City of Berkeley	Electronic	06/29/2022	07/05/2022	1	60.00
11. Batista	Elisa	2025 Prince Street	94703-2518 Berkeley	Content Manager	UltraViolet	Electronic	06/29/2022	07/05/2022	1	60.00
12. Fox	Andrew	3046 Telegraph Ave, Unit 3	94705 Berkeley	Publicist	UC Berkeley	Electronic	06/26/2022	07/02/2022	1	50.00
13. Wengraf	Susan	1404 Le Roy Avenue	94708 Berkeley	councilmember	City of Berkeley	Electronic	06/21/2022	06/27/2022	1	60.00
14. Robinson	Rigel	2214 Durant Ave #1	94704 Berkeley	Councilmember	City of Berkeley	Electronic	06/21/2022	06/27/2022	1	60.00
15. Yamaguchi	Thomas	1015 Channing Way	94710 Berkeley	Homecare Worker	IHSS, Alameda County	Electronic	06/21/2022	06/27/2022	1	30.00
									Subtotals	860.00 <b>440.00</b>

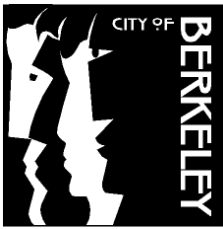
Last Name	First Name	Address	Zip Code, City	Occupation	Employer	Payment Method	Date Received	Date Deposited	Deposit Batch #	Amount of Contribution	
16.	Shoji	Audrey	2924 Russell Street	94705 Berkeley	Volunteer Manager	Women's Cancer Resource Center, Berkeley	Electronic	06/20/2022	06/26/2022	1	60.00
17.	Rose	George	1639 Derby Street	94703 Berkeley	Teacher	BUSD	Electronic	06/20/2022	06/26/2022	1	50.00
18.	Johnson	MaryReed	1401 Greenwood Terrace	94708 Berkeley	Artist	N/A	Electronic	06/16/2022	06/22/2022	1	60.00
19.	Caruana	Kenneth	2816 Oak Knoll Terrace	94705 Berkeley	Executive	Ross Stores	Electronic	06/16/2022	06/22/2022	1	60.00
20.	Laird	Tad	2722 Webster St	94705-2605 Berkeley	Owner	Koppa Targets	Electronic	06/15/2022	06/22/2022	1	60.00
21.	Singer	Sam	33 Roble Road	94705 Berkeley	Communications Strategist	Singer Associates Public Relations	Electronic	06/14/2022	06/20/2022	1	60.00
22.	Miles	Gail	906 Santa Barbara Road	94707 Berkeley	unemployed	unemployed	Electronic	06/13/2022	06/19/2022	1	60.00
23.	Saldich	Alan	2862 Webster St	94705 Berkeley	unemployed	unemployed	Electronic	06/11/2022	06/18/2022	1	60.00
24.	Saldich	Nancy	2862 Webster Street	94705 Berkeley	unemployed	unemployed	Electronic	06/11/2022	06/17/2022	1	60.00
25.	Schwartz	Robert	906 SANTA BARBARA RD	94707 Berkeley	Attorney	Trucker Huss, APC	Electronic	06/10/2022	06/16/2022	1	60.00
26.	Singer	Martha	21 The Plaza Drive	94705-2413 Berkeley	MD	Self, Castro Valley, CA	Electronic	06/09/2022	06/15/2022	1	60.00
27.	Capitelli	Marillyn	1760 Rose St	94703 Berkeley	Retired	unemployed	Electronic	06/08/2022	06/14/2022	1	60.00
28.	Capitelli	Laurie	1760 Rose St	94703 Berkeley	Red Oak Realty, Berkeley	Real Estate	Electronic	06/08/2022	06/14/2022	1	60.00
29.	Beutler	John	2642 Regent St	94704 Berkeley	Planner	California Air Resources Board	Electronic	06/07/2022	06/13/2022	1	60.00
30.	Kawczynska	Claudia	2810 8th St	94710 Berkeley	unemployed	unemployed	Electronic	06/07/2022	06/13/2022	1	60.00
31.	Franklin	Zachary	2956 California Street	94703 Berkeley	Nonprofit Executive	GRID Alternatives	Electronic	06/06/2022	06/12/2022	1	60.00
32.	Gerhardstein	Ben	2320 Acton St	94702 Berkeley	Environmental Health Scientist	CDC	Electronic	06/06/2022	06/12/2022	1	60.00
33.	Stevens	Shelley	2959 Linden Avenue	94705 Berkeley	unemployed	unemployed	Electronic	06/06/2022	06/12/2022	1	60.00
34.	Gray	Carrie	2951 Pine Ave	94705 Berkeley	Psychotherapist	Self, Berkeley, CA	Electronic	06/06/2022	06/14/2022	1	60.00
35.	Martinucci	Jill	1520 Holly Street	94703 Berkeley	Retired	unemployed	Electronic	06/06/2022	06/12/2022	1	60.00
36.	Martinucci	Piero	1520 Holly Street	94703 Berkeley	retired	unemployed	Electronic	06/06/2022	06/12/2022	1	60.00
Subtotals										1,250.00 960.00	

Last Name	First Name	Address	Zip Code, City	Occupation	Employer	Payment Method	Date Received	Date Deposited	Deposit Batch #	Amount of Contribution	
37.	Humbert	Frances	2928 Linden Avenue Berkeley	94705	Florist	Freya/ Brother and Sisters Flower Shop	Electronic	06/06/2022	06/12/2022	1	60.00
38.	Choy	Ron	2615 Woolsey Street Berkeley	94705	unemployed	unemployed	Electronic	06/06/2022	06/12/2022	1	60.00
39.	Wang	Carol	2953 Linden Avenue Berkeley	94705	Homemaker	unemployed	Electronic	06/06/2022	06/12/2022	1	60.00
40.	Kesarwani	Rashi	1619 Edith St. Berkeley	94703	Councilmember	City of Berkeley	Electronic	06/05/2022	06/11/2022	1	60.00
41.	Bruzzone	Anthony	1627 Spruce St Berkeley	94709	Consultant	Arup US Inc	Electronic	06/05/2022	06/11/2022	1	60.00
42.	Zander	Sofia	2956 California Street Berkeley	94703	Owner/ Landscape architect	Zander Design, Berkeley, CA	Electronic	06/05/2022	06/11/2022	1	60.00
43.	Smulka	Ann	175 Alvarado Road Berkeley	94705	Consultant	Strategic Arts	Electronic	06/05/2022	06/11/2022	1	60.00
44.	Orriek	Phyllis	1625 Kains Avenue, #A Berkeley	94702	retired	unemployed	Electronic	06/04/2022	06/10/2022	1	60.00
45.	Crandall	Kathleen	2151 Oregon ST Berkeley	94705	Realtor	Self, Berkeley, CA	Electronic	06/04/2022	06/10/2022	1	60.00
46.	Lee-Egan	Elizabeth	1130 Hopkins St Berkeley	94702	graphic designer	Sierra Club	Electronic	06/04/2022	06/10/2022	1	60.00
47.	Fike	Barry	1723 Allston Way Berkeley	94703	Retired	unemployed	Electronic	06/04/2022	06/10/2022	1	60.00
48.	Mudge	Alden	1613 Jaynes Street Berkeley	94703	Retired	unemployed	Electronic	06/04/2022	06/10/2022	1	60.00
49.	Gould	Harvey	1950 Addison Street, Apt 221 Berkeley	94704	retired	unemployed	Electronic	06/04/2022	06/10/2022	1	60.00
50.	Aguilar-Canabal	Diego	1921 Francisco St-Apt 3A Berkeley	94709	Legislative Assistant	City of Berkeley	Electronic	06/03/2022	06/09/2022	1	60.00
51.	Trachtenberg	David	2960 Benvenue Ave Berkeley	94705	Architect	Trachtenberg Architects, Berkeley, CA	Electronic	06/03/2022	06/09/2022	1	60.00
52.	Droste	Lori	2951 Pine Ave. Berkeley	94705	Councilmember	City of Berkeley	Electronic	06/03/2022	06/09/2022	1	60.00
53.	Posselt	Theo	2591 Hilgard Avenue Berkeley	94709	Consultant	Deloitte	Electronic	06/03/2022	06/09/2022	1	60.00
54.	Yep	Ray	557 Neilson Street Berkeley	94707	Civil Engineer	Retired	Electronic	06/03/2022	06/09/2022	1	60.00
55.	Hedlund	Marc	2930 Domingo Ave #233 Berkeley	94705	Engineering leadership consulting	Tenuki Moves, LLC	Electronic	06/03/2022	06/09/2022	1	60.00
56.	Lomax	Geoffrey	1507 M L King Jr Way Berkeley	94709	Research Administration	State of CA	Electronic	06/03/2022	06/09/2022	1	60.00
57.	Janowitz	Naomi	2745 Elmwood Avenue Berkeley	94705	Professor	University of California	Electronic	06/03/2022	06/09/2022	1	60.00
Subtotals										1,260.00 <b>1020.00</b>	

Last Name	First Name	Address	Zip Code, City	Occupation	Employer	Payment Method	Date Received	Date Deposited	Deposit Batch #	Amount of Contribution
58. Chatterjee	Anirvan	1404 Henry Street	94709 Berkeley	Data Strategist	UCSF	Electronic	06/03/2022	06/09/2022	1	60.00
59. Cheyette	Oren	1520 San Lorenzo	94707 Berkeley	Software Engineer	Loomis Sayles & Co. Boston	Check	06/02/2022	06/08/2022	1	60.00
60. Cheyette	Catherine	1520 San Lorenzo	94707 Berkeley	Psychotherapist	Self Employed, Albany, CA	Check	06/02/2022	06/08/2022	1	60.00
61. Stoller	Tia	2815 Cherry Street	94705 Berkeley	Graphic Designer	Stoller Design Group Berkeley	Check	06/02/2022	06/08/2022	1	60.00
62. Humbert	Kelly	2928 Linden Ave	94705 Berkeley	Medical Assistant	Berkeley Pediatrics	Other	06/02/2022	06/08/2022	1	60.00
63. Ghosh	Barnali	1404 Henry St., #4	94709 Berkeley	Designer	Self-employed, Berkeley, CA	Electronic	06/01/2022	06/07/2022	1	60.00
64. Herek	Gregory	1645 Grant St.	94703 Berkeley	Retired	Retired	Check	06/01/2022	06/07/2022	1	60.00
65. Dynis	John	1643 Grant Street	94703 Berkeley	Retired	N/A	Check	06/01/2022	06/07/2022	1	60.00
66. Gould	Benjamin	1950 Addison Street, Apt 723	94704 Berkeley	President	EcoDataLab, Berkeley, CA	Electronic	05/31/2022	06/06/2022	1	60.00
67. Andrew	Fodd	1547 Hopkins Street, Apt. 6	94707 Berkeley	Realtor	Red Oak Realty	Electronic	05/31/2022	06/06/2022	1	60.00
68. Su	Kathy	2931 Linden Avenue	94705 Berkeley	Home	N/A	Check	05/28/2022	06/04/2022	1	60.00
69. Brock-Dolas	Phoebe	1932 Los Angeles Avenue	94707 Berkeley	Student	N/A	Check	05/28/2022	06/04/2022	1	60.00
70. Brock	Charles	1932 Los Angeles Avenue	94707 Berkeley	Retired	N/A	Check	05/28/2022	06/04/2022	1	60.00
71. Dolas	Lura	1932 Los Angeles Avenue	94707 Berkeley	Retired	N/A	Check	05/28/2022	06/04/2022	1	60.00
72. Tan	Thomas	2931 Linden Avenue	94705 Berkeley	Marketing	Apple	Check	05/28/2022	06/04/2022	1	60.00

Subtotals	900.00 420.00
Grand Totals	4,270.00 2840.00

2,840  
x6  
17,040



City Clerk Department  
2180 Milvia Street  
Berkeley, CA 94704  
(510) 981-6900  
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09/29/2022  
22:24:26  
  
Filing ID:  
204931942

**FAIR ELECTIONS ACT FORM  
DECLARATION FOR PUBLIC FUNDS BY CANDIDATES FOR  
MAYOR, CITY COUNCIL, CITY AUDITOR, SCHOOL BOARD DIRECTOR, OR  
RENT STABILIZATION BOARD COMMISSIONER**

<b>OFFICE SOUGHT</b>			
OFFICE City Council Member		COUNCIL DISTRICT (IF APPLICABLE) District 8	
ELECTION CYCLE 11/08/2022			
<b>COMMITTEE INFORMATION</b>			
NAME OF CAMPAIGN COMMITTEE Mark Humbert for Council 2022		FPPC I.D. No. 1448572	
STREET ADDRESS 2928 Linden Avenue		APARTMENT/SUITE/FLOOR	
CITY Berkeley	STATE CA	ZIP CODE 94705	
TELEPHONE (415) 260-3398	EMAIL ADDRESS mark@humbertforcouncil.com		
<b>CANDIDATE DECLARATION</b>			
<p>I hereby declare that the following information is true and correct:</p> <ul style="list-style-type: none"> <li>• All information on the attached Qualified Contribution Receipts is complete and accurate to the best of my knowledge.</li> <li>• I understand that the City shall verify that the qualified contributions meet all of the requirements and restrictions prior to the disbursement of funds.</li> <li>• I understand that if I submit any contributions that are not from the person(s) identified on the receipt I shall be liable to pay the Fair Elections Fund the entire amount in addition to any penalties.</li> <li>• All Qualified Contributions, of any dollar amount, eligible for matching Fair Elections funds must be publically disclosed with the contributor information required under Sections 2.12.280 and 2.12.283.</li> <li>• I understand that all campaign filings must be current in order for a disbursement of Fair Election funds to be released.</li> </ul>			
Mark Humbert		09/29/2022	
CANDIDATE SIGNATURE		DATE SIGNED	

**REQUEST FOR FAIR ELECTIONS FUNDS PAYMENT**

All approved Qualified Contributions are matched at a 6:1 ratio. Each candidate must submit the following documentation in order to be eligible for public matching funds:

- Qualified Contributions List (below).
- Receipt for Qualified Contribution for Fair Elections Funds.
- Evidence of each contribution received, such as electronic copies of contributor checks, credit card authorizations, or online payment receipts.
- Electronic copies of itemized deposit slips.
- Complete contributor information (full name, address, occupation, and employer) as required by BERA and the Political Reform Act.

Last Name	First Name	Address	Zip Code, City	Occupation	Employer	Payment Method	Date Received	Date Deposited	Deposit Batch #	Amount of Contribution
1. Berger	Steven	173 Hillerest Road	94705 Berkeley	President	NYF Properties, Inc.	Electronic	09/28/2022	09/28/2022	2	60.00
2. Kletz	Abbey	2850 Webster Street	94705 Berkeley	unemployed	unemployed	Electronic	09/22/2022	09/22/2022	2	60.00
3. Casebolt	Tarmigan	2928 Derby Street	94705 Berkeley	unemployed	unemployed	Electronic	09/22/2022	09/22/2022	2	60.00
4. Rice	Michael	4 Sunset Lane	94708 Berkeley	President	VR Research	Electronic	09/20/2022	09/20/2022	2	60.00
5. Bell	Judith	2757 Prince Street	94705 Berkeley	Chief Impact Officer	San Francisco Foundation	Electronic	09/12/2022	09/12/2022	2	60.00
6. David	Narsai	2825 Webster St	94705 Berkeley	retired	retired	Check	09/11/2022	09/11/2022	2	60.00
7. David	Venus	2825 Webster St	94705 Berkeley	retired	retired	Cash	09/11/2022	09/11/2022	2	60.00
8. Kennedy	Patrick	2811 Parker Street	94703 Berkeley	Property Manager	Royal Towers Apartment Company	Electronic	09/06/2022	09/06/2022	2	30.00
9. Arreguin	Jesse	1528 Henry Street	94709 Berkeley	Mayor	City of Berkeley	Electronic	08/24/2022	08/24/2022	2	60.00
10. Erbe	Jacqueline	1614 9th Street	94710 Berkeley	Project Manager	Workshop1	Electronic	08/22/2022	08/22/2022	1	60.00
<del>11. King</del>	<del>Laura</del>	<del>14 Eucalyptus Road</del>	<del>94705 Berkeley</del>	<del>Content Partnerships</del>	<del>Twitter</del>	<del>Electronic</del>	<del>08/22/2022</del>	<del>08/22/2022</del>	<del>2</del>	<del>60.00</del>
12. Lau	Jonathan	1827 Ward St	94703 Berkeley	Local Economic Development Project Manager	San Francisco County	Electronic	08/22/2022	08/22/2022	2	60.00
13. Johns	Jeffrey	2617 Parker St	94704 Berkeley	Physician	City of Berkeley	Electronic	08/19/2022	08/19/2022	2	60.00
14. Francis	Caroline	6029 Chabolyn Ter	94618 Berkeley	Manager, Program Management	PG&E	Cash	08/19/2022	08/19/2022	2	60.00
15. Gilbert	Aviva	1295 Berkeley Way	94702 Berkeley	Attorney	FBM	Electronic	08/17/2022	08/17/2022	2	30.00
Subtotals										720 840.00

ITEM 8  
Attachment 3

Last Name	First Name	Address	Zip Code, City	Occupation	Employer	Payment Method	Date Received	Date Deposited	Deposit Batch #	Amount of Contribution	
16.	Gutierrez	Rod	2601 Webster St Berkeley	94705	unemployed	unemployed	Cash	08/04/2022	08/04/2022	2	50.00
17.	Gutierrez	Rod	2601 Webster St Berkeley	94705	unemployed	unemployed	Cash	08/04/2022	08/04/2022	2	10.00
18.	Montauk	Lance	3033 Bateman St. Berkeley	94705	unemployed	unemployed	Electronic	08/02/2022	08/02/2022	2	60.00
19.	Lathbury	Donald	1528 Henry St. Berkeley	94709	Consultant	The Next Generation	Electronic	07/20/2022	07/20/2022	2	60.00
20.	Gray	Tim	628 San Miguel Ave. Berkeley	94707-1535	N/A	Retired	Electronic	07/07/2022	07/13/2022	1	60.00
21.	Scott	Peggy	1839 Catalina Ave Berkeley	94707	unemployed	unemployed	Electronic	07/07/2022	07/13/2022	1	60.00
22.	Haesloop	Eric	2725 Elmwood Avenue Berkeley	94705	Architect	Turnbull Griffin Haesloop	Electronic	06/30/2022	07/06/2022	1	60.00
23.	Rosales	Ces	2315 Russell Street Berkeley	94705	unemployed	unemployed	Electronic	06/30/2022	07/06/2022	1	60.00
24.	Buswell-Charkow	Joshua	3011 Dohr st Berkeley	94702-2713	Deputy Director	CALSSA	Electronic	06/30/2022	07/06/2022	1	60.00
25.	Magofna	Gregory	1819 Addison Street Apt 1 Berkeley	94703	Communications	California Renters Legal Advocacy and Education Fund	Electronic	06/30/2022	07/07/2022	1	60.00
26.	London	Ellen	2810 Ashby Avenue, Berkeley, CA, USA	94705	Attorney	London & Stout	Electronic	06/29/2022	07/05/2022	1	60.00
27.	Birnbach	Kerry	1735 Hopkins Street, A Berkeley	94707	Policy analyst	City/county of SF	Electronic	06/29/2022	07/05/2022	1	60.00
28.	Vincent	Jeff	1134 Bancroft Way Berkeley	94702	Researcher	UC Berkeley	Electronic	06/29/2022	07/05/2022	1	60.00
29.	Subbotin	Kyra	2743 Prince Street Berkeley	94705	Lawyer	Self, Law Offices of Kyra Subbotin, Berkeley, CA	Electronic	06/29/2022	07/05/2022	1	60.00
30.	Gerstein	Beth	1530 Berkeley Way Berkeley	94703	Legislative aide	City of Berkeley	Electronic	06/29/2022	07/05/2022	1	60.00
31.	Batista	Elisa	2025 Prince Street Berkeley	94703-2518	Content Manager	UltraViolet	Electronic	06/29/2022	07/05/2022	1	60.00
32.	Kletz	Harvey	2850 Webster Street Berkeley	94705	unemployed	unemployed	Electronic	06/29/2022	06/29/2022	2	50.00
33.	Fox	Andrew	3046 Telegraph Ave, Unit 3 Berkeley	94705	Publicist	UC Berkeley	Electronic	06/26/2022	07/02/2022	1	50.00
34.	Stahlhut	Nathan	2846 Webster Street Berkeley	94705	Sales	SGWS	Electronic	06/22/2022	06/29/2022	1	60.00
35.	Wengraf	Susan	1404 Le Roy Avenue Berkeley	94708	councilmember	City of Berkeley	Electronic	06/21/2022	06/27/2022	1	60.00
36.	Robinson	Rigel	2214 Durant Ave #1 Berkeley	94704	Councilmember	City of Berkeley	Electronic	06/21/2022	06/27/2022	1	60.00
										Subtotals	1,180.00



Last Name	First Name	Address	Zip Code, City	Occupation	Employer	Payment Method	Date Received	Date Deposited	Deposit Batch #	Amount of Contribution	
37	Yamaguchi	Thomas	1015 Channing Way Berkeley	94710	Homecare Worker	IHSS, Alameda County	Electronic	06/21/2022	06/27/2022	1	30.00
38	Shoji	Audrey	2924 Russell Street Berkeley	94705	Volunteer Manager	Women's Cancer Resource Center, Berkeley	Electronic	06/20/2022	06/26/2022	1	60.00
39	Johnson	MaryReed	1401 Greenwood Terrace Berkeley	94708	Artist	Unemployed	Electronic	06/16/2022	06/22/2022	1	60.00
40	Caruana	Kenneth	2816 Oak Knoll Terrace Berkeley	94705	Executive	Ross Stores	Electronic	06/16/2022	06/22/2022	1	60.00
41	Laird	Tad	2722 Webster St Berkeley	94705-2605	Owner	Koppa Targets	Electronic	06/15/2022	06/22/2022	1	60.00
42	Singer	Sam	33 Roble Road Berkeley	94705	Communications Strategist	Singer Associates Public Relations	Electronic	06/14/2022	06/20/2022	1	60.00
43	Miles	Gail	906 Santa Barbara Road Berkeley	94707	unemployed	unemployed	Electronic	06/13/2022	06/19/2022	1	60.00
44	Saldich	Alan	2862 Webster St Berkeley	94705	unemployed	unemployed	Electronic	06/11/2022	06/18/2022	1	60.00
45	Saldich	Nancy	2862 Webster Street Berkeley	94705	unemployed	unemployed	Electronic	06/11/2022	06/17/2022	1	60.00
46	Schwartz	Robert	906 SANTA BARBARA RD Berkeley	94707	Attorney	Trucker Huss, APC	Electronic	06/10/2022	06/16/2022	1	60.00
47	Singer	Martha	21 The Plaza Drive Berkeley	94705-2413	MD	Self, Castro Valley, CA	Electronic	06/09/2022	06/15/2022	1	60.00
48	Capitelli	Marillyn	1760 Rose St Berkeley	94703	Retired	unemployed	Electronic	06/08/2022	06/14/2022	1	60.00
49	Capitelli	Laurie	1760 Rose St Berkeley	94703	Red Oak Realty, Berkeley	Real Estate	Electronic	06/08/2022	06/14/2022	1	60.00
50	Beutler	John	2642 Regent St Berkeley	94704	Planner	California Air Resources Board	Electronic	06/07/2022	06/13/2022	1	60.00
51	Kawczynska	Claudia	2810 8th St Berkeley	94710	unemployed	unemployed	Electronic	06/07/2022	06/13/2022	1	60.00
52	Franklin	Zachary	2956 California Street Berkeley	94703	Nonprofit Executive	GRID Alternatives	Electronic	06/06/2022	06/12/2022	1	60.00
53	Gerhardstein	Ben	2320 Acton St Berkeley	94702	Environmental Health Scientist	CDC	Electronic	06/06/2022	06/12/2022	1	60.00
54	Stevens	Shelley	2959 Linden Avenue Berkeley	94705	unemployed	unemployed	Electronic	06/06/2022	06/12/2022	1	60.00
55	Gray	Carrie	2951 Pine Ave Berkeley	94705	Therapist	Carrie Gray Psychotherapy, Berkeley, CA	Electronic	06/06/2022	06/14/2022	1	60.00
56	Martinucci	Bill	1520 Holly Street Berkeley	94703	Retired	unemployed	Electronic	06/06/2022	06/12/2022	1	60.00
57	Martinucci	Piero	1520 Holly Street Berkeley	94703	retired	unemployed	Electronic	06/06/2022	06/12/2022	1	60.00
Subtotals										1,230.00	

ITEM 8  
Attachment 3

Last Name	First Name	Address	Zip Code, City	Occupation	Employer	Payment Method	Date Received	Date Deposited	Deposit Batch #	Amount of Contribution	
58.	Humbert	Frances	2928 Linden Avenue Berkeley	94705	Florist	Freya/ Brother and Sisters Flower Shop	Electronic	06/06/2022	06/12/2022	1	60.00
59.	Choy	Ron	2615 Woolsey Street Berkeley	94705	unemployed	unemployed	Electronic	06/06/2022	06/12/2022	1	60.00
60.	Wang	Carol	2953 Linden Avenue Berkeley	94705	Homemaker	unemployed	Electronic	06/06/2022	06/12/2022	1	60.00
61.	Kesarwani	Rashi	1619 Edith St. Berkeley	94703	Councilmember	City of Berkeley	Electronic	06/05/2022	06/11/2022	1	60.00
62.	Bruzzone	Anthony	1627 Spruce St Berkeley	94709	Consultant	Arup US Inc	Electronic	06/05/2022	06/11/2022	1	60.00
63.	Zander	Sofia	2956 California Street Berkeley	94703	Owner/ Landscape architect	Zander Design, Berkeley, CA	Electronic	06/05/2022	06/11/2022	1	60.00
64.	Smulka	Ann	175 Alvarado Road Berkeley	94705	Consultant	Strategic Arts	Electronic	06/05/2022	06/11/2022	1	60.00
65.	Brower	Norah	2701 Buena Vista Way Berkeley	94708	Realtor	Compass	Electronic	06/05/2022	06/05/2022	2	30.00
66.	Orrick	Phyllis	1625 Kains Avenue, #A Berkeley	94702	retired	unemployed	Electronic	06/04/2022	06/10/2022	1	60.00
67.	Crandall	Kathleen	2151 Oregon ST Berkeley	94705	Realtor	Self, Berkeley, CA	Electronic	06/04/2022	06/10/2022	1	60.00
68.	Lee-Egan	Elizabeth	1130 Hopkins St Berkeley	94702	graphic designer	Sierra Club	Electronic	06/04/2022	06/10/2022	1	60.00
69.	Fike	Barry	1723 Allston Way Berkeley	94703	Retired	unemployed	Electronic	06/04/2022	06/10/2022	1	60.00
70.	Mudge	Alden	1613 Jaynes Street Berkeley	94703	Retired	unemployed	Electronic	06/04/2022	06/10/2022	1	60.00
71.	Gould	Harvey	1950 Addison Street, Apt 221 Berkeley	94704	retired	unemployed	Electronic	06/04/2022	06/10/2022	1	60.00
72.	Aguilar-Canabal	Diego	1921 Francisco St Apt 3A Berkeley	94709	Legislative Assistant	City of Berkeley	Electronic	06/03/2022	06/09/2022	1	60.00
73.	Frachtenberg	David	2960 Benvenue Ave Berkeley	94705	Architect	Frachtenberg Architects, Berkeley, CA	Electronic	06/03/2022	06/09/2022	1	60.00
74.	Droste	Lori	2951 Pine Ave. Berkeley	94705	Councilmember	City of Berkeley	Electronic	06/03/2022	06/09/2022	1	60.00
75.	Posselt	Theo	2591 Hilgard Avenue Berkeley	94709	Consultant	Deloitte	Electronic	06/03/2022	06/09/2022	1	60.00
76.	Yep	Ray	557 Neilson Street Berkeley	94707	Civil Engineer	Retired	Electronic	06/03/2022	06/09/2022	1	60.00
77.	Taplin	Terry	1032 Bancroft Berkeley	94710	City Councilmember	City of Berkeley	Cash	06/03/2022	06/03/2022	2	10.00
78.	Taplin	Terry	1032 Bancroft Berkeley	94710	City Councilmember	City of Berkeley	Electronic	06/03/2022	06/03/2022	2	50.00
Subtotals										1,110	1,170.00

ITEM 8  
Attachment 3

Last Name	First Name	Address	Zip Code, City	Occupation	Employer	Payment Method	Date Received	Date Deposited	Deposit Batch #	Amount of Contribution	
79.	Godar	Andrew	1032 Bancroft Way Berkeley	94710	RN	Sutter	Electronic	06/03/2022	06/03/2022	2	60.00
80.	Lewis	Matthew	1637 Stuart St Berkeley	94703	Communications Director	California YIMBY	Electronic	06/03/2022	06/10/2022	1	60.00
81.	Hedlund	Marc	2930 Domingo Ave #233 Berkeley	94705	Engineering leadership consulting	Tenuki Moves, LLC	Electronic	06/03/2022	06/09/2022	1	60.00
82.	Lomax	Geoffrey	1507 M L King Jr Way Berkeley	94709	Research Administration	State of CA	Electronic	06/03/2022	06/09/2022	1	60.00
83.	Janowitz	Naomi	2745 Elmwood Avenue Berkeley	94705	Professor	University of California	Electronic	06/03/2022	06/09/2022	1	60.00
84.	Chatterjee	Anirvan	1404 Henry Street, 4 Berkeley	94709	Data Strategist	UCSF	Electronic	06/03/2022	06/09/2022	1	60.00
85.	Stoller	Tia	2815 Cherry Street Berkeley	94705	Graphic Designer	Stoller Design Group Berkeley	Check	06/02/2022	06/08/2022	1	60.00
86.	Humbert	Kelly	2928 Linden Ave Berkeley	94705	Medical Assistant	Berkeley Pediatrics	Other	06/02/2022	06/08/2022	1	60.00
87.	Ghosh	Barnali	1404 Henry St., #4 Berkeley	94709	Designer	Self-employed, Berkeley, CA	Electronic	06/01/2022	06/07/2022	1	60.00
88.	Herek	Gregory	1645 Grant St. Berkeley	94703	Retired	Retired	Check	06/01/2022	06/07/2022	1	60.00
89.	Dynis	John	1643 Grant Street Berkeley	94703	Retired	N/A	Check	06/01/2022	06/07/2022	1	60.00
90.	Gould	Benjamin	1950 Addison Street, Apt 723 Berkeley	94704	President	EcoDataLab, Berkeley, CA	Electronic	05/31/2022	06/06/2022	1	60.00
91.	Tan	Thomas	2931 Linden Avenue Berkeley	94705	Marketing	Apple	Check	05/28/2022	06/04/2022	1	60.00
92.	<del>Brock-Dolas</del>	Phoebe	1932 Los Angeles Avenue Berkeley	94707	Student	N/A	Check	05/28/2022	06/04/2022	1	60.00
93.	<del>Brock</del>	Darryl	1932 Los Angeles Avenue Berkeley	94707	Retired	N/A	Check	05/28/2022	06/04/2022	1	60.00
94.	Dolas	Lura	1932 Los Angeles Avenue Berkeley	94707	Retired	N/A	Check	05/28/2022	06/04/2022	1	60.00
Subtotals										840	960.00
Grand Totals										5,080	5,380.00

Please note: Candidate's Public Finance matching funds disbursement was calculated to \$30,480 however, per Public Finance matching funds disbursement limits the candidate only qualifies for the \$47,000 maximum for City Council candidates.

Please make a payment of only \$29,960.

5,080  
~~X6~~  
30,480

**Harvey, Samuel**

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**From:** C. Mark Humbert <markh@humbertlaw.us>  
**Sent:** Tuesday, April 18, 2023 4:05 PM  
**To:** FCPC (Fair Campaign Practices Commission)  
**Subject:** Re: FCPC Complaint

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Mr. Harvey and Members of the Berkeley FCPC:

Thank you for bringing this complaint to my attention. I agree with Staff's conclusion that it does not state a claim under BERA, and therefore does not have merit as a matter of law.

As you know, the Berkeley City Clerk's Office is punctilious in examining matching requests submitted by Berkeley candidates who are participating in the Berkeley public campaign financing program. Individual forms are often rejected for failure to meet the Clerk's appropriately exacting standards.

My assistant treasurer and I worked diligently to supply the requisite information, but we made mistakes in some instances which were later corrected. The campaign contributions we received from Berkeley residents far exceeded the limit on matchable donations, and once we found we had reached the limit, we did not submit any additional requests for matching.

Some of the reasons for the discrepancies noted by the complainant in the public financing records include:

- Some of our submittals did not have forms correctly attached the first time, and so they were later resubmitted.
- Some of our submittals had errors on the forms that needed to be corrected, and so they were later resubmitted.
- Some of our contributions were accidentally reassigned to the second batch of submissions.
- Some of our contributions occurred earlier in the year, but contributors did not submit their forms until later in the year, and this may have caused us to select a date range that resulted in overlap with previous submittals.

As shown by the City Clerk's documentation, we submitted more unique matching forms than were required. As mentioned above, we had still more donations with forms that we could have submitted had it been necessary. Finally, I am confident that we did not receive from the City any funds in excess of the public financing limit.

We request that this complaint be dismissed.

Respectfully submitted,

Mark Humbert  
2022 Candidate for Berkeley City Council D8

On Monday, April 17, 2023, 2:47 PM, FCPC (Fair Campaign Practices Commission) <FCPC@cityofberkeley.info> wrote:

Restricted

ITEM 8  
Attachment 1

Attached is a courtesy copy of a complaint received by the Berkeley Fair Campaign Practices Commission (FCPC) alleging violations of the Berkeley Election Reform Act (BERA) by your campaign, Mark Humbert for Council 2022. Also included is a staff report recommending that the FCPC dismiss the complaint for failure to state a violation of BERA.

This item will be considered by the FCPC at its meeting on April 20<sup>th</sup> at 6:30 PM at the North Berkeley Senior Center.

Thank you,

Sam

**Samuel J. Harvey**

Secretary

Fair Campaign Practices Commission / Open Government Commission

City of Berkeley

2180 Milvia Street, 4<sup>th</sup> Floor

Berkeley, CA 94704

[fcpc@cityofberkeley.info](mailto:fcpc@cityofberkeley.info)

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