



# Amending the Berkeley Election Reform Act to Implement Public Campaign Financing

---

PUBLIC HEARING, JULY 11, 2017

BRAD SMITH, CHAIR

JESSICA MAR, SECRETARY

FAIR CAMPAIGN PRACTICES COMMISSION (FCPC)

# The Voters Passed Public Financing

---

- May 2014: Council referred a draft ballot measure to the FCPC.
- June 2015: FCPC recommended that Council consider the proposal for the ballot.
- November 2015: Council considered and amended the proposal.
- April 2016: Council directed staff to prepare ballot language.
- May 2016: Council moved to submit a Charter Amendment and Ordinance Measure related to Berkeley Charter Article III (Elections) and Municipal Code Chapter 2.12 (Election Reform Act) to create a public campaign financing system to a vote of the electors at the November General Municipal Election.
- November 2016: The voters passed the public campaign financing ballot measure, labeled Measure X1, with the following results:

MEASURE	Votes For	% For	Votes Against	% Against	Total
X1: Public Campaign Financing	33,921	64.85%	18,387	35.15%	52,308

# The City Is Implementing Public Financing

---

The City Clerk's and City Attorney's Offices are spearheading the implementation of public financing in collaboration with the following partners:

- FCPC;
- Finance Department;
- Office of Budget & Fiscal Management in the City Manager's Office;
- Jurisdictions, such as New York City and San Francisco, that operate public financing;
- NetFile, the City's online campaign statement filing system;
- Groups in Berkeley and interested members of the public.

The amendments make minor adjustments to the administration of public financing to address the obstacles identified in this process. The changes are necessary to effectively implement public financing for the next election cycle.

# The Amendments Facilitate Implementation of Public Financing

---

The amendments:

- Improve formatting consistency throughout BMC Chapter 2.12;
- Clarify potential ambiguities between the Berkeley Fair Elections Act of 2016 and the rest of BMC Chapter 2.12;
- Require public financing Participating Candidates to submit their statements electronically so that the City can use NetFile, its online campaign filing system, to process the filings;
- Establish timelines for Fair Elections funds requests and repayment of unspent funds;
- Clarify the treatment of and documentation for non-monetary contributions;
- Make minor timing adjustments to account for the FCPC's Thursday evening meetings;
- Align the payment timelines with the Finance Department's processing schedule; and
- Correct errors related to the rounding of dollar amounts.

# Amendment of the BERA Requires a Two-Thirds Vote by Council

---

Amending the Berkeley Election Reform Act (BERA) requires a special process. Any amendments to the BERA must be passed by at least two-thirds of the FCPC, a public hearing must be held thirty days or more after passage of the amendment by the FCPC, and Council must pass the amendments by a vote of at least two-thirds. BMC 2.12.051.A.

At its April 20, 2017 meeting, the FCPC unanimously approved the amendments as follows:

- M/S/C: (Metzger/Callahan) *to approve draft ordinance to amend BERA to facilitate implementation of public financing* (Ayes: Callahan, Harper, O'Donnell, Metzger, Soichet, Smith, Sridharan, Tsui; Noes: None; Abstain: None; Absent: McLean).