



Fair Campaign Practices Commission
Open Government Commission

CONCURRENT SPECIAL MEETING OF THE FAIR CAMPAIGN PRACTICES COMMISSION AND THE OPEN GOVERNMENT COMMISSION

MEETING AGENDA

September 8, 2022

6:00 p.m.

Pursuant to Government Code Section 54953(e) and the state declared emergency, this meeting of the Fair Campaign Practices Commission and Open Government Commission will be conducted exclusively through teleconference and Zoom videoconference. The COVID-19 state of emergency continues to directly impact the ability of the members to meet safely in person and presents imminent risks to the health of attendees. Therefore, no physical meeting location will be available.

Members of the public interested in attending will be able to observe and address the meeting using the following information:

Please use the following link to join the meeting: <https://us02web.zoom.us/j/82004135411>

Or Telephone: +1 669 900 6833

Meeting ID: 820 0413 5411

Secretary: Samuel Harvey

The Commission may act on any item on this agenda

1. Call to Order 6:00 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:
 - a. June 16, 2022 FCPC-OGC Concurrent Regular Meeting
 - b. August 25, 2022 FCPC-OGC Concurrent Special Meeting

Fair Campaign Practices Commission (FCPC) Agenda

5. Reports.
 - a. Report from Chair.
 - b. Report from Staff.

6. Report from officeholder accounts subcommittee; discussion and possible action.
7. City Council referral – Review contribution limits under BMC § 2.12.415; discussion and possible action.

Open Government Commission (OGC) Agenda

8. Reports.
 - a. Report from Chair.
 - b. Report from Staff.

Joint FCPC-OGC Agenda

9. Commission Secretary Presentation: Due Process in FCPC and OGC Quasi-Judicial Proceedings; discussion and possible action.

Informational items

10. City Clerk Department / City Attorney's Office training seminar for City campaigns: *Berkeley Election Reform Act – A Guide to Navigating Local Election Rules*
11. November 8, 2022 General Election Public Finance Matching Funds Report
12. City Clerk Department - Certifications of Public Financing Program Participants
13. Adjournment.

Communications

- None

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). Please refrain from wearing scented products to this meeting.

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., 4th Fl., Berkeley, CA.



Fair Campaign Practices Commission
Open Government Commission

DRAFT MINUTES

June 16, 2022

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

Pursuant to Government Code Section 54953(e) and the state declared emergency, this meeting was conducted exclusively through teleconference and Zoom videoconference.

Secretary: Samuel Harvey

Members Present: Janis Ching, Pedro Hernandez, Patrick O'Donnell, Janet Stromberg, Jedidiah Tsang, James, Hynes

Also Present: Samuel Harvey, Staff Secretary

1. **Call to Order**

Chair called the meeting to order at 6:01 p.m.

2. **Roll Call**

Roll call taken.

3. **Public Comment**

No speakers.

4. **Approval of minutes for March 17, 2022 FCPC-OGC Concurrent Regular Meeting**

- a. Public comment: none.
- b. Commission discussion and action.

Motion to approve minutes (M/S/C: Ching/Blome; Ayes: Blome, Ching, Hernandez, Newman, O'Donnell, Hynes; Noes: none; Abstain: Tsang; Absent: Humbert, Sheahan.)

5. **FCPC Reports**

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

6. **Report from officeholder accounts subcommittee**

- a. Public comment: none.
- b. Commission discussion.

7. **City Clerk Department enforcement referrals to the California Fair Political Practices Commission (FPPC)**

- a. Stephen Murphy for Berkeley City Council 2020
- b. Todd Andrew for Berkeley City Council 2020
- c. Bahman Ahmadi for Berkeley Rent Stabilization Board 2020
- d. Soulmaz Panahi for Berkeley Rent Stabilization Board 2020
- e. Wendy Saenz Hood Neufeld for Berkeley Rent Stabilization Board 2022

- a. Public comment: none.
- b. Commission discussion and action.

Motion to refer item to staff to further investigate and return with recommendation for each (M/S/C: Ching/Blome; Ayes: Blome, Ching, Hernandez, Newman, O'Donnell, Tsang, Hynes; Noes: none; Abstain: none; Absent: Humbert, Sheahan.)

8. **FCPC Work Plan**

- a. Public comment: none.
- b. Commission discussion and action.

Motion to adopt work plan (M/S/C: Tsang/Hernandez; Ayes: Blome, Ching, Hernandez, Newman, O'Donnell, Tsang, Hynes; Noes: none; Abstain: none; Absent: Humbert, Sheahan.)

9. **OGC Reports**

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

10. **OGC Work Plan**

- a. Public comment: none.
- b. Commission discussion and action.

Motion to adopt work plan (M/S/C: Blome/Hernandez; Ayes: Blome, Ching, Hernandez, Newman, O'Donnell, Tsang, Hynes; Noes: none; Abstain: none; Absent: Humbert, Sheahan.)

11. **Brown Act training presentation**

- a. Public comment: none.
- b. Commission discussion.

12. **Conflicts of interest training presentation**

- a. Public comment: none.
- b. Commission discussion.

13. **Adjournment**

Motion to adjourn (M/S/C: O'Donnell/Newman; Ayes: Blome, Ching, Hernandez, Newman, O'Donnell, Tsang, Hynes; Noes: none; Abstain: none; Absent: Humbert, Sheahan.)

The meeting adjourned at 9:45 p.m.



Fair Campaign Practices Commission
Open Government Commission

DRAFT MINUTES

August 25, 2022

CONCURRENT SPECIAL MEETING OF THE FAIR CAMPAIGN PRACTICES COMMISSION AND THE OPEN GOVERNMENT COMMISSION

Pursuant to Government Code Section 54953(e) and the state declared emergency, this meeting was conducted exclusively through teleconference and Zoom videoconference.

Secretary: Samuel Harvey

Members Present: Janis Ching, Pedro Hernandez, Patrick O'Donnell, Janet Stromberg, Jedidiah Tsang, James, Hynes

Also Present: Samuel Harvey, Staff Secretary
Mark Numainville, City Clerk

1. Call to Order

Chair called the meeting to order at 7:00 p.m.

2. Roll Call

Roll call taken.

3. Review of denial of eligibility to participate in Fair Elections public campaign financing program for the November 8, 2022 General Election for candidate Negeene Mosaed

- a. Public comment: 14 speakers.
- b. Commission discussion and action.

Motion to approve candidate's Initial Qualifying Request, deeming it timely filed (M/S/C: O'Donnell/Hernandez; Ayes: Ching, Hernandez, O'Donnell, Stromberg, Tsang, Hynes; Noes: none; Abstain: none; Absent: Blome.)

4. Scheduling for upcoming regular and special FCPC-OGC meetings

- a. Public comment: none.
- b. Commission discussion.

5. **Adjournment**

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

The meeting adjourned at 9:32 p.m.



Date: May 12, 2022

To: Fair Campaign Practices Commission

From: Subcommittee on Officeholder Accounts,

Subject: Proposed Legislation Providing for Regulation of Officeholder Accounts

For consideration by the Fair Campaign Practices Committee (“FCPC” or “Commission”), the Subcommittee on Officeholder Accounts (“subcommittee”) has prepared a draft legislative proposal relating to officeholder accounts. This draft is in response to the City Council’s reference in November 2021 to the FCPC of its proposal to authorize and regulate privately funded officeholder accounts. The FCPC members have previously reviewed and expressed concerns about the Council’s proposed draft. The draft version attached to this memorandum reflects FCPC members’ concerns and provides an alternative draft for them to consider.

The subcommittee’s draft FCPC proposal is attached. Also attached is a chart comparing the subcommittee’s draft FCPC proposal with the Council’s November 2021 proposal.

EXECUTIVE SUMMARY

This memorandum provides historical background on the proposals relating to officeholder accounts and identifies some of the key the issues involved. It summarizes the main provisions of the draft FCPC proposal for regulating officeholder accounts, describes how the FCPC proposal differs from the Council proposal, and explains the reasons why, if an ordinance allowing privately funded officeholder account is to be enacted, the FCPC proposal for regulating such accounts should be enacted rather than the Council version. Finally, the memorandum discusses possible actions or recommendations that the FCPC might take.

The FCPC is concerned about the influence of private money on American politics and government. The Commission believes that public offices generally should be publicly funded and funded at a level adequate for elected officials to perform their duties. If it is necessary to allow for some private contributions to support the operation of public offices, any such funding must be strictly limited and the receipt and expenditure of private funds must be carefully regulated and fully transparent.

The main differences between the draft FCPC proposal and the Council proposal on officeholder committees and accounts are as follows:

- **Elected officeholders eligible to establish accounts.** The Council proposal would authorize all 24 elected city officials (i.e., the mayor, council members, school board members, rent stabilization board members, and auditor) to establish officeholder accounts and committees. The draft FCPC proposal would strictly limit the officeholders eligible to establish officeholder committees and accounts to *only* the city's nine principal elected officials (i.e., the mayor and eight council members). So far as is known, no one in any of the 15 additional elected officeholder positions proposed by the Council has ever had an officeholder committee and no need has been shown for authorizing the creation of such committees for all of these offices. Establishment of these additional officeholder committees is unnecessary, would create administrative burdens, and would impose unnecessary costs on the city.
- **Cumulative contributions limits.** The Council proposal provides that, for each officeholder representing a district in the city (that is, for each council member), total contributions from all contributors shall not exceed \$5,000 annually; and for each officeholder elected citywide (i.e., mayor, school board members, rent stabilization board members, and auditor), the annual contribution limit would be four times the maximum amount allowed for members representing districts—that is, \$20,000. The FCPC proposal would limit the total annual contributions to the officeholder accounts of council members to \$5,000, the same as the council proposal. But it would limit the total annual contributions to the mayor to \$10,000. And it would not allow any private contributions to any of the other 15 elected city officers for officeholder purposes: the FCPC believes that, if any of these additional officials needs assistance, the funding should be provided publicly.
- **Individual contribution limits.** The Council FCPC proposals differ in several significant ways regarding the individual limits on contributions to officeholder committees and accounts. *First*, regarding the maximum amount allowed annually for contributions to officeholder accounts, the Council proposes using the \$250 contribution limit prescribed for privately financed campaigns whereas the FCPC proposes using the \$50 limit for qualifying contributions under the city's public financing law (now \$60, adjusted for cost of living). The lower limit proposed by the FCPC would help prevent individual contributors from unduly influencing officeholders and help level the playing field, so that all council members could raise funds equally rather than enabling members from wealthier districts with wealthier constituents to raise large contributions. *Second*, both the Council and FCPC proposals would prohibit contributions from organizations and entities. But the FCPC proposal would also limit contributors to natural residents of the City of Berkeley' this would reduce outside influence and give priority to representing Berkeley citizens. *Third*, the Council proposal would allow individual council members to give unlimited amounts to support their own offices and not

require them to report such contributions. The FCPC proposal would establish limits on how much an officeholder can give to their own account and require all such contributions to be reported.

- **Permissible and prohibited officeholder expenditures.** Both the Council and FCPC proposals contain lists of expenditures that are permissible and prohibited. The lists are similar, but contain a few important differences. For instance, the Council proposal would permit officeholder accounts to be used to expend funds for attorney’s fees and other cost relating to litigation, administrative procedures, and other similar processes. By contrast, the FCPC proposal would remove the payment of these litigation and other legal expenses from the permitted list of officeholder expenditures and place them on the list of prohibited expenditures. [TO BE DISCUSSED: In addition, the Council proposal includes—on the list of permissible constituent communications—mailings, newsletters, and other paper communications. The FCPC proposal would allow for such paper communications, but would provide some further restrictions on these constituent communications to ensure that they are not misused for campaign purposes.]
- **Officeholder committees – committee required to file.** Both proposals require officeholders to file a statement of organization of an officeholder committee before accepting contributions. The FCPC proposal adds two provisions to this section. *First*, it would require all eligible officeholders who, directly or indirectly, from an authorized person or themselves, receive contributions or who make expenditures that total more the \$250, to establish an “officeholder committee” and open an “officeholder account.” *Second*, all eligible officeholders who do not directly or indirectly, from an authorized person or from themselves, receive contributions or make expenditures that total more the \$250 must file a verified statement that they are not required to establish a committee or open an account because the amounts received or expended to not exceed the amounts specified for filing a committee.
- **Reporting dates for filing statement.** The Council proposal provides that all contributions received and expenditures made from officeholder accounts must be reported in accordance with the filing dates prescribed by state law for campaign committee statements. Because there are various filing dates prescribed state law relating to different types of campaign committee statements, this provision is ambiguous and potentially burdensome. To clarify the law and make it more flexible, the FCPC proposal would provide that each officeholder committee statement shall be filed in accordance with the filing dates prescribed by state law for semi-annual campaign committee statements, unless the Commission determines that other dates are more appropriate.
- **Record-keeping and auditing requirements.** The FCPC proposal adds two new sections to specify (1) the record-keeping requirements that apply to officeholder committees and accounts, and (2) the auditing procedures that will apply to those committees and accounts. These new provisions are based on

provisions elsewhere in BERA and under state law applying to officeholder committees and accounts. These additional provisions will help ensure that officeholder committees and accounts are properly operated, reviewed, and reported to the public, thereby enhancing public confidence in their elected officials.

- **Enforcement.** Both the Council and FCPC proposals provide that the enforcement provisions in Article 7 of BERA apply to officeholder committee and accounts. The FCPC proposal further provides that the limitations on contributions in Article 6 applies to officeholder accounts, so that if there is any violation of the restrictions on officeholder contributions, the treasurer shall promptly pay an amount equal to any excess contributions received into the city's general fund. Also, the FCPC proposal has added a provision to the enforcement section that provides that, if the Commission determines, after notice and a hearing, that an officeholder has committed a substantial violation of the regulations relating to officeholder accounts, it may suspend or terminate the officeholder's committee and account and may prohibit the officeholder from establishing, maintaining, or operating such a committee or account in the future.

BACKGROUND

Private contributions to officeholder accounts are regulated for elected state officeholders including the governor and members of the Legislature. State law provides individual and cumulative limits on contributions to officeholder accounts and includes requirements for reporting, recording keeping, and auditing. (Gov't Code § 85316(b); Cal. Code Regs. § 18531.62.) By contrast, the Berkeley Election Reform Act does not currently expressly regulate or prohibit private contributions to officeholder accounts of elected city officials. Under existing law, if funds for officeholder accounts are used for Berkeley campaign purposes, this may implicate various parts of the Berkeley campaign financing law and may trigger various local and state legal requirements. But many aspects of officeholder accounts at the local level are unregulated and such accounts are subject to potential abuse.

The Berkeley Election Reform Act provides that "Public officials . . . should perform their duties in an impartial manner, free from bias caused by their own financial interests or the financial interests of persons who have supported them." (BERA, section 1.12.010.) The Commission has long been concerned about the possible adverse influence of private funding on local politics and government. In 2019, the Commission started discussing whether there is a need to amend the local campaign finance law relating to officeholder accounts to better protect the public interest and preserve the impartiality of elected officials. In this regard, it considered both government funded officeholder accounts (so-called D-13 accounts) and privately funded officeholder accounts. Regarding privately funded accounts, the Commission considered three options: (1) leaving the law on these officeholder accounts unchanged; (2) prohibiting privately funded officeholder accounts entirely (an approach used by the City of San Jose), or (3) authorizing privately funded officeholder accounts but limiting their use and imposing restrictions and requirements on them (an approach used by the City of Oakland).

At its regular meeting on November 21, 2019, the Commission voted to recommend amendments to the BERA that would prohibit privately funded officeholder accounts. The Commission submitted its proposal to the Council on February 4, 2020.¹ The FCPC report summarized its proposal: “Contributions to and expenditures from Officeholder Accounts provide an unfair advantage to incumbents. They also increase the reliance on private campaign contributions and risk increasing the perception of corruption. Amending the Berkeley Election Reform Act to prohibit Officeholder Accounts will help to level the playing field in municipal elections, which was also the goal of the Fair Elections Act of 2016.”

The Council, at its February 4, 2020 meeting, discussed the issues of officeholder accounts. It had a lengthy discussion about the publicly funded D13 accounts. At that meeting, the Council also decided not to approve the FCPC recommendation to prohibit privately funded officeholder accounts. Instead, the City Council referred both the issues relating to D13 accounts and those relating to officeholder accounts to its Agenda and Rules Committee for further consideration.

At a special meeting on March 9, 2020, the Agenda and Rules Committee had an initial discussion of these topics. It was agreed that the Council Committee would work collaboratively with the FCPC and Open Government Commission (OGC) on matters relating to D13 accounts and officeholder accounts. The FCPC and the OGC submitted recommendations to the Council related to this process, which were included as part of the discussions regarding officeholder and D-13 accounts.

Besides the FCPC’s concerns about privately funded officeholder accounts, the OGC was concerned about the practice of councilmembers appearing to make individual donations to community organizations using their publicly funded D-13 accounts. The issues relating to D-13 grant practices have been resolved separately. On March 9, 2021, the Council approved a recommendation by the OGC, supported by the Agenda and Rules Committee, to have donations to private non-profit organizations made by the entire Berkeley City Council on behalf of the citizens of Berkeley rather than from individual Council members.

The Agenda and Rules Committee continued to discuss the question of privately funded officeholder accounts at multiple meetings in early 2021, with input from three FCPC-OGC Commissioners. On March 29, 2021, the Agenda and Rules Committee took action to send this item to the Council with two proposed alternatives: (1) a proposal by the Agenda and Rules Committee to regulate officeholder accounts in a manner based on existing regulation of campaign committees, and (2) the proposal by the FCPC to prohibit officeholder accounts.

¹ https://www.cityofberkeley.info/Clerk/City_Council/2020/02_Feb/Documents/2020-02-04_Special_Item_02_Amendments_to_the_Berkeley_pdf.aspx.

The Council considered these two proposals at its meeting on November 9, 2021. The Council first considered the option of referring the proposal to prohibit officeholder accounts to the FCPC. This motion failed by a vote of 4 to 5. The Council then considered then the option of referring the Agenda and Rules Committee’s proposal for regulating officeholder accounts to the FCPC. This motion passed by a vote of 6 to 3. Thus, the Council’s reference of its regulated proposal has been presented to the FCPC for its consideration.

In January 2022, the FCPC considered the Council’s referral. The Commission discussed the regulated approach proposed by the Council, as well as prohibiting officeholder accounts. It did not support the Council’s proposal for regulating officeholder accounts, at least as drafted. Concerns expressed included that: the Council’s version would apply to all 24 elected city officials, not just the mayor and council members, which is unnecessarily broad; the individual and cumulative amounts of the proposed contributions allowed were too high; the proposal would allow the use of officeholder funds to be used for legal defense purposes, which would be improper; and the proposal does not provide for audits of officeholder accounts. The FCPC formed a subcommittee and directed it to prepare an alternative proposal for regulating officeholder accounts in Berkeley that would reflect the members’ concerns, and to bring it back to the full Commission.

The subcommittee has prepared a possible alternative proposal for regulating officeholder accounts and submits it to the FCPC for its consideration.

COMMISSION’S PROPOSAL FOR ORDINANCE ON OFFICEHOLDER ACCOUNTS

This section summarizes the main provisions of the proposed FCPC ordinance, describes how the FCPC proposal differs from the Council version, and explains the reasons the FCPC proposal is preferable.

Article 9. Officeholder Committees and Accounts

Both the Commission and the Council have placed their main legislative proposals concerning officeholder accounts in a new Article 9. While there is considerable overlap between the two versions of Article 9, there are also important differences, as explained further below. The Commission version also includes some new sections, for which nothing comparable exists in the Council version.²

Section 2.12.600. Regulation of officeholder committees and accounts

The FCPC proposal includes a statement that the purpose of Article 9 is to establish limits on the amounts of contributions to officeholder accounts, as authorized by state law. (Section 2.12.600.A.) It further states that the purposes of the article include (1) providing adequate funds, if needed, for the City of Berkeley’s principal elected officials to fully and effectively performs their duties of their office; (2) ensuring transparency and openness of city business and its officials; and (3) preserving public confidence in the city and its key officeholders. (Section 2.12.600.B.)

² All references to “section” or “sections” refer to a section or sections of the Berkeley Election Reform Act (BERA), unless otherwise specified.

The Council version does not include any general or specific provisions about the purposes of Article 9 comparable to 2.12.600A. and B. The statements of purpose in the FCPC version will assist the public to better understand the ordinance and help persons interpreting it to apply its provisions properly.

The Council version of section 2.12.600 also included provisions very broadly defining “officeholder” and exempting officeholders from reporting expenditures of personal funds for their own officeholder accounts. In the FCPC version, these provisions have been deleted from section 2.12.600 and replaced by substantively different provisions elsewhere in BERA, as explained further below. (See sections 2.12.157, 2.12.601, 2.12.603.)

Section 2.12.601. Officeholders eligible to establish officeholder committees and accounts

The FCPC proposal provides that the Mayor and City Council members are the “eligible officeholders” under Article 9. They are the *only* elected officials who may establish officeholder committees and accounts. (Section 2.12.601.A; see also section 2.12.157.A.) All other elected city officials would be prohibited from establishing an officeholder committee or account or from receiving any contributions or making any expenditures associated with holding office, except that these other non-eligible elected officials would be allowed to personally contribute incidental expenses not to exceed \$250 to the operation of their offices.

The FCPC proposal differs significantly from the Council’s version in narrowing the number of elected officials eligible to receive private funding to the nine principal elected officials in the city: the mayor and the eight members of the City Council. The Commission does not support the extending the authorization to receive private funding for officeholder operations to include the members of the School Board (5 members) and the Rent Stabilization Board (9 members), and the city auditor (1 person). These 15 additional officials have historically never required such additional private funding and no need has been shown for authorizing it. Making these elected officials dependent on private funding is not good policy. If they need any additional funding, the City of Berkeley—not private contributors—should provide it. (See section 2.12.601.C. below). These other officials’ time should be devoted to their official duties, not to fundraising for their offices. Lastly, including these 15 additional officials in the regulated program would impose undue administrative burdens on the city government and the Commission, which may be costly and time-consuming.

In addition to specifying which officeholders are eligible for receiving and expending private funds, section 2.12.601 provides that nothing in it prohibits the City from providing financial support and assistance to officeholders who are not eligible to establish committees or accounts to enable them to perform the duties of their offices. (Section 2.12.601.C.) This is a new provision, not included in the Council proposal. It highlights the point that public funding of officeholders is, and should remain, an option instead of private funding.

Finally, section 2.12.601 provides that nothing in the section requires an eligible officeholder to open an officeholder committee, contribute to such a committee, or spend person funds on their own officeholder expenses. (Section 2.12.601.D.) The FCPC believes that these are sound policies, underscoring that officeholding should not be dependent on private funding or the personal financial contributions of officeholders. The Council version included a similar provision in section 2.12.600.B.

Section 2.12.602. Cumulative contribution limits

As a preliminary matter, with regard to the Council members' and mayor's offices, the FCPC notes that City provides public funding for those offices through the D-13 accounts. If additional private funding is needed for their support, the cumulative and individual amounts of the private contributions should be strictly limited.

The FCPC proposal provides that, for the office of mayor, total contributions to an officeholder account from all contributors shall not exceed \$10,000 in the aggregate for a calendar year. (Section 2.12.602.A.) The proposal further provides that, for each member of the City Council, total contributions to an officeholder account from all contributors shall not exceed \$5,000 in the aggregate per calendar year. (Section 2.12.603.B.) The dollar amounts of these cumulative limits will be adjusted periodically as provided in section 2.12.545. (Section 2.12.602.C.)

The establishment of cumulative limits is a reasonable means to regulate contributions. Similar cumulative limits for officeholder contributions have been enacted for all statewide elected offices, including the Governor, members of the Senate and Assembly, and other offices. (See Cal. Gov. Code, § 85316(b)(2).) The amounts proposed by the FCPC are reasonable and will ensure that the amounts contributed do not exceed what is necessary for conducting local Berkeley officeholder's official business.

The FCPC's proposal on cumulative contributions for City Council members is similar to the Council's: it provides for a limit of up to \$5,000 annually (to be adjusted under section 2.12.545) for each officeholder account. However, it would allow only up to \$10,000 annually (to be adjusted) for the mayor's officeholder account, instead of the \$20,000 (to be adjusted) proposed by the Council, because there has not been a showing that the mayor's office requires the substantially higher cumulative amount.

The FCPC proposal also does not authorize any cumulative amounts—or any contributions at all—for the for local elective officers other than the Mayor and Council members, for the reasons explained previously. (The Council proposal would have authorized those elected officials, as citywide elected officials, to receive up to four times the maximum amount allowed for council members representing districts—that is, up to \$20,000 (to be adjusted), a large amount for which there does not appear to be any justification.)

Section 2.12.603 Individual contributions - Restrictions - Limits on contributions

Limits on individual contributors

The FCPC's proposal provides that only a natural person who is a resident of Berkeley shall make a contribution to an officeholder committee or account. In addition, the proposal would make the prohibition against contributions by organizations and entities to candidates and committees in section 2.12.440 applicable to officeholder committees and accounts. (Section 2.12.603.A.)

This proposal differs from the Council's proposal insofar as that proposal contains the prohibition against contributions by organizations and entities but does not prohibit contributions by person who are not residents of Berkeley. (See Council proposal, section 2.12.615.) The FCPC considers the additional requirement of limiting contributions to natural persons residing in Berkeley to be valuable in that it would limit the influence of outsiders on Berkeley officeholders. It is important that Berkeley officeholders be responsible first and foremost to their own citizens. Restricting private contributions from non-residents will help promote this goal and avoid undue outside influence.

Limits on the amounts of contributions

The FCPC's proposal provides that no individual contributor shall make, and no eligible officeholder shall accept, a contribution per person for the calendar year whose value totals more than the maximum amount of a "qualifying contribution" permitted under section 2.12.167 (\$50), as adjusted periodically as provided in section 2.12.545. (Section 2.12.603.B.) This amount is currently set at \$60. This proposed limit on individual contributions is significantly less than that proposed by the Council. The Council would use the \$250 campaign contribution limit in section 2.12.415 as the limit on individual contributions to officeholder accounts. (See Council Proposal, section 2.12.615.A.)

The FCPC's proposed lower limit on individual contributions is based on sound public policy and should result in fairer results. The lower contribution limit will ensure that no single private individual can unduly influence—or appear to unduly influence—any principal elected official of the City. Also, this lower limit will help level the playing field; it will enable all eligible elected officials alike to be able to collect small contributions from numerous constituents, rather than enabling a few members from wealthier districts to collect larger contributions from wealthier constituents and thereby reap the benefits of establishing officeholder committees and accounts. If a regulated approach to officeholder accounts is to be enacted, it must not create disparities in the resources available to different Council members based on the wealth of their districts or of their constituents.

Restrictions on officeholders' personal contributions

The FCPC proposal would place limits on the amount that an officeholder can personally contribute to their own officeholder committee and expend on officeholding business; and it would require officeholders to report all their contributions and expenditures.

Specifically, new section 2.12.603.D.1. provides that all contributions by an officeholder shall be made through an officeholder committee and placed in an officeholder account, and these contributions shall be reported like all other contributions.

New section 2.12.603.D.2. provides that the total amount contributed by an eligible officeholder and all other contributors per calendar year combined shall not exceed the cumulative contribution limit in section 2.12.602. [An alternative version of 2.12.603.D.2, which the Commission should discuss, would allow for a personal annual contribution by the mayor of up to \$5,000, and by a council member of up to \$2,500. In this version, the amounts contributed annually by an eligible officeholder would not count towards the cumulative annual contribution limit for that officeholder in section 2.12.602.]

The FCPC proposal to restrict the amount that an officeholder can contribute personally to their own account and require officeholders to report their contributions and expenditures differs significantly from the Council version. In the Council proposal, there would be no limits on the amount that an officeholder could contribute to their own officeholder committee or spend on officeholder expenses, either through or not through an officeholder committee. (Council proposal, section 2.12.615.C.) Also, the Council's proposal would exempt officeholders from reporting on their personal contributions and expenditures. (Council proposal, section 2.12.600.C.)

The FCPC proposal is based on better public policy, will be much more transparent, and will produce fairer results. In previous discussions, members of the City Council have repeated stated that they believe that one important reason for authorizing officeholder accounts is to level the playing field among council members and districts. But the specific provisions in the Council's draft ordinance allowing officeholders to spend unlimited personal funds on their offices would have the opposite effect. These provisions would allow more affluent council members to contribute unlimited amounts for the purpose of maintaining their offices, while less economically privileged members would not be able to afford such expenditures. Furthermore, by exempting members from reporting their own contributions and expenditures, the public would be deprived of the ability to know how the public's business is being financed and managed. Hence, the FCPC proposal establishing limits on personal contributions and expenditures and requiring reporting by all, including incumbent officeholders, is preferable.

Section 2.12.604 Limits and requirements for contributions and expenditures

Both the FCPC and City Council's proposals provide that various provisions in BERA—such as those prohibiting contributions from persons except in their legal name and prohibiting anonymous contributions—shall apply to officeholder committees and accounts under Article 9. The FCPC version has revised the section for clarity and relocated it.

Section 2.12.610 Permissible officeholder expenditures

This section provides a list of permissible officeholder expenditures. This is important so that officeholders will know clearly what kinds of expenditures that they may lawfully make.

The FCPC version of this section is similar to the Council's. However, it has been renumbered and relocated (from section 2.12.606 to 2.12.610). Also, a cross reference has been added to new section 2.12.612.F. on constituent communications to clarify that there are limitations that apply to the use of officeholder funds for constituent communications. In addition, the FCPC has deleted the council's proposed subpart J, which would have permitted officeholders to expend officeholder funds for attorney's fees and other costs relating to litigation, administrative procedures, or other similar processes.

Attorney's fees and costs are not appropriate expenditures to be made from officeholder accounts. Other state and local laws do not include these in this category for good reasons. The raising and expenditure of funds for legal defense purposes are not ordinary office expenses, raise many complex legal and ethical issues, and require separate, detailed provisions if they are to be lawful and appropriate. Hence, attorney's fees and costs should not be listed as permissible officeholder expenses in section 2.12.610.

Section 2.12.611 Prohibited officeholder expenditures

This section contains a list of prohibited officeholder expenses. It is important that officeholders have this list so that they will know what kinds of expenditures they are prohibited from making from officeholder accounts.

The FCPC version of this section is similar to the Council's. However, it has been renumbered and relocated (from section 2.12.604 to 2.12.611). Also, it contains two significant changes.

First, in the FCPC proposal, subsection B. prohibiting expenditures for campaign consulting, research, etc. has the additional words "or for any other campaign expenditures of any kind" added at the end of the sentence. This clarifies that no officeholder funds may be used for any kind of campaign purposes. The basic premise of Article 9 is that officeholder accounts are not campaign accounts and can never be used for campaign purposes. Officeholder funds should be used solely for legitimate expenses for operating an office. The added words in subsection B. underscore that all campaign funds should be entirely separate and should be strictly regulated by other provisions in BERA and state law.

Second, new subsection E. has been added that prohibits the use of officeholder funds for attorney's fees and costs of litigation. As explained above under section 2.12.610, the use of officeholder accounts to pay for attorney's fees and cost is not appropriate and should be expressly prohibited.

Section 2.12.612. Constituent and community communications

This new section has been added to ensure that funds from officeholder accounts for constituent and community communications are used only for legitimate officeholder

purposes, and never for campaign purposes. The council proposal contains no equivalent provision.

Section 2.12.620 Prohibitions on transfer or reallocation of funds

The proposal includes this provision prohibiting the transfer or relocation of funds because the receipt an officeholder committee of any funds from any campaign committee, or the transfer of officeholder funds to any kind of campaign purposes, would violate the basic principle that these funds should be kept strictly separate. Both the FCPC and the Council proposals contain this identical provision.

Section 2.12.621 Prohibition on simultaneously maintaining officeholder and campaign committees

This provision is included because it ensures that officeholder activities and campaign activities will be kept strictly separate, administered separately, and reported separately. Both the FCPC and the Council proposals contain this identical provision.

Section 2.12.625 Officeholder committees and public financing

The FCPC proposal adds this section to clarify that individuals who have an officeholder account may participate in the City's public campaign financing program, provided that they comply with Article 9.

Section 2.12.630 Statement of organization – Committee required to file

The FCPC and council's proposals both contain the provisions that (1) every officeholder shall file a statement of organization with the City Clerk before accepting contributions, and (2) the date an officeholder committee is formed by filing the statement of organization shall determine the officeholder committee's obligations to file statements and reports. (Section 2.12.630.B.and C.)

The FCPC proposal would also add two subsections. The first new subsection provides that every eligible officeholder who directly or indirectly, from any authorized person or from themselves, receives contributions that cumulatively total more than two hundred fifty dollars (\$ 250) in a calendar year or makes expenditures exceeding two hundred fifty dollars (\$250) in a calendar year for expenses related to holding office shall establish an "officeholder committee" and shall open an "officeholder account" as defined in section 2.12.157. (Section 2.12.630.A.) This new provision is consistent with the approach to establishing a committee for campaign purposes under BERA, section 2.12.095.

The second new subsection provides that every eligible officeholder who does not directly or indirectly, from any authorized person or from themselves, receive contributions that cumulatively total more than two hundred fifty dollars (\$250) in a calendar year or make expenditures exceeding two hundred fifty dollars (\$250) in a calendar year for expenses related to holding office shall file a verified certificate stating that they are not required to establish a committee or open an account because the amounts received or expended, if any, do not exceed the amounts specified in

subsection A. above. (Section 2.12.630.D.) The certificates required by that subsection shall be filed on the dates prescribed by section 2.12.650. This new provision is consistent with the reporting requirements for campaign candidates who raise or expend only small amounts and are allowed to file a short form statement rather than a complete campaign statement, (See section 2.12.270.C.)

These two new provisions should make it easier for officeholders who receive or expend only minimal amounts and do not intend to raise funds for officeholder purposes to comply with the law, while requiring them to publicly report those facts by regularly filing the appropriate certification.

Section 2.12.631 Statement of organization – Information required

Both the FCPC and Council proposals contain this section that prescribes the information that the statement of organization is required to contain. (The FCPC version section has also been renumbered.)

Section 2.12.632 Statement of organization – Change of Information – Amendment required

Both the FCPC and Council proposals contain this section that prescribes the time by which any change to the statement of organization shall be filed—that is, ten days. (The FCPC version section has also been renumbered.)

Section 2.12.640 Officeholder committee treasurer

Both the FCPC and Council proposals contain this section that requires the appointment of a treasurer and compliance with the requirements for treasurers under section 2.12.245. (The FCPC version section has also been renumbered.)

Section 2.12.641 Officeholder account – Establishment required – Procedure for use

Both the FCPC and Council proposals contain this section that requires the treasurer to establish and manage a checking account. The FCPC proposal has modified the provision to clarify that the checking account must a separate account used exclusively for the purposes of the officeholder committee. (The FCPC version section has also been renumbered.)

Section 2.12.650 Reporting – Officeholder statements – Content – Filing dates

Under the FCPC proposal, this section requires that all contributions received and expenditures made from an officeholder account must be reported and the committee statements must provide all the information required by section 2.12.280 for campaign statements. While the Council proposal may have assumed these requirements, the FCPC proposal makes them explicit, which will improve the clarity, implementation, and enforcement of the ordinance.

The FCPC proposal also modifies the Council proposal regarding the time of filing officeholder committee statements, to provide that each statement shall be filed in accordance with the filing dates prescribed by state law for semi-annual campaign

statements, unless the Commission determines that other dates are more appropriate. (The underlined provisions are new.) The FCPC's proposed changes to this section improve it by (1) making the timing of filing of officeholder statements clearer because there are many different possible dates for filing campaign statements, many of which would seem to be inapplicable, and (2) giving the Commission the discretion to adjust the filing dates if another date or dates prove to be more appropriate for officeholder statements than the semi-annual campaign filing dates.

Section 2.12.655 Filing requirements

Both the FCPC proposal and the Council proposal require all reports and statements required by Article 9 to comply with certain filing requirements contained in sections of the BERA relating to the filing of campaign statements—for example, the signature and verification requirements in section 2.12.025 and the provision on where to file in section 2.12.230. Including these requirements will facilitate the filing of statements and reports and ensure their accuracy.

The FCPC version has modified the Council's proposed language in the section to be clearer and has relocated the provisions placed by the Council in section 2.12.675 to this section 2.12.655, a more logical location. Also, the FCPC version has cross-referenced the verification requirements in section 2.12.025, as the Council's version had; but it has deleted the Council's additional subpart B. on verification in section 2.12.675, which appears to be inconsistent with the cross-referenced section 2.12.025 on verification, is difficult to understand, and could be difficult to implement or enforce.

Section 2.12.658 Requirements for public inspection, preservation, and City Clerk's responsibilities

The FCPC proposal has added a separate section providing that all reports and statements required by Article 9 shall be subject to the same provisions for public inspection, preservation, and Clerk's responsibilities as provided for campaign reports and statements in sections 2.12.040, 2.12.045, and 2.12.050. The Council proposal had provided in its proposed section 2.12.675 for the same provisions of the BERA to be applicable to reports and statements in Article 9. Requiring compliance with these additional sections of BERA, as both the FCPC and the Council propose, will ensure the transparency of the reports and statements.

For the sake of clarity, the FCPC has placed this provision in a separate new section 2.12.658, with a title that expressly identifies the content of the section, rather than in section 2.12.655 on filing requirements or the Council's proposed section 2.12.675.

Section 6.12.660 Termination of officeholder committees upon leaving office

Both the FCPC and Council proposals contain this section which provides that officeholders who do not run for re-election or seek a subsequent public office shall terminate their officeholder committee with 90 days of leaving office. It further provides that, following the date of leaving office, officeholders shall not make any new expenditures from their committee except for: (1) paying for legitimate officeholder

expenses accrued before leaving office; (2) repaying contributions on a pro rata basis; or (3) donating funds to the City's general fund. These provisions will assist in implementing and administering the law by clarifying exactly what officeholders must do—and must not do—in terminating their officeholder committees and accounts. (Section 2.12.660.A.–B.)

The FCPC proposal would add an additional requirement to this section. It would require officeholders terminating their officeholder accounts to file a statement regarding the disposition of all funds from the account. This will ensure that the Commission and the public are aware of that all officeholder funds have been properly disposed of. (Section 2.12.660.A.–B.)

The FCPC version has also renumbered this section from 2.12.612 to 2.12.660.

Section 2.12.670 Records of officeholder accounts

The FCPC proposal adds a new section on record-keeping requirements. First, these provisions provide, among other things, that it is the duty of officeholders and treasurers to maintain detailed accounts, records, bills, and receipts necessary to prepare officeholder statements and to establish that the statements are accurate and properly filed. These provisions are consistent with state and local law relating to recordkeeping. (See Gov't Code § 84104; 2 Cal. Code Reg. § 18401; BERA, section 2.12.250.D.–E.)

Second, the section provides that records relating to officeholder accounts shall be retained for a period of at least four years after the adoption of a final audit report or five years from the date of any violation. This is consistent with state and local law. (See 2 Cal. Code Reg. §§ 18401 and 18531.62; BERA, section 2.12.250.D.–F.)

Finally, the section provides that officeholders and treasurers shall make available to the Commission and other authorities or their designees specified in section 2.12.250, on demand, the details of any officeholder account requested and the records supporting it. This is consistent with state and local law. (See Gov't Code § 90001(i); 2 Cal. Regs. § 18401; BERA, section 2.12.250.F.)

Section 2.12.675 Audits of officeholder committees and accounts

The FCPC proposal provides for regular audits of officeholder committees and accounts. It provides that the City Auditor shall audit all officeholder committees and accounts every two years beginning in 2024. The audits shall cover the preceding two-year period ending July of every even numbered year. The final audits shall be publicly filed with the Clerk and copies shall be sent to the FCPC for review not later than October 1 of the even year when the audits were scheduled to be prepared and filed. (Section 2.12.685.A.)

The FCPC proposal further provides that, if any audit or audits are not completed, finalized, and filed by October 1, the Clerk shall promptly notify the Commission and the

affected officeholder and treasurer. Upon receipt of this notice, the officeholder committee shall immediately cease operations, including collecting contributions and making expenditures, until the final audit or audits have been filed, copies sent to the Commission, and the Commission has approved the audits. (section 2.12.685.B.)

Unlike the FCPC proposal, the Council proposal does not include any provision regarding audits. Providing for regular audits of officeholder committees and accounts is good practice, ensures compliance with the law, and is consistent with state law relating to the regulation of officeholder committees and accounts. (See Gov't Code § 90001; 2 Cal. Code Reg. § 18531.62(c)(4).) The state's requirement for regular audits of officeholder accounts is superior to the current provision in BERA for auditing campaign accounts (see BERA, section 2.12.250.G), which has proven ineffective. In most instances, BERA is more rigorous than state law; with regard to the auditing of officeholder committees and accounts, it should also be at least as rigorous.

Finally, with respect to the cost of audits, these should be minimal. At least until recently, only one Member of the Council has maintained an officeholder account. Even if other Members and the Mayor establish such accounts in the future, the burden of auditing these few additional accounts every two years should not be substantial and would be outweighed by the benefits of creating greater public confidence in the city's principal officeholders by assuring that all private contributions to them are being properly regulated. Naturally, if the authorization to establish officeholder committees were to be expanded to all elected city officials, as proposed by the Council, that would greatly increase the costs of auditing; but that is not proposed by the Commission.

Section 2.12.685 Enforcement

Both the FCPC and the Council proposals provide that the violations of Article 9 involving the unlawful use of officeholder committees are subject to the enforcement procedures and penalties in Article 7 of BERA. (Section 2.12.685.A.) The FCPC proposal also makes the limitations on contributions in Article 6 explicitly applicable to Article 9. This means that, if any person is found guilty of violating the terms of the chapter, the treasurer who received part or all of the contributions which constitute the violation shall pay promptly, from available officeholder account funds, if any, the amount received by such persons in excess of the amount permitted by the chapter for deposit in the general fund,

In addition, the FCPC proposal adds a provision that, if the Commission determines, after notice and a hearing, that an officeholder has committed a substantial violation of the regulations relating to officeholder accounts, it may suspend or terminate the officeholder's committee and account and may prohibit the officeholder from establishing, maintaining, or operating such a committee or account in the future. This provision ensures that, in addition to monetary penalties, the Commission—acting in accord with due process—may take action to stop misconduct, and to prevent further abuses, if an officeholder commits serious violations of Article 9.

Other Sections of the Berkley Municipal Code Amended by the Proposed Legislation

In addition to proposing new Article 9, the Commission's and the Council's proposals on regulated officeholder accounts make conforming changes to other sections of the Berkeley Municipal Code, including the Lobbying Registration Act Chapter, 2.09. and the Berkeley Election Reform Act, Article 2 (Definitions). As previously in this memorandum, the following summarizes the provisions of the FCPC's proposal amending other code sections, describes whether the Commission's proposal regarding these code sections differs from the Council's version, and if so, explains the reasons the Commission is recommending its version rather than the Council version.

Lobbyist Registration and Regulation, Chapter 2.09

Both the FCPC and the Council proposals recommend amending the Lobbyist Registration Act to reflect the addition of Article 9. The two proposals, however, take different approaches.

The FCPC proposal recommends replacing subsection A. of section 2.09.220 (restrictions on payments and expenses benefiting public officials) with a new provision that no local government lobbyist or a lobbyist's registered client shall make any payment or incur any expense, including any gift of travel, that directly benefits an elected city officeholder or candidate for elected city office except as authorized by, and only to the extent permitted by, the Berkeley Election Reform Act and other applicable local or state law. This new provision will ensure that the Lobbyist Registration Act is fully consistent with the new officeholder committee and account provisions and the other provisions of BERA.

By contrast, the Council's proposal would leave subsection A. unchanged except for adding to the list of exceptions to the ordinance's \$240 annual contribution limit a provision that includes "officeholder" contributions that do not exceed the limits imposed by BERA. This sole amendment to subdivision A. is insufficient to ensure that the Lobbyist Registration Act is fully compliance with Article 9. The ordinance would arguable still permit lobbyists who are not natural persons residing in the City of Berkeley to provide gifts with a cumulative value of \$240 in a calendar year to benefit an elected city officeholder. Hence, to avoid inconsistency and fully implement Article 9, the FCPC's proposed amendment to section 2.09 should be adopted rather than the Council version.

Election Reform Act, Definitions

Both the FCPC and Council proposals would provide definitions of "contribution" and "expenditures" for the purposes of Article 9 based on the definitions of these terms for campaign finance purposes. (See sections 2.12.100 and 2.12.130.) The FCPC uses the same broad definitions of the terms as provided in BERA for campaign contributions and expenditures. The Council proposal, however, would significantly narrow the definitions of "contribution" to mean only "a monetary payment," thereby omitting the numerous other forms of contributions (such as loans, advances, pledges, or "anything of value"). Similarly, the council proposal would narrow the definition of "expenditure" to

mean a “payment of money,” thereby omitting many other forms of contributions (such as pledges or promises “of anything of value”).

There is no sound policy reason for restricting the definitions of “contribution” or “expenditures” to transactions involving money. Non-monetary forms of contributions and expenditures, which have a monetary value that could be quite large, can assist and influence public officials and the conduct of public business; they should be reported by officeholders. Hence, the definitions proposed by the FCPC should be adopted.

The FCPC and the Council also both propose definitions of “officeholder committee” (See section 2.12.157.) The FCPC proposal provides that the Mayor and City Council members are the “eligible officeholders” under Article 9. They are the *only* elected officials who may establish officeholder committees and accounts. (Section 2.12.601.A; see also section 2.12.157.A.) All other elected city officials would be prohibited from establishing an officeholder committee or account or from receiving any contributions or making any expenditures associated with holding office. Hence, the FCPC’s proposed definition of “officeholder committee” defines it as a committee established by eligible officeholders—that is, the mayor and City Council members. By contrast, the council’ proposes that “officeholder committee” be defined as one established by any elected official (24 positions) under the Charter of the City of Berkeley. For the reasons explained above, the FCPC does not believe that such a broad authorization of the use of officeholder committees is necessary or desirable.

In addition to recommending defining “officeholder committee” as recommended, the FCPC proposes including in section 2.12.157 a definition of “officeholder account” because this term is used frequently in new Article 9 governing officeholder committees and accounts

Cost of Living Adjustments

A final subject that is addressed in both the FCPC and Council’s proposals is whether to provide for cost-of-living adjustments for the dollar amounts provided in Article 9 for cumulative limits on contributions, individuals contribution limits, and other specified dollar amounts. On this issue, the FCPC and Council are in general agreement that these adjustments are appropriate.

The cost-of-living adjustments are provided for in section 2.12.545. The Council proposal provided for adjustments to the dollar amounts provided in sections 2.12.167, 2.12.500.A.3, 2.12.505.B, 2.12.530.B.3.b, 2.12.167, 2.12.500.A.3, and 2.12.530.B.3.b., and section 2.12.602. The FCPC proposal has added similar adjustments to the dollar amounts specified in section 2.12.603. Providing for these adjustments is important, particularly if inflation continues to be a problem, to ensure that the dollar limits established at this time are still realistic and appropriate in the future, without requiring ongoing legislation to adjust those amounts.

FCPC ACTIONS OR RECOMMENDATIONS

The FCPC, after fully considering the issues, should respond to the reference from the Council. This response should include a recommendation. Based on the discussion so far, it is evident that the FCPC would not simply accept the Council's proposal, as drafted. Instead, the FCPC's might recommend that the Council approve the alternative FCPC proposal for an ordinance regulating officeholder committees and accounts; or, alternatively, the FCPC might develop some other recommendation or recommendations, including reiteration of its previous recommendation to prohibit officeholder accounts or it might recommend changing the approach to D-13 accounts.

Whatever the FCPC recommends, it should be remembered that it will ultimately require a 2/3 majority vote of both the FCPC and the City Council (that is, the "double green light") to amend BERA.

Attachments:

1. Fair Campaign Practices Commission Proposal to Amend BERA to allow for regulated officeholder accounts ("FCPC Proposal").
2. Chart Comparing Council Proposal and FCPC Proposal.

Fair Campaign Practices Commission's Proposed Draft Amendments to the Berkeley Election Reform Act Relating to Officeholder Accounts (Revisions to City Council's Proposed Amendments Approved November 9, 2021)

ORDINANCE NO. -N.S.

AMENDING THE BERKELEY ELECTION REFORM ACT AND
LOBBYIST REGISTRATION ACT TO REGULATE
OFFICEHOLDER COMMITTEES

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. That Berkeley Municipal Code section 2.09.220 is amended to read as follows:

Section 2.09.220 Restrictions on payments and expenses benefiting local public officials.

A. No local government lobbyist or a lobbyist's registered client shall make any payment or incur any expense, including any gift of travel, that directly benefits an elected city officeholder or candidate for elected city office except as authorized by, and only to the extent permitted by, the Berkeley Election Reform Act and other applicable local or state law. ~~No local government lobbyist or a registered client shall make any payment or incur any expense, including any gift of travel, that directly benefits an elected city officeholder, candidate for elected city office, a designated employee, or a member of the immediate family of one of these individuals, in which the cumulative value of such payments or expenses exceeds \$240 during any calendar year. This \$240 limit may be adjusted every four years by the OGC to account for inflation. The payments and expenses specified in subsections 2.09.220(A)-(D) include gifts, honoraria and any other form of compensation but do not include:~~

- ~~1. gifts of food or refreshment worth \$25 or less per occasion, if the local governmental lobbyist is a 501 (c)(3) nonprofit organization, the gift of food or refreshment is offered in connection with a public event held by the 501 (c)(3) nonprofit organization, and the same gift of food or refreshment is made available to all attendees of the public event;~~
- ~~2. payments or expenses that, within thirty (30) days after receipt, are returned unused or are reimbursed;~~

~~3. gifts of food or beverage worth \$25 or less per occasion, if said gift is provided in the home of an individual local governmental lobbyist or individual local governmental lobbyist's registered client when the individual or member of the individual's family is present;~~

~~4. a pass or ticket to a fundraising event for a campaign committee or candidate, or for an organization exempt from taxation under Section 501 (c)(3) of the Internal Revenue Code;~~

~~5. informational material;~~

~~6. campaign or contributions not to exceed the limits imposed by the Berkeley Election Reform Act or state law, as applicable; and~~

~~7. salaries, consulting fees or other payments for services rendered or bargained for. No other exception to, or exclusion from, the definition of gift or honoraria contained in the Political Reform Act of 1974 as amended, and the regulations issued pursuant thereto, shall apply to this section.~~

~~For purposes of the gift limits imposed by subsections (A)–(C), gifts shall be aggregated set forth in California Code of Regulations, Title 2, Section 18945.1, as it may hereafter be amended.~~

B. No lobbyist or a lobbyist's registered client shall make any payment to a third-party for the purpose of making any payment or incurring any expense, including any gift of travel, that directly benefits an elected city officeholder, candidate for elected city office, a designated employee, or a member of the immediate family of one of these individuals.

C. No elected city officeholder, candidate for elected city office, or designated employee may accept or solicit any payment or expense, including any gift of travel, from any lobbyist for the individual's personal benefit or for the personal benefit of a member of the immediate family of one of these individuals.

D. No elected city officeholder, candidate for elected city office, or designated employee may accept or solicit any payment or expense, including any gift of travel, from a third-party if the officer knows or has reason to know that the third-party is providing the payment or expense on

behalf of a lobbyist.

Section 2. That Berkeley Municipal Code section 2.12.100 is amended to read as follows:

Section 2.12.100 Contribution.

A. "Contribution" means a gift, subscription, loan, advance, deposit, pledge, forgiveness of indebtedness, payment of a debt by a third party, contract, agreement, or promise of money or anything of value or other obligation, whether or not legally enforceable, made directly or indirectly in aid of or in opposition to the nomination or election of one or more candidates or the qualification for the ballot or voter approval of one or more measures. The term "contribution" includes the purchase of tickets for events such as dinners, luncheons, rallies and similar fund- raising events; a candidate's own money or property used on behalf of his or her candidacy; the granting to a candidate or committee of discounts or rebates not available to the general public; and payments for the services of any person serving on behalf of a candidate or committee, when such payments are not made from contributions the candidate or committee must otherwise report under the terms of this chapter. The term "contribution" further includes any transfer, gift, loan, advance, deposit, forgiveness of indebtedness, payment of a debt by a third party, pledge, contract, agreement, or promise of money or anything of value or other obligation, whether or not legally enforceable, received directly or indirectly by a committee from another committee. The term "contribution" shall not include a gift of service or labor, but shall include service or labor for which a payment is made, nor shall the term "contribution" include a gift of the use of personal or real property where the value of such use is not in excess of fifty dollars, nor shall it include food and beverages the value of which for any one event is no more than fifty dollars.

B. In the case of an officeholder committee, "contribution" means a monetary payment or other contribution as defined in A above to an officeholder committee to be used for expenses associated with holding City office, and not for campaign purposes, as provided in Article 9 of this Chapter.

Section 3. That Berkeley Municipal Code section 2.12.130 is amended to read as follows:

Section 2.12.130 Expenditure.

A. "Expenditure" means a payment, pledge or promise of payment of money or anything of value or other obligation, whether or not legally enforceable, for

goods, materials, services or facilities in aid of or in opposition to the nomination or election of one or more candidates or the qualification for the ballot or adoption of one or more measures. The term "expenditure" includes any transfer, payment, gift, loan, advance, deposit, pledge, contract, agreement or promise of money or anything of value or other obligation, whether or not legally enforceable, made directly or indirectly by one committee to another committee. "Expenditure" also includes the forgiving of a loan or the repayment of a loan by a third party.

B. In the case of an officeholder committee, "expenditure" means payment of money or other expenditure as defined in A above by an officeholder committee for expenses associated with holding elective office in the City of Berkeley, and not for campaign purposes, as provided in Article 9 of this Chapter.

Section 4. That Berkeley Municipal Code section 2.12.157 is added to read as follows:

Section 2.12.157 Officeholder committee and officeholder account.

A. "Officeholder committee" means a committee established by an officeholder eligible to receive contributions and make expenditures associated with holding elective office in the City of Berkeley as provided in Article 9 of this Chapter. The eligible officeholders under that Article are the Mayor and Members of the City Council.

B. "Officeholder account" means a bank account maintained by an eligible officeholder or by any person or committee on behalf of an eligible officeholder, and whose funds are used exclusively for expenses associated with holding office and not for direct campaign purposes, as provided in Article 9 of this Chapter.

Section 5. That Berkeley Municipal Code Section 2.12.545 is amended to read as follows:

Section 2.12.545 Cost of living adjustments.

The Commission shall adjust the dollar amounts specified in Sections 2.12.167, 2.12.500.A.3, 2.12.505.B, ~~and 2.12.530.B.3.b, 2.12.602, and 2.12.603.~~ 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 2.12.603.B.~~, and one thousand dollars (\$1,000) with respect to

Sections 2.12.505.B and 2.12.602.

Section 6. That Article 9 of Chapter 2.12 of the Berkeley Municipal Code is added to read as follows:

Article 9. Officeholder Committees and Accounts

Section. 2.12.600 Regulation of officeholder committees and accounts.

A. The City of Berkeley hereby enacts a comprehensive ordinance for the purpose of regulating officeholder committees and accounts, including establishing limits on the amounts of contributions to these accounts, as authorized by California Government Code sections 85316, 85702.5. and other applicable state law.

B. The purposes of regulating officeholder committees and accounts include:

1. To provide adequate funds, if needed, for the City of Berkeley's principal elected officials to fully and effectively perform the duties of their office;
2. To ensure transparency and openness in the funding of city government;
3. To prevent the improper influence of private funds on the operations of city business and its officials; and
4. To preserve public confidence in the city and its key officeholders.

Section 2.212.601 Officeholders eligible to establish officeholder committees and accounts.

A. The Mayor and City Council Members are "eligible officeholders" under this Article. They are permitted to establish an officeholder committee and an officeholder account, as defined in section 2.12.157A–B. The Mayor and Council Members are the only elected officeholders in the City of Berkeley authorized to establish, maintain, and use committees and officeholder

accounts for the purposes of this Article.

B. All elected city officials other than the Mayor and City Council Members are not eligible officeholders. They are prohibited from establishing an officeholder committee or an officeholder account or from receiving any contributions or making any expenditures associated with holding elective office in the City, except that non-eligible officeholders may personally contribute incidental expenses, in a value not to exceed two hundred fifty dollars (\$ 250), to the operation of their offices.

C. Nothing in this section shall prohibit the City from providing financial support and assistance to those officeholders who are not eligible to establish officeholder committees or accounts to enable them to perform their duties of office.

D. Nothing in this section shall require an eligible officeholder to open an officeholder committee or, if they have established an officeholder committee, to contribute to their officeholder committee or to spend personal funds on their own officeholder expenses.

Section 2.12.602 Cumulative contribution limits

A. For the office of Mayor, total contributions to an officeholder account from all contributors shall not exceed ten thousand dollars (\$10,000.00) in the aggregate per calendar year.

B. For each Member of the City Council, total contributions to an officeholder account from all contributors shall not exceed five thousand dollars (\$5,000.00) in the aggregate per calendar year.

C. The dollar amounts of the cumulative campaign limits provided for in A. and B. shall be adjusted periodically as provided in section 2.12.545.

Section 2.12.603 Individual contributions – Restrictions – Limits on contributions.

A. Only a natural person who is a resident of the City shall make a contribution to an officeholder committee or account. The prohibition against

contributions from organizations and entities to candidates and committees in section 2.12.440 applies to contributions to officeholder committees and accounts under this Article.

B. No individual contributor shall make, and no eligible officeholder shall accept, a contribution per person for the calendar year whose value totals more than the maximum amount of a “qualifying contribution” permitted under section 2.12.167. A “contribution,” for the purposes of this section includes the payment of money or other contribution as defined in section 2.12.100 A–B.

C. The dollar amounts of the individual contribution limits provided for in B. shall be adjusted periodically as provided in section 2.12.545.

D. An eligible officeholder may personally contribute an amount to their officeholder account greater than provided in B. and C. provided:

1. All contributions by the officeholder shall be made through an officeholder committee and shall be placed in an officeholder account, and reports of all contributions and expenditures shall made as provided in this Article; and

2. The total amount contributed by the officeholder and all other contributors per calendar year combined shall not exceed the cumulative contribution limit in section 2.12,602.

[POSSIBLE ALTERNATIVE VERSION OF D.;

D. An eligible officeholder may personally contribute an amount to their officeholder account greater than provided in B. and C., provided;

1. All contributions by the officeholder shall be made through an officeholder committee and shall be placed in an officeholder account, and reports of all contributions and expenditures shall made as provided in this Article; and

2. The total amount an officeholder may personally contribute to their own officeholder account per calendar year is limited to:

a. For the office of Mayor, five thousand dollars (\$5,000), and

b. For the office of City Council Member, two thousand five hundred dollars (\$2,500).

The amounts personally contributed by an eligible officeholder to their own officeholder committee and officeholder account under D.2.a. or b. shall not count towards the cumulative annual contribution limit for that eligible officeholder in section 2.12.602.]

Section 2.12.604 Limits and requirements for contributions and expenditures

All requirements and prohibitions applicable to campaign contributions and expenditures in the Berkeley Election Reform Act shall apply to contributions and expenditures relating to officeholder committees and accounts, including the requirements for a written instrument under section 2.12.300, the prohibitions on contributions from persons using other than their legal name under section 2.12.305, the prohibitions on contributions from persons on behalf of other persons under section 2.12.310, the prohibitions relating to contributions by agents or independent contractors on behalf of a committee under section 2.12.315, and the prohibitions on anonymous contributions under section 2.12.320.

Section 2.12.610 Permissible officeholder expenditures.

An officeholder committee may make expenditures only for the following purposes:

- A. Expenditures for fundraising for the officeholder committee.
- B. Expenditures for office equipment, furnishings and office supplies used for governmental or legislative purposes.
- C. Expenditures for compensation of staff, consultants, or other persons employed by the officeholder for time spent on officeholder activities, provided that such expenditures are not prohibited by Section 2.12.611.D.
- D. Expenditures for research, surveys, photographic, or similar services, provided such services are only for officeholder purposes.
- E. Expenditures for attendance, travel, lodging, meals and other related

expenses which serve a legislative or governmental purpose by the officeholder and members of the officeholder's City staff or others employed by the officeholder to perform duties related to officeholder activities. Such permissible expenditures shall include:

1. Expenditures for attendance at conferences, meetings, receptions, and other events occurring within or outside of the United States, including registration or other attendance fees, travel, lodging, food, and incidentals;
2. Expenditures for membership and participation in programs for civic, service, or professional organizations, if such membership bears a reasonable relationship to a governmental or legislative purpose; and
3. Expenditures for educational courses or events reasonably related to a governmental or legislative purpose.

F. Expenditures for constituent and community communications, including:

1. Mailings, newsletters and other paper, electronic, or other communications which provide information related to community events, an officeholder's governmental duties, an officeholder's position on a particular matter, or other matters of public concern or interest;
2. An officeholder's website and social media;
3. Email and address list management.

The expenditures permitted for communications under 1–3 must be consistent with, and shall not violate, the restrictions on the use of officeholder account funds for communications in section 2.12.612 of this Article.

G. Expenditures for expressions of congratulations, appreciation or condolences sent to constituents, employees, governmental officials, or other persons with whom the officeholder communicates in their official capacity.

H. Expenditures for payment of tax liabilities incurred as a result of

permissible officeholder committee transactions.

I. Expenditures for accounting, legal, professional, administrative, and similar services provided to the officeholder committee.

Section 2.12.611 Prohibited officeholder expenditures.

An officeholder committee shall not make expenditures for the following purposes:

A. Expenditures in connection with an election for any city, county, regional, state or federal elective office or in connection with a ballot measure,

B. Expenditures for campaign consulting, research, polling, photographic or similar services for election to city, county, regional, state or federal elective office or for any other campaign expenditures of any kind.

C. Membership in any athletic, social, fraternal, veterans or religious organization.

D. Supplemental compensation for officeholder staff for performance of duties required or expected of the person in the regular course or hours of their employment as a City official or employee.

E. Expenditures for attorney's fees or for any other costs of litigation, administrative procedures, or other processes arising directly from the officeholder committee's activities or the officeholder's activities, duties, or status and an elected officer; this prohibition includes, but is not limited to, any expenditures for expenses incurred in defending against claims or potential claims of fraud, malfeasance, discrimination, harassment, or abuse.

F. Any expenditure that would violate any provision of the Berkeley Election Reform Act (BMC Chapter 2.12.) or the California Political Reform Act (Cal. Gov. Code § 81000 et seq.), including but not limited to the gift laws pertaining to travel payments, advancements and reimbursements under Government Code section 89506, and provisions related to permissible expenditures which serve legislative or governmental purposes under Government Code sections 89512 through 89519.

Section 2.12.612. Constituent and community communications.

A. Funds from an officeholder account shall be used for constituent and community communications only as permitted by this section.

B. Funds from an officeholder account may be used for constituent and community communications only as follows:

1. No funds from an officeholder account shall be used, directly or indirectly, for any campaign purposes. This means that these funds may not be used in support or opposition to any candidate or ballot measure in the City; and they may not be used to solicit campaign funds, to notify the public about campaign events, to provide information about a candidate, or for any other campaign-related purpose.

2. Communications paid from officeholder accounts should provide constituents and the community with information directly related to the officeholder's governmental duties, the activities of city government, and to announcements of official agency events. These communications must be clearly identified as "Constituent and Community Communications," and shall state that they are being funded by the elected official's officeholder committee.

3. Notwithstanding Government Code section 89002, officeholder communications with constituents may include mass mailings provided that they comply with 1-2 above or, alternatively, with section 89002(b). Copies of all mass mailings under this section shall promptly be sent to the Commission and shall be part of the public record.

C. No funds from an officeholder account shall be spent for mass mailings for any purpose, including for constituent communications, in a calendar year during which the officeholder with such an account runs, intends to run, or is eligible to run for an elective public office in the City.

Section 2.12.620 Prohibitions on transfer or reallocation of funds.

The following restrictions apply to the transfer or reallocation of officeholder funds:

A. No funds may be contributed, redesignated, or transferred to an officeholder committee from any campaign committee for any city, county,

regional, state, or federal elective office or ballot measure, or any other political committee.

B. No funds may be contributed, redesignated, or transferred from an officeholder committee to any candidate or campaign committee for any city, county, regional, state, or federal elective office or ballot measure, or any other political committee.

C. No officeholder committee may be redesignated as a campaign committee for any city, county, regional, state, or federal elective office or ballot measure.

D. No campaign committee for any city, county, regional, state, or federal elective office or ballot measure may be redesignated as an officeholder committee.

Section 2.12.621 Prohibition on simultaneously maintaining officeholder and campaign committees.

A. An officeholder may not simultaneously maintain an officeholder committee and a campaign committee for any city, county, regional, state, or federal elective office.

B. A candidate who is elected to any elective office in the City must terminate their campaign committee before opening an officeholder committee.

C. An officeholder must terminate any open officeholder committee before filing a Statement of Organization or equivalent initial filing for a campaign committee for any city, county, regional, state, or federal elective office.

For officeholders filing a Statement of Organization with the City Clerk to form a campaign committee for a City of Berkeley office, the Clerk shall provide notice of the need to close any open officeholder committee before accepting the campaign committee Statement of Organization.

Section 2.12.625 Officeholder committees and public financing.

Individuals who have established, maintained, and used an officeholder

committee may participate in the City’s public campaign financing program under Article 8, the Fair Elections Act, provided that they comply with the requirements of this Article, including terminating any open officeholder committee before filing a Statement of Organization for a campaign committee for elective office.

Section 2.12.630 Statement of organization – Committee required to file.

A. Every eligible officeholder who directly or indirectly, from any authorized person or from themselves, receives contributions that cumulatively total more than two hundred fifty dollars (\$250) in a calendar year or makes expenditures exceeding two hundred fifty dollars (\$250) in a calendar year for expenses related to holding office shall establish an “officeholder committee” and shall open an “officeholder account” as defined in section 2.12.157.

B. Every officeholder committee shall file with the City Clerk a Statement of Organization for the officeholder committee before accepting contributions.

C. The date on which an officeholder committee is formed by filing a Statement of Organization shall determine the officeholder committee’s obligation to file statements and reports required by this chapter.

D. Every eligible officeholder who does not directly or indirectly, from any authorized person or from themselves, receive contributions that cumulatively total more than two hundred fifty dollars (\$ 250) in a calendar year or make expenditures exceeding two hundred fifty dollars (\$250) in a calendar year for expenses related to holding office shall file a verified certificate stating that they are not required to establish a committee or open an account because the amounts received or expended, if any, do not exceed the amounts specified in subsection A. above. Every eligible officeholder shall file the certificate required by this subsection on the dates prescribed under section 2.12.650, notwithstanding the fact they are not required to file a complete report under that section.

2.12.631 Statement of organization – Information required.

The statement of organization for an officeholder committee required by Section 2.12.630 shall include:

- A. The name, street address and telephone number of the officeholder committee;
- B. The name of the officeholder;
- C. The full name, street address and telephone number of the treasurer and other principal officers;
- D. The elected office held by the officeholder;
- E. The account number and name of the bank at which the checking account, required by Section 2.12.641, is maintained; if the information required by this section is unavailable at the time of filing the statement of organization, the filer shall promptly submit an amended statement after such information becomes available;
- F. The cash on hand at the time of filing the statement of organization;
- G. Such other information as shall be required by the rules or regulations of the commission consistent with the purposes and provisions of this Chapter.

Section 2.12.632 Statement of organization – Change of Information – Amendment required.

Whenever there is a change in any of the information contained in the statement of organization, an amendment shall be filed within ten days to reflect the change.

Section 2.12.640 Officeholder committee treasurer.

Each officeholder committee shall appoint a committee treasurer and shall comply with all requirements for campaign committee treasurers under section 2.12.245.

Section 2.12.641 Officeholder account – Establishment required – Procedure for use.

An officeholder committee treasurer shall establish and manage a separate checking account exclusively for the purposes of the committee. All

provisions of Section 2.12.250 regarding the establishment and use of campaign accounts shall also apply to the establishment and use of officeholder committee checking accounts, unless otherwise provided in this Article. Consistent with this Article and notwithstanding 2.12.250.D., the treasurer of an officeholder account committee shall not accept any monetary or non-monetary contribution with a value in excess of fifty dollars (\$50) and must retain itemized receipts or vouchers of all contributions.

Section 2.12. 650 Reporting – Officeholder statements – Content – Filing dates.

A. All contributions received for, and all expenditures made from, each officeholder account during a calendar year shall be reported as prescribed in B. and C. below.

B. Officeholder committee statements required by this Article shall include all applicable information required for campaign committee statements by Section 2.12.280.

C. Each eligible officeholder who maintains an officeholder committee and account shall file a statement containing all the required information one or more times each calendar year, as prescribed by the Commission. Unless the Commission prescribes otherwise, each officeholder committee statement shall be filed in accordance with the filing dates prescribed by state law for semi-annual campaign committee statements. If the Commission determines that other dates are more appropriate for the filing of officeholder committee statements, the Commission shall set the necessary filing dates.

Section 2.12.655 Filing requirements.

All reports and statements required to be filed by this Article shall be subject to the filing requirements and other provisions of the Berkeley Election Reform Act relating to the filing of campaign reports and statements, including the signature and verification requirements in section 2.12.025, the provisions on where to file in section 2.12.030, the requirement to file electronically in section 2.12.032, the filing procedures in section 2.12.033, and the provision that no fee or charge shall be collected by the City Clerk for the filing of the statement or report under section 2.12.035.

Section 2.12.658 Requirements for public inspection, preservation, and

City Clerk's responsibilities.

All reports and statements required by this Article shall be subject to the same provisions for public inspection, preservation, and City Clerk's responsibilities as provided for campaign reports and statements in sections 2.12.040, 2.12.045, and 2.12.050.

Section 2.12.660 Termination of officeholder committees upon leaving office.

A. An officeholder who does not file a Statement of Organization or equivalent initial filing to seek a subsequent city, county, regional, state, or federal elective office shall terminate their officeholder committee within 90 days of leaving office. The Commission may for good cause extend the termination date.

B. Following the date of leaving office, an officeholder shall not make any new expenditures from their officeholder committee except for the following purposes:

1. Paying for legitimate, outstanding officeholder expenses accrued on or prior to the date of leaving office.
2. Repaying contributions to contributors to the officeholder committee on a pro rata basis.
3. Donating funds to the City's general fund.

C. The officeholder terminating an officeholder account shall file a statement regarding the disposition of all funds from the account, including the identification of all persons and entities that have received funds from the account and the amounts distributed, The officeholder closing the account must verify the statement and file it electronically no later the date prescribed for the termination of the officeholder account or the approved extension thereof. The Commission may require the statement to be provided on a form prescribed by the Commission.

Section 2.12.670 Records of officeholder accounts.

A. The officeholder and treasurer of an officeholder committee are subject

to record keeping requirements.

B. It is the duty of each officeholder and each treasurer for an officeholder committee to maintain detailed accounts, records, bills, and receipts necessary to prepare officeholder statements, to establish that the statements were accurate and properly filed, and to otherwise comply with the provisions of this Article. Officeholders and treasurers must also maintain records of the cumulative amount of all contributions and expenditures.

C. The detailed accounts, records, bills, and receipts shall be retained by the officeholder and treasurer for a period specified by the Commission. The records shall be retained for a period of at least four years after the adoption of a final audit report or five years from the date of any alleged violation, whichever is less, unless the Commission provides otherwise.

D. In the event that a person alleged to have violated this Article fails to produce documents in response to a court order to produce the records sought by subpoena, the five-year period in C. above shall be tolled for the period of delay from the date of filing of the motion to compel until the date the documents are produced.

E. Officeholders and treasurers shall make available to the Commission and other authorities or their designees specified in section 2.12.250.F, on demand, the details of any account requested and the records supporting it, and shall sign a waiver permitting those authorities or their designees to inspect officeholder account records maintained by the bank in which the officeholder account is opened.

Section 2.12.675 Audits of officeholder committees and accounts.

A. Officeholder committees and officeholder accounts are subject to audits.

B. The City Auditor shall audit all officeholder committees and officeholder accounts every two years beginning in 2024. The audits shall cover the preceding two-year period ending July 1 of every even-numbered year. The final audits shall be publicly filed with the City Clerk and copies shall be sent to the Commission for review no later than October 1 of the even-numbered year when the audits are scheduled to be prepared and filed.

C. In the event that any audit or audits are not completed, finalized, and filed by October 1, the Clerk shall promptly notify the Commission and the affected officeholder and treasurer responsible for the officeholder committee. Upon receipt of this notice, the officeholder committee shall immediately cease operations, including collecting contributions and making expenditures, until the final audit or audits have been filed, copies have been sent to the Commission, and the Commission has approved the audit.

Section 2.12.685 Enforcement.

A. Violations of this article involving the unlawful use of officeholder committees and accounts are subject to the limitations on contributions in Article 6 and the enforcement procedures and penalties in Article 7 of this Chapter. For the purposes of Article 9, section 2.12.435 is modified to provide that, if any person is found guilty of violating the terms of this Article, each campaign treasurer who received part or all of the contribution or contributions which constitute the violation shall pay promptly, from available funds in the officeholder account, if any, the amount received in excess of the amount permitted by this Article to the City for deposit in the City's general fund.

B. In addition to the limitations, enforcement procedures, and penalties in Articles 6 and 7, if the Commission determines, after notice and a hearing, that an officeholder has committed a substantial violation of the regulations relating to officeholder accounts, it may suspend or terminate the officeholder's committee and account and may prohibit the officeholder from establishing, maintaining, or operating such a committee or account in the future.

Section	Council Version	FCPC Version	Difference/Rationale
<p>2.09.220 Restrictions on payments and expenses benefiting local public officials.</p>	<p>A. No local government lobbyist or a registered client shall make any payment or incur any expense, including any gift of travel, that directly benefits an elected city officeholder, candidate for elected city office, a designated employee, or a member of the immediate family of one of these individuals, in which the cumulative value of such payments or expenses exceeds \$240 during any calendar year. This \$240 limit may be adjusted every four years by the OGC to account for inflation. The payments and expenses specified in subsections 2.09.220(A)-(D) include gifts, honoraria and any other form of compensation but do not include:</p> <ol style="list-style-type: none"> 1. gifts of food or refreshment worth \$25 or less per occasion, if the local governmental lobbyist is a 501 (c)(3) nonprofit organization, the gift of food or refreshment is offered in connection with a public event held by the 501 (c)(3) nonprofit organization, and the same gift of food or refreshment is made available to all attendees of the public event; 2. payments or expenses that, within thirty (30) days after receipt, are returned unused or are reimbursed; 3. gifts of food or beverage worth \$25 or less per occasion, if said gift is provided in the home of an individual local governmental lobbyist or individual local governmental lobbyist's registered client when the individual or member of the individual's family is present; 4. a pass or ticket to a fundraising event for a campaign committee or candidate, or for an 	<p>A. No local government lobbyist or a lobbyist's registered client shall make any payment or incur any expense, including any gift of travel, that directly benefits an elected city officeholder or candidate for elected city office except as authorized by, and only to the extent permitted by, the Berkeley Election Reform Act and other applicable local or state law.</p>	<p>Both the FCPC and the Council proposals recommend amending the Lobbyist Registration Act to reflect the addition of Article 9. The two proposals, however, take different approaches.</p> <p>The FCPC proposal recommends replacing subsection A. of section 2.09.220 (restrictions on payments and expenses benefiting public officials) with a new provision that no local government lobbyist or a lobbyist's registered client shall make any payment or incur any expense, including any gift of travel, that directly benefits an elected city officeholder or candidate for elected city office except as authorized by, and only to the extent permitted by, the Berkeley Election Reform Act and other applicable local or state law. This new provision will ensure that the Lobbyist Registration Act is fully consistent with the new officeholder committee and account provisions and the other provisions of BERA.</p> <p>By contrast, the Council's proposal would leave subsection A. unchanged except for adding to the list of exceptions to the ordinance's \$240 annual contribution limit a provision that includes "officeholder" contributions that do not exceed the limits imposed by BERA. This sole amendment to subdivision A.is insufficient to ensure that the Lobbyist</p>

	<p>organization exempt from taxation under Section 501 (c)(3) of the Internal Revenue Code;</p> <p>5. informational material;</p> <p>6. campaign or officeholder contributions not to exceed the limits imposed by the Berkeley Election Reform Act or state law, as applicable; and</p> <p>7. salaries, consulting fees or other payments for services rendered or bargained for. No other exception to, or exclusion from, the definition of gift or honoraria contained in the Political Reform Act of 1974 as amended, and the regulations issued pursuant thereto, shall apply to this section. For purposes of the gift limits imposed by subsections (A)-(C), gifts shall be aggregated set forth in California Code of Regulations, Title 2, Section 18945.1, as it may hereafter be amended.</p> <p>B. No lobbyist or a lobbyist's registered client shall make any payment to a third-party for the purpose of making any expense, including any gift of travel, that directly benefits an elected city officeholder, candidate for elected city office, a designated employee, or a member of the immediate family of one of these individuals.</p> <p>C. No elected city officeholder, candidate for elected city office, or designated employee may accept or solicit any payment or expense, including any gift of travel, from any lobbyist for the individual's personal benefit or for the</p>	<p>B. No lobbyist or a lobbyist's registered client shall make any payment to a third-party for the purpose of making any payment or incurring any expense, including any gift of travel, that directly benefits an elected city officeholder, candidate for elected city office, a designated employee, or a member of the immediate family of one of these individuals.</p> <p>C. No elected city officeholder, candidate for elected city office, or designated employee may accept or solicit any payment or expense, including any gift of travel, from any lobbyist for the individual's personal</p>	<p>Registration Act is fully compliance with Article 9. The ordinance would arguably still permit lobbyists who are not natural persons residing in the City of Berkeley to provide gifts with a cumulative value of \$240 in a calendar year to benefit an elected city officeholder. Hence, to avoid inconsistency and fully implement Article 9, the FCPC's proposed amendment to section 2.09 should be adopted rather than the Council version.</p>
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	<p>personal benefit of a member of the immediate family of one of these individuals.</p> <p>D. No elected city officeholder, candidate for elected city office, or designated employee may accept or solicit any payment or expense, including any gift of travel, from a third-party if the officer knows or has reason to know that the third-party is providing the payment or expense on behalf of a lobbyist.</p>	<p>benefit or for the personal benefit of a member of the immediate family of one of these individuals.</p> <p>D. No elected city officeholder, candidate for elected city office, or designated employee may accept or solicit any payment or expense, including any gift of travel, from a third-party if the officer knows or has reason to know that the third-party is providing the payment or expense on behalf of a lobbyist.</p>	
<p>Section 2.09.100 Contribution.</p>	<p>A. "Contribution" means a gift, subscription, loan, advance, deposit, pledge, forgiveness of indebtedness, payment of a debt by a third party, contract, agreement, or promise of money or anything of value or other obligation, whether or not legally enforceable, made directly or indirectly in aid of or in opposition to the nomination or election of one or more candidates or the qualification for the ballot or voter approval of one or more measures. The term "contribution" includes the purchase of tickets for events such as dinners, luncheons, rallies and similar fund-raising events; a candidate's own money or property used on behalf of his or her candidacy; the granting to a candidate or committee of discounts or rebates not available to the general public; and payments for the services of any person serving on behalf of a candidate or committee, when such payments are not made from contributions the candidate or committee must otherwise report under the terms of this chapter. The term "contribution" further includes any transfer, gift, loan, advance, deposit, forgiveness of indebtedness, payment</p>	<p>A. "Contribution" means a gift, subscription, loan, advance, deposit, pledge, forgiveness of indebtedness, payment of a debt by a third party, contract, agreement, or promise of money or anything of value or other obligation, whether or not legally enforceable, made directly or indirectly in aid of or in opposition to the nomination or election of one or more candidates or the qualification for the ballot or voter approval of one or more measures. The term "contribution" includes the purchase of tickets for events such as dinners, luncheons, rallies and similar fund-raising events; a candidate's own money or property used on behalf of his or her candidacy; the granting to a candidate or committee of discounts or rebates not available to the general public; and payments for the services of any person serving on behalf of a candidate or committee, when such payments are not made from contributions the</p>	<p>Both the FCPC and Council proposals would provide definitions of "contribution" and "expenditures" for the purposes of Article 9 based on the definitions of these terms for campaign finance purposes. The FCPC uses the same broad definitions of the terms as provided in BERA for campaign contributions and expenditures. The Council proposal, however, would significantly narrow the definitions of "contribution" to mean only "a monetary payment," thereby omitting the numerous other forms of contributions (such as loans, advances, pledges, or "anything of value"). Similarly, the council proposal would narrow the definition of "expenditure" to mean a "payment of money," thereby omitting many other forms of contributions (such as pledges or promises "of anything of value").</p>

	<p>of a debt by a third party, pledge, contract, agreement, or promise of money or anything of value or other obligation, whether or not legally enforceable, received directly or indirectly by a committee from another committee. The term "contribution" shall not include a gift of service or labor, but shall include service or labor for which a payment is made, nor shall the term "contribution" include a gift of the use of personal or real property where the value of such use is not in excess of fifty dollars, nor shall it include food and beverages the value of which for any one event is no more than fifty dollars.</p> <p>B. In the case of an officeholder committee, "contribution" means a monetary payment to be used for expenses associated with holding City office, and not for campaign purposes, as provided in Article 9 of this Chapter.</p>	<p>candidate or committee must otherwise report under the terms of this chapter. The term "contribution" further includes any transfer, gift, loan, advance, deposit, forgiveness of indebtedness, payment of a debt by a third party, pledge, contract, agreement, or promise of money or anything of value or other obligation, whether or not legally enforceable, received directly or indirectly by a committee from another committee. The term "contribution" shall not include a gift of service or labor, but shall include service or labor for which a payment is made, nor shall the term "contribution" include a gift of the use of personal or real property where the value of such use is not in excess of fifty dollars, nor shall it include food and beverages the value of which for any one event is no more than fifty dollars.</p> <p>B. In the case of an officeholder committee, "contribution" means a monetary payment or other contribution as defined in A above to an officeholder committee to be used for expenses associated with holding City office, and not for campaign purposes, as provided in Article 9 of this Chapter.</p>	<p>There are no good policy reasons for restricting the definitions of "contribution" or "expenditures" to transactions involving money. Non-monetary forms of contributions and expenditures, which have a monetary value that could be quite large, can assist and influence public officials and the conduct of public business; they should be reported by officeholders just as they are by persons campaigning for public office. Hence, the definitions proposed by the FCPC should be adopted.</p>
<p>Section 2.12.130 Expenditure.</p>	<p>A. "Expenditure" means a payment, pledge or promise of money or anything of value or other obligation, whether or not legally enforceable, for goods, materials, services or facilities in aid of or in opposition to the nomination or election of one or more candidates or the qualification for the ballot or</p>	<p>A. "Expenditure" means a payment, pledge or promise of payment of money or anything of value or other obligation, whether or not legally enforceable, for goods, materials, services or facilities in aid of or in opposition to the nomination or election</p>	<p>See difference/rationale explaining the reasons for preferring the FCPC definition of "contribution" instead of the Council definition under section 2.09.100 above.</p>

	<p>adoption of one or more measures. The term "expenditure" includes any transfer, payment, gift, loan, advance, deposit, pledge, contract, agreement or promise of money or anything of value or other obligation, whether or not legally enforceable, made directly or indirectly by one committee to another committee. "Expenditure" also includes the forgiving of a loan or the repayment of a loan by a third party.</p> <p>B. In the case of an officeholder committee, "expenditure" means payment of money by an officeholder committee for expenses associated with holding elective office in the City of Berkeley as provided in Article 9 of this Chapter.</p>	<p>of one or more candidates or the qualification for the ballot or adoption of one or more measures. The term "expenditure" includes any transfer, payment, gift, loan, advance, deposit, pledge, contract, agreement or promise of money or anything of value or other obligation, whether or not legally enforceable, made directly or indirectly by one committee to another committee. "Expenditure" also includes the forgiving of a loan or the repayment of a loan by a third party.</p> <p>B. In the case of an officeholder committee, "expenditure" means payment of money or other contribution as defined in A. above by an officeholder committee for expenses associated with holding elective office in the City of Berkeley as provided in Article 9 of this Chapter.</p>	
<p>Section 2.12.157 Officeholder committee. [Renamed: Officeholder committee and account.]</p>	<p>"Officeholder committee" means a committee established by an Elective Officer of the City of Berkeley, as defined in Article V Section 8 of the Charter of the City of Berkeley, to receive contributions and make expenditures associated with holding elective office in the City of Berkeley as provided in Article 9 of this Chapter.</p>	<p>A. "Officeholder committee" means a committee established by an officeholder eligible to receive contributions and make expenditures associated with holding elective office in the City of Berkeley as provided in Article 9 of this Chapter. The eligible officeholders under that Article are the Mayor and Members of the City Council.</p> <p>B. "Officeholder account" means a bank account maintained by an eligible officeholder or by any person or committee on behalf of an eligible officeholder, and whose funds are used exclusively for expenses associated</p>	<p>A basic difference between the approach to officeholder accounts proposed by the Council and the approach proposed by the FCPC is that the Council proposes to make the ordinance authorizing and regulating private contributions to officeholder committees and accounts applicable to all 24 elective offices in the City, whereas the FCPC proposes that, if such an ordinance is necessary, it should apply only to the City's nine principal elective officers—that is, the mayor and members of the city council. This difference in the proposed scope of Berkeley's law on officeholder accounts is reflected in</p>

		<p>with holding office and not for direct campaign purposes, as provided in Article 9 of this Chapter.</p>	<p>the different definitions of "officeholder committee" proposed in section 2.12.157.</p> <p>The FCPC is concerned about the influence of private money on American government. Generally, the Commission believes that public offices should be publicly funded. If it is necessary to allow for some private contributions to local public offices, any such funding should be limited in scope and the receipt and expenditure of all such funds should be carefully regulated. Hence, the FCPC does not support expanding the proposed new law to permit the creation of officeholder committees and accounts to any elective city officials except for mayor and members of the Council. No need has been shown for such an expansion; it would create ethical risks and practical problems; and it might impose significant costs on the City of Berkeley to regulate the additional 14 elective offices. If other elected officials need more financial support, the Commission believes the City should provide it.</p> <p>In addition to recommending defining "officeholder committee" as recommended, the FCPC proposes including in section 2.12.157 a definition of "officeholder account" because this term is used frequently in new Article 9 governing officeholder committees and accounts.</p>
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<p>Section 2.12.545 Cost of living adjustments.</p>	<p>The Commission shall adjust the dollar amounts specified in Sections 2.12.167, 2.12.500.A.3, 2.12.505.B and, 2.12.530.B.3.b and 2.12.602 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 2.12.505.B (\$1,000) with respect to Sections 2.12.505.B and 2.12.602.</p>	<p>The Commission shall adjust the dollar amounts specified in Sections 2.12.167, 2.12.500.A.3, 2.12.505.B and, 2.12.530.B.3.b, 2.12.602 and 2.12.603 or 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, 2.12.530.B.3.b, and 2.12.603.B. and one thousand dollars (\$1,000) with respect to Sections 2.12.505.B and 2.12.602.</p>	<p>Both the FCPC and Council's proposals provide for cost-of-living adjustments for the dollar amounts provided in Article 9 for cumulative limits on contributions, individuals contribution limits, and other specified dollar amounts. On this issue, the FCPC and Council are in general agreement that these adjustments are appropriate.</p> <p>The cost-of-living adjustments are provided for in section 2.12.545. The Council proposal provided for adjustments to the dollar amounts provided in sections 2.12.167, 2.12.500.A.3, 2.12.505.B, 2.12.530.B.3.b, 2.12.167, 2.12.500.A.3, and 2.12.530.B.3.b., and section 2.12.602. The FCPC proposal has added similar adjustments to the dollar amounts specified in section 2.12.603. Providing for these adjustments is important, particularly if inflation continues to be a problem, to ensure that the dollar limits established at this time are still realistic and appropriate in the future, without requiring ongoing legislation to adjust those amounts.</p>
<p>Article 9. Officeholder Committees [Renamed: Officeholder Committees and Accounts]</p>			<p>The key provisions of both the Council and the FCPC proposals are contained in new Article 9. There are significant differences, however, in the specific provisions of Article 9 as proposed by the two bodies, as explained below.</p>

<p>Section. 2.12.600 Regulation of officeholder committees. [Renamed: Regulation of officeholder committees and accounts]</p>	<p>A. Elective Officers (the "officeholder" or officeholders") shall each be permitted to establish one officeholder committee, as defined in Section 2.12.157.</p> <p>B. Nothing in this section shall require an officeholder to open an officeholder committee or, if they have established an officeholder committee, to contribute to their officeholder committee to spend personal funds on their own officeholder expenses.</p> <p>C. Expenditures of an officeholder's personal funds for their own officeholder expenses which are not contributed to an officeholder committee are not reportable under this chapter.</p>	<p>A. The City of Berkeley hereby enacts a comprehensive ordinance for the purpose of regulating officeholder committees and accounts, including establishing limits on the amounts of contributions to these accounts, as authorized by California Government Code sections 85316, 85702.5. and other applicable state law.</p> <p>B. The purposes of regulating officeholder committees and accounts include:</p> <ol style="list-style-type: none"> 1. To provide adequate funds, if needed, for the City of Berkeley's principal elected officials to fully and effectively perform the duties of their office; 2. To ensure transparency and openness in the funding of city government; 3. To prevent the improper influence of private funds on the operations of city business and its officials; and 4. To preserve public confidence in the city and its key officeholders. 	<p>The FCPC proposal includes a statement that the purpose of Article 9 is to establish limits on the amounts of contributions to officeholder accounts, as authorized by state law. (Section 2.12.600.A.) It further states that the purposes of the article include (1) providing adequate funds, if needed, for the City of Berkeley's principal elected officials to fully and effectively perform their duties of their office; (2) ensuring transparency and openness of city business and its officials; and (3) preserving public confidence in the city and its key officeholders. (Section 2.12.600.B.)</p> <p>The Council version does not include any general or specific provisions about the purposes of Article 9 comparable to 2.12.600A. and B. The statements of purpose in the FCPC version will assist the public to better understand the ordinance and help persons interpreting it to apply its provisions properly.</p> <p>The Council version of section 2.12.600 also included provisions very broadly defining "officeholder" and exempting officeholders from reporting expenditures of personal funds for their own officeholder accounts. In the FCPC version, these provisions have been deleted from section 2.12.600 and replaced by substantively different provisions elsewhere in BERA, as explained further below. (See sections 2.12.157, 2.12.601, 2.12.603.)</p>
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<p>Section 2.12.601 Officeholders eligible to establish officeholder committees and accounts</p>	<p><i>[The Council proposal does not include a section 2.12.601. Some of the principal issues in its proposed section 2.12.600 are addressed in this new section, but are treated differently.]</i></p>	<p>A. The Mayor and City Council Members are “eligible officeholders” under this Article. They are permitted to establish an officeholder committee and an officeholder account, as defined in section 2.12.157A–B. The Mayor and Council Members are the only elected officeholders in the City of Berkeley authorized to establish, maintain, and use committees and officeholder accounts for the purposes of this Article.</p> <p>B. All elected city officials other than the Mayor and City Council Members are not eligible officeholders. They are prohibited from establishing an officeholder committee or an officeholder account or from receiving any contributions or making any expenditures associated with holding elective office in the City, except that non-eligible officeholders may personally contribute incidental expenses, in a value not to exceed two hundred fifty dollars (\$ 250), to the operation of their offices.</p> <p>C. Nothing in this section shall prohibit the City from providing financial support and assistance to those officeholders who are not eligible to establish officeholder committees or accounts to enable them to perform their duties of office.</p> <p>D. Nothing in this section shall require an eligible officeholder to open an</p>	<p>Unlike the Council proposal, the FCPC proposal provides that the Mayor and City Council members are the “eligible officeholders” under Article 9. They are the <i>only</i> elected officials who may establish officeholder committees and accounts. (Section 2.12.601.A; see also section 2.12.157.A.) All other elected city officials would be prohibited from establishing an officeholder committee or account or from receiving any contributions or making any expenditures associated with holding office, except that these other non-eligible elected officials would be allowed to personally contribute incidental expenses not to exceed \$250 to the operation of their offices.</p> <p>The FCPC proposal differs significantly from the Council’s version in narrowing the number of elected officials eligible to receive private funding to the nine principal elected officials in the city: the mayor and the eight members of the City Council. The Commission does not support the extending the authorization to receive private funding for officeholder operations to include the members of the School Board (5 members) and the Rent Stabilization Board (9 members), and the city auditor (1 person). These 15 additional officials have historically never required such additional private</p>
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		<p>officeholder committee or, if they have established an officeholder committee, to contribute to their officeholder committee or to spend personal funds on their own officeholder expenses.</p>	<p>funding and no need has been shown for authorizing it. Making these elected officials dependent on private funding is not good policy. If they need any additional funding, the City of Berkeley—not private contributors—should provide it. (See section 2.12.601.C. below). These other officials' time should be devoted to their official duties, not to fundraising for their offices. Lastly, including these 15 additional officials in the regulated program would impose undue administrative burdens on the city government and the Commission, which may be costly and time-consuming.</p> <p>In addition to specifying which officeholders are eligible for receiving and expending private funds, section 2.12.601 provides that nothing in it prohibits the City from providing financial support and assistance to officeholders who are not eligible to establish committees or accounts to enable them to perform the duties of their offices. (Section 2.12.601.C.) This is a new provision, not included in the Council proposal. It highlights the point that public funding of officeholders is, and should remain, an option instead of private funding.</p> <p>Finally, section 2.12.601 provides that nothing in the section requires an eligible officeholder to open an officeholder committee, contribute to such a committee, or spend person funds on their own officeholder</p>
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<p>Section 2.12.602 Cumulative contribution limits</p>	<p>A. For each Elected Officer representing a district within the City of Berkeley, total contributions to an officeholder committee from all contributors other than the officeholder shall not exceed five thousand dollars (\$5,000) in the aggregate per calendar year.</p> <p>B. For citywide Elected Officers, total contributions to an officeholder committee from all contributors other than the officeholder shall not exceed in the aggregate per calendar year an amount equal to four times the maximum allowed for elected officers representing districts, as provided in Section 2.12.602.A</p>	<p>A. For the office of Mayor, total contributions to an officeholder account from all contributors shall not exceed ten thousand dollars (\$10,000.00) in the aggregate per calendar year.</p> <p>B. For each Member of the City Council, total contributions to an officeholder account from all contributors shall not exceed five thousand dollars (\$5,000.00) in the aggregate per calendar year.</p> <p>C. The dollar amounts of the cumulative campaign limits provided for in A. and B. shall be adjusted periodically as provided in section 2.12.545.</p>	<p>expenses. (Section 2.12.601.D.) The FCPC believes that these are sound policies, underscoring that officeholding should not be dependent on private funding or the personal financial contributions of officeholders. The Council version included a similar provision in section 2.12.600.B.</p>
			<p>As a preliminary matter, with regard to the Council members' and mayor's offices, the FCPC notes that City provides public funding for those offices through the D-13 accounts. If additional private funding is needed for their support, the cumulative and individual amounts of the private contributions should be strictly limited.</p> <p>The FCPC proposal provides that, for the office of mayor, total contributions to an officeholder account from all contributors shall not exceed \$10,000 in the aggregate for a calendar year. (Section 12.2.602.A.) The proposal further provides that, for each member of the City Council, total contributions to an officeholder account from all contributors shall not exceed \$5,000 in the aggregate per calendar year. (Section 2.12.603.B.) The dollar amounts of these cumulative limits will be adjusted periodically as provided in section 2.12.545. (Section 2.12.602.C.)</p> <p>The establishment of cumulative limits is a reasonable means to</p>

<p>regulate contributions. Similar cumulative limits for officeholder contributions have been enacted for all statewide elected offices, including the Governor, members of the Senate and Assembly, and other offices. (See Cal. Gov. Code, § 85316(b)(2).) The amounts proposed by the FCPC are reasonable and will ensure that the amounts contributed do not exceed what is necessary for conducting local Berkeley officeholder’s official business.</p>		
<p>The FCPC’s proposal on cumulative contributions for City Council members is similar to the Council’s: it provides for a limit of up to \$5,000 annually (to be adjusted under section 2.12.545) for each officeholder account. However, it would allow only up to \$10,000 annually (to be adjusted) for the mayor’s officeholder account, instead of the \$20,000 (to be adjusted) proposed by the Council, because there has not been a showing that the mayor’s office requires the substantially higher cumulative amount.</p>		
<p>The FCPC proposal also does not authorize any cumulative amounts—or any contributions at all—for the for local elective officers other than the Mayor and Council members, for the reasons explained previously. (The Council proposal would have authorized those elected officials, as citywide elected officials, to receive</p>		

<p>Section 2.12.603 Individual contributions – Restrictions – Limits on contributions.</p>	<p><i>[The Council proposal does not include a section 2.12.603. Its proposals regarding individual limits on contributions and personal contributions by officeholders are located elsewhere (see 2.12.615.A.–C.) and differ significantly from the FCPC proposals in this section.]</i></p>	<p>A. Only a natural person who is a resident of the City shall make a contribution to an officeholder committee or account. The prohibition against contributions from organizations and entities to candidates and committees in section 2.12.440 applies to contributions to officeholder committees and accounts under this Article.</p> <p>B. No individual contributor shall make, and no eligible officeholder shall accept, a contribution per person for the calendar year whose value totals more than the maximum amount of a “qualifying contribution” permitted under section 2.12.167. A “contribution,” for the purposes of this section includes the payment of money or other contribution as defined in section 2.12.100 A–B.</p> <p>C. The dollar amounts of the individual contribution limits provided for in B. shall be adjusted periodically as provided in section 2.12.545.</p>	<p>up to four times the maximum amount allowed for council members representing districts—that is, up to \$20,000 (to be adjusted), a large amount for which there does not appear to be any justification.)</p>
<p>Limits on individual contributors</p>	<p>The FCPC’s proposal provides that only a natural person who is a resident of Berkeley shall make a contribution to an officeholder committee or account. In addition, the proposal would make the prohibition against contributions by organizations and entities to candidates and committees in section 2.12.440 applicable to officeholder committees and accounts. (Section 2.12.603.A.)</p> <p>This proposal differs from the Council’s proposal insofar as that proposal contains the prohibition against contributions by organizations and entities but does not prohibit contributions by person who are not residents of Berkeley. (See Council proposal, section 2.12.615.) The FCPC considers the additional requirement of limiting contributions to natural persons residing in Berkeley to be valuable in that it would limit the influence of outsiders on Berkeley officeholders. It is important that Berkeley officeholders</p>	<p>Limits on individual contributors</p> <p>The FCPC’s proposal provides that only a natural person who is a resident of Berkeley shall make a contribution to an officeholder committee or account. In addition, the proposal would make the prohibition against contributions by organizations and entities to candidates and committees in section 2.12.440 applicable to officeholder committees and accounts. (Section 2.12.603.A.)</p> <p>This proposal differs from the Council’s proposal insofar as that proposal contains the prohibition against contributions by organizations and entities but does not prohibit contributions by person who are not residents of Berkeley. (See Council proposal, section 2.12.615.) The FCPC considers the additional requirement of limiting contributions to natural persons residing in Berkeley to be valuable in that it would limit the influence of outsiders on Berkeley officeholders. It is important that Berkeley officeholders</p>	<p>Limits on individual contributors</p> <p>The FCPC’s proposal provides that only a natural person who is a resident of Berkeley shall make a contribution to an officeholder committee or account. In addition, the proposal would make the prohibition against contributions by organizations and entities to candidates and committees in section 2.12.440 applicable to officeholder committees and accounts. (Section 2.12.603.A.)</p> <p>This proposal differs from the Council’s proposal insofar as that proposal contains the prohibition against contributions by organizations and entities but does not prohibit contributions by person who are not residents of Berkeley. (See Council proposal, section 2.12.615.) The FCPC considers the additional requirement of limiting contributions to natural persons residing in Berkeley to be valuable in that it would limit the influence of outsiders on Berkeley officeholders. It is important that Berkeley officeholders</p>

	<p>D. An eligible officeholder may personally contribute an amount to their officeholder account greater than provided in B. and C. provided:</p> <ol style="list-style-type: none"> 1. All contributions by the officeholder shall be made through an officeholder committee and shall be placed in an officeholder account, and reports of all contributions and expenditures shall be made as provided in this Article; and 2. The total amount contributed by the officeholder and all other contributors per calendar year combined shall not exceed the cumulative contribution limit in section 2.12.602. <p>[POSSIBLE ALTERNATIVE VERSION OF D];</p> <p>D. An eligible officeholder may personally contribute an amount to their officeholder account greater than provided in B. and C., provided;</p> <ol style="list-style-type: none"> 1. All contributions by the officeholder shall be made through an officeholder committee and shall be placed in an officeholder account, and reports of all contributions and expenditures shall be made as provided in this Article; and 2. The total amount an officeholder may personally contribute to their own officeholder account per calendar year is limited to: <ol style="list-style-type: none"> a. For the office of Mayor, five thousand dollars (\$5,000), and 	<p>be responsible first and foremost to their own citizens. Restricting private contributions from non-residents will help promote this goal and avoid undue outside influence.</p> <p><i>Limits on the amounts of contributions</i></p> <p>The FCPC's proposal provides that no individual contributor shall make, and no eligible officeholder shall accept, a contribution per person for the calendar year whose value totals more than the maximum amount of a "qualifying contribution" permitted under section 2.12.167 (\$50), as adjusted periodically as provided in section 2.12.545. (Section 2.12.603.B.) This amount is currently set at \$60. This proposed limit on individual contributions is significantly less than that proposed by the Council. The Council would use the \$250 campaign contribution limit in section 2.12.415 as the limit on individual contributions to officeholder accounts. (See Council Proposal, section 2.12.615.A.)</p> <p>The FCPC's proposed lower limit on individual contributions is based on sound public policy and should result in fairer results. The lower contribution limit will ensure that no single private individual can unduly influence—or appear to unduly influence—any principal elected official of the City. Also, this lower limit will help level the playing field; it will enable all eligible elected officials</p>
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		<p>b. For the office of City Council Member, two thousand five hundred dollars (\$2,500).</p> <p>The amounts personally contributed by an eligible officeholder to their own officeholder committee and officeholder account under D.2.a. or b. shall not count towards the cumulative annual contribution limit for that eligible officeholder in section 2.12.602.]</p>	<p>alike to be able to collect small contributions from numerous constituents, rather than enabling a few members from wealthier districts to collect larger contributions from wealthier constituents and thereby reap the benefits of establishing officeholder committees and accounts. If a regulated approach to officeholder accounts is to be enacted, it must not create disparities in the resources available to different Council members based on the wealth of their districts or of their constituents.</p> <p><i>Restrictions on officeholders' personal contributions</i></p> <p>The FGPC proposal would place limits on the amount that an officeholder can personally contribute to their own officeholder committee and expend on officeholding business; and it would require officeholders to report all their contributions and expenditures.</p> <p>Specifically, new section 2.12.603.D.1. provides that all contributions by an officeholder shall be made through an officeholder committee and placed in an officeholder account, and these contributions shall be reported like all other contributions.</p> <p>New section 2.12.603.D.2. provides that the total amount contributed by an eligible officeholder and all other contributors per calendar year</p>
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<p>combined shall not exceed the cumulative contribution limit in section 2.12.602. [An alternative version of 2.12.603.D.2, which the Commission should discuss, would allow for a personal annual contribution by the mayor of up to \$5,000, and by a Council Member of up to \$2,500. In this version, the amounts contributed annually by an eligible officeholder would not count towards the cumulative annual contribution limit for that officeholder in section 2.12.602.]</p>		
<p>The FCPC proposal to restrict the amount that an officeholder can contribute personally to their own account and require officeholders to report their contributions and expenditures differs significantly from the Council version. In the Council proposal, there would be no limits on the amount that an officeholder could contribute to their own officeholder committee or spend on officeholder expenses, either through or not through an officeholder committee. (Council proposal, section 2.12.615.C.) Also, the Council's proposal would exempt officeholders from reporting on their personal contributions and expenditures. (Council proposal, section 2.12.600.C.)</p>		
<p>The FCPC proposal is based on better public policy, will be much more transparent, and will produce fairer results. In previous discussions,</p>		

			<p>members of the City Council have repeated stated that they believe that one important reason for authorizing officeholder accounts is to level the playing field among council members and districts. But the specific provisions in the Council's draft ordinance allowing officeholders to spend unlimited personal funds on their offices would have the opposite effect. These provisions would allow more affluent council members to contribute unlimited amounts for the purpose of maintaining their offices, while less economically privileged members would not be able to afford such expenditures. Furthermore, by exempting members from reporting their own contributions and expenditures, the public would be deprived of the ability to know how the public's business is being financed and managed. Hence, the FCPC proposal establishing limits on personal contributions and expenditures and requiring reporting by all, including incumbent officeholders, is preferable.</p>
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<p>New Section 2.12.604 Limits and requirements for contributions and expenditures</p>	<p><i>[The Council proposal does not include this version of section 2.12.604. However, the issues addressed in this section were addressed in the Council's proposal in section 2.12.615.D.]</i></p>	<p>All requirements and prohibitions applicable to campaign contributions and expenditures in the Berkeley Election Reform Act shall apply to contributions and expenditures relating to officeholder committees and accounts, including the requirements for a written instrument under section 2.12.300, the prohibitions on contributions from persons using other than their legal name under section 2.12.305, the prohibitions on contributions from persons on behalf of other persons under section 2.12.310, the prohibitions relating to contributions by agents or independent contractors on behalf of a committee under section 2.12.315, and the prohibitions on anonymous contributions under section 2.12.320.</p>	<p>Both the FCPC and City Council's proposals provide that various provisions in BERA—such as those prohibiting contributions from persons except in their legal name and prohibiting anonymous contributions—shall apply to officeholder committees and accounts under Article 9. The FCPC version has revised the section for clarity and relocated it from section 2.12.615.D. to section. 2.12.604.</p>
<p>Section 2.12.604 Prohibited officeholder expenditures [Renumbered as section 2.12.611]</p>	<p>An officeholder committee shall not make expenditures for the following purposes:</p> <ul style="list-style-type: none"> A. Expenditures in connection with an election for any city, county, regional, state or federal elective office or in connection with a ballot measure. B. Expenditures for campaign consulting, research, polling, photographic or similar services for election to city, county, regional, state or federal elective office. C. Membership in any athletic, social, fraternal, veterans or religious organization. D. Supplemental compensation for officeholder staff for performance of duties required or expected of the person in the regular course or 	<p>An officeholder committee shall not make expenditures for the following purposes:</p> <ul style="list-style-type: none"> A. Expenditures in connection with an election for any city, county, regional, state or federal elective office or in connection with a ballot measure, B. Expenditures for campaign consulting, research, polling, photographic or similar services for election to city, county, regional, state or federal elective office or for any other campaign expenditures of any kind. C. Membership in any athletic, social, fraternal, veterans or religious organization. 	<p>This section contains a list of prohibited officeholder expenses. It is important that officeholders have this list so that they will know what kinds of expenditures they are prohibited from making from officeholder accounts.</p> <p>The FCPC version is section is similar to the Council's. However, it has been renumbered and relocated (from section 2.12.604 to 2.12.611). Also, it contains two significant changes.</p> <p>First, in the FCPC proposal, subsection B. prohibiting expenditures for campaign consulting, research, etc. has the additional words "or for any other</p>

	<p>hours of their employment as a City official or employee.</p> <p>E. Any expenditure that would violate any provision of the Berkeley Election Reform Act (BMC Chapter 2.12.) or the California Political Reform Act (Cal. Gov. Code § 81000 et seq.), including but not limited to the gift laws pertaining to travel payments, advancements and reimbursements under Government Code section 89506 and provisions related to permissible expenditures which serve legislative or governmental purposes under Government Code sections 89512 through 89519.</p>	<p>D. Supplemental compensation for officeholder staff for performance of duties required or expected of the person in the regular course or hours of their employment as a City official or employee.</p> <p>E. Expenditures for attorney's fees or for any other costs of litigation, administrative procedures, or other processes arising directly from the officeholder committee's activities or the officeholder's activities, duties, or status and an elected officer; this prohibition includes, but is not limited to, any expenditures for expenses incurred in defending against claims or potential claims of fraud, malfeasance, discrimination, harassment, or abuse.</p> <p>F. Any expenditure that would violate any provision of the Berkeley Election Reform Act (BMC Chapter 2.12.) or the California Political Reform Act (Cal. Gov. Code § 81000 et seq.), including but not limited to the gift laws pertaining to travel payments, advancements and reimbursements under Government Code section 89506, and provisions related to permissible expenditures which serve legislative or governmental purposes under Government Code sections 89512 through 89519.</p>	<p>campaign expenditures of any kind" added at the end of the sentence. This clarifies that <u>no</u> officeholder funds may be used for <u>any kind of</u> campaign purposes. The basic premise of Article 9 is that officeholder accounts are not campaign accounts and can never be used for campaign purposes. Officeholder funds should be used solely for legitimate expenses for operating an office. The added words in subsection B. underscore that all campaign funds should be entirely separate and should be strictly regulated by other provisions in BERA and state law.</p> <p>Second, new subsection E. has been added that prohibits the use of officeholder funds for attorney's fees and costs of litigation. As explained below under section 2.12.606 [renumbered as 2.12.610], the use of officeholder accounts to pay for attorney's fees and cost is not appropriate and should be expressly prohibited.</p>
<p>Section 2.12.606 Permissible officeholder expenditures</p>	<p>An officeholder committee may make expenditures only for the following purposes:</p> <p>A. Expenditures for fundraising for the officeholder committee.</p>	<p>An officeholder committee may make expenditures only for the following purposes:</p>	<p>This section provides a list of permissible officeholder expenditures. This is important so that officeholders will know clearly what kinds of</p>

<p>[Renumbered as section 2.12.610]</p>	<p>B. Expenditures for office equipment, furnishings and office supplies used for governmental or legislative purposes.</p> <p>C. Expenditures for compensation of staff, consultants, or other persons employed by the officeholder for time spent on officeholder activities, provided that such expenditures are not prohibited by Section 2.12.604.D.</p> <p>D. Expenditures for research, surveys, photographic, or similar services, provided such services are only for officeholder purposes.</p> <p>E. Expenditures for attendance, travel, lodging, meals and other related expenses which serve a legislative or governmental purpose by the officeholder and members of the officeholder's City staff or others employed by the officeholder to perform duties related to officeholder activities. Such permissible expenditures shall include but not be limited to:</p> <ol style="list-style-type: none"> 1. Expenditures for attendance at conferences, meetings, and other events occurring within or outside of the United States, including but not limited to registration or other attendance fees, travel, lodging, food, and incidentals; 2. Expenditures for membership and participation in programs for civic, service, or professional organizations, if such membership bears a reasonable relationship to a governmental or legislative purpose; and 	<p>A. Expenditures for fundraising for the officeholder committee.</p> <p>B. Expenditures for office equipment, furnishings and office supplies used for governmental or legislative purposes.</p> <p>C. Expenditures for compensation of staff, consultants, or other persons employed by the officeholder for time spent on officeholder activities, provided that such expenditures are not prohibited by Section 2.12.611.D.</p> <p>D. Expenditures for research, surveys, photographic, or similar services, provided such services are only for officeholder purposes.</p> <p>E. Expenditures for attendance, travel, lodging, meals and other related expenses which serve a legislative or governmental purpose by the officeholder and members of the officeholder's City staff or others employed by the officeholder to perform duties related to officeholder activities. Such permissible expenditures shall include:</p> <ol style="list-style-type: none"> 1. Expenditures for attendance at conferences, meetings, receptions, and other events occurring within or outside of the United States, including registration or other attendance fees, travel, lodging, food, and incidentals; 2. Expenditures for membership and participation in programs for civic, service, or professional organizations, if 	<p>expenditures that they may lawfully make.</p> <p>The FCPC version is section is similar to the Council's. However, it has been renumbered and relocated (from section 2.12.606 to 2.12.610). Also, importantly, the FCPC has deleted the council's proposed subpart J, which would have permitted officeholders to expend officeholder funds for attorney's fees and other costs relating to litigation, administrative procedures, or other similar processes.</p> <p>Attorney's fees and costs are not appropriate expenditures to be made from officeholder accounts. Other state and local laws do not include these in this category for good reasons. The raising and expenditure of funds for legal defense purposes are not ordinary office expenses, raise many complex legal and ethical issues, and require careful, detailed provisions if they are to be lawful and appropriate. The use of officeholder funds for legal defense purposes may result in abuse. Hence, attorney's fees and costs should not be listed as permissible officeholder expenses in section 2.12.610.</p>
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	<p>3. Expenditures for educational courses or events reasonably related to a governmental or legislative purpose.</p> <p>F. Expenditures for constituent and community communications, including but not limited to:</p> <ol style="list-style-type: none"> 1. Mailings, newsletters and other paper, electronic, or other communications which provide information related to community events, an officeholder's governmental duties, an officeholder's position on a particular matter, or any other matter of public concern or interest; 2. An officeholder's website and social media; 3. Email and address list management. <p>G. Expenditures for expressions of congratulations, appreciation or condolences sent to constituents, employees, governmental officials, or other persons with whom the officeholder communicates in their official capacity.</p> <p>H. Expenditures for payment of tax liabilities incurred as a result of permissible officeholder committee transactions.</p> <p>I. Expenditures for accounting, legal, professional, administrative, and similar services provided to the officeholder committee.</p> <p>J. Expenditures for attorneys' fees and other costs related to litigation, administrative procedures, or other processes arising directly from the officeholder committee's activities or</p>	<p>such membership bears a reasonable relationship to a governmental or legislative purpose; and</p> <p>3. Expenditures for educational courses or events reasonably related to a governmental or legislative purpose.</p> <p>F. Expenditures for constituent and community communications, including:</p> <ol style="list-style-type: none"> 1. Mailings, newsletters and other paper, electronic, or other communications which provide information related to community events, an officeholder's governmental duties, an officeholder's position on a particular matter, or any other matter of public concern or interest; 2. An officeholder's website and social media; 3. Email and address list management. <p>G. Expenditures for expressions of congratulations, appreciation or condolences sent to constituents, employees, governmental officials, or other persons with whom the officeholder communicates in their official capacity.</p> <p>H. Expenditures for payment of tax liabilities incurred as a result of permissible officeholder committee transactions.</p> <p>I. Expenditures for accounting, legal, professional, administrative, and similar</p>	
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<p>Section 2.12.608 Prohibitions on transfer or reallocation of funds [Renumbered as 2.12.620]</p>	<p>the officeholder's activities, duties, or status as an elected officer.</p>	<p>services provided to the officeholder committee.</p>	<p>The FCPC version is the same as the Council's section 2.12.608, renumbered as section 2.12.620. The proposed restrictions keep campaign and officeholder contributions and funds separate, and prevent the comingling of funds.</p>
<p>The following restrictions apply to the transfer or reallocation of officeholder funds: A. No funds may be contributed, redesignated, or transferred to an officeholder committee from any campaign committee for any city, county, regional, state, or federal elective office or ballot measure, or any other political committee. B. No funds may be contributed, redesignated, or transferred from an officeholder committee to any candidate or campaign committee for any city, county, regional, state, or federal elective office or ballot measure, or any other political committee. C. No officeholder committee may be redesignated as a campaign committee for any city, county, regional, state, or federal elective office or ballot measure. D. No campaign committee for any city, county, regional, state, or federal elective office or ballot measure may be redesignated as an officeholder committee.</p>	<p>The following restrictions apply to the transfer or reallocation of officeholder funds: A. No funds may be contributed, redesignated, or transferred to an officeholder committee from any city, county, regional, state, or federal elective office or ballot measure, or any other political committee. B. No funds may be contributed, redesignated, or transferred from an officeholder committee to any candidate or campaign committee for any city, county, regional, state, or federal elective office or ballot measure, or any other political committee. C. No officeholder committee may be redesignated as a campaign committee for any city, county, regional, state, or federal elective office or ballot measure. D. No campaign committee for any city, county, regional, state, or federal elective office or ballot measure may be redesignated as an officeholder committee.</p>	<p>The following restrictions apply to the transfer or reallocation of officeholder funds: A. No funds may be contributed, redesignated, or transferred to an officeholder committee from any city, county, regional, state, or federal elective office or ballot measure, or any other political committee. B. No funds may be contributed, redesignated, or transferred from an officeholder committee to any candidate or campaign committee for any city, county, regional, state, or federal elective office or ballot measure, or any other political committee. C. No officeholder committee may be redesignated as a campaign committee for any city, county, regional, state, or federal elective office or ballot measure. D. No campaign committee for any city, county, regional, state, or federal elective office or ballot measure may be redesignated as an officeholder committee.</p>	<p>The following restrictions apply to the transfer or reallocation of officeholder funds: A. No funds may be contributed, redesignated, or transferred to an officeholder committee from any city, county, regional, state, or federal elective office or ballot measure, or any other political committee. B. No funds may be contributed, redesignated, or transferred from an officeholder committee to any candidate or campaign committee for any city, county, regional, state, or federal elective office or ballot measure, or any other political committee. C. No officeholder committee may be redesignated as a campaign committee for any city, county, regional, state, or federal elective office or ballot measure. D. No campaign committee for any city, county, regional, state, or federal elective office or ballot measure may be redesignated as an officeholder committee.</p>

<p>Section 2.12.610 Prohibition on simultaneously maintaining officeholder and campaign committees [Renumbered as section 2.12.621]</p>	<p>A. An officeholder may not simultaneously maintain an officeholder campaign committee and a campaign committee for any city, county, regional, state or federal elective office.</p> <p>B. A candidate who is elected to any elective office in Berkeley must terminate their campaign committee before opening an officeholder committee.</p> <p>C. An officeholder must terminate any open officeholder committee prior to filing a Statement of Organization or equivalent initial filing for a campaign committee for any city, county, regional, state, or federal elective office.</p> <p>For officeholders filing a Statement of Organization with the City Clerk to form a campaign committee for a City of Berkeley office, the Clerk shall provide notice of the need to close any open committee prior to accepting the campaign committee Statement of Organization.</p>	<p>A. An officeholder may not simultaneously maintain an officeholder committee and a campaign committee for any city, county, regional, state, or federal elective office.</p> <p>B. A candidate who is elected to any elective office in the City must terminate their campaign committee before opening an officeholder committee.</p> <p>C. An officeholder must terminate any open officeholder committee before filing a Statement of Organization or equivalent initial filing for a campaign committee for any city, county, regional, state, or federal elective office.</p> <p>For officeholders filing a Statement of Organization with the City Clerk to form a campaign committee for a City of Berkeley office, the Clerk shall provide notice of the need to close any open officeholder committee before accepting the campaign committee Statement of Organization.</p>	<p>The FCPC version is the same as the Council's section 2.12.610, renumbered as section 2.12.621 and with a few minor stylistic changes. The proposed restrictions keep campaign and officeholder committees separate and prevent overlaps in activities and financing.</p>
<p>[New] Section 2.12.612 Constituent and community communications</p>	<p><i>[No section on this subject exists in the Council proposal.]</i></p>	<p>A. Funds from an officeholder account shall be used for constituent and community communications only as permitted by this section.</p> <p>B. Funds from an officeholder account may be used for constituent and community communications only as follows:</p>	<p>This new section will ensure that constituent communications funded by officeholder accounts are used exclusively for legitimate officeholder purposes, and never for campaign purposes.</p>

	<p>1. No funds from an officeholder account shall be used, directly or indirectly, for any campaign purposes. This means that these funds may not be used in support or opposition to any candidate or ballot measure in the City; and they may not be used to solicit campaign funds, to notify the public about campaign events, to provide information about a candidate, or for any other campaign-related purpose.</p> <p>2. Communications paid from officeholder accounts should provide constituents and the community with information directly related to the officeholder's governmental duties, the activities of city government, and to announcements of official agency events. These communications must be clearly identified as "Constituent and Community Communications," and shall state that they are being funded by the elected official's officeholder committee.</p> <p>3. Notwithstanding Government Code section 89002, officeholder communications with constituents may include mass mailings provided that they comply with 1-2 above or, alternatively, with section 89002(b). Copies of all mass mailings under this section shall promptly be sent to the Commission and shall be part of the public record.</p> <p>C. No funds from an officeholder account shall be spent for mass mailings for any purpose, including for</p>	<p>This provision—like the comparable provision in Los Angeles' Campaign Finance Ordinance—is intended to</p>
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<p>Section 2.12.612 Termination of officeholder committees upon leaving office [Renumbered as 2.12.660]</p>	<p>A. An officeholder who does not file a Statement of Organization or equivalent initial filing to seek a subsequent city, county, regional, state, or federal elective office shall terminate their officeholder committee within 90 days of leaving office.</p> <p>B. Following the date of leaving office, an officeholder shall not make any new expenditures from their officeholder committee except for the following purposes:</p> <ol style="list-style-type: none"> 1. Paying for legitimate, outstanding officeholder expenses accrued on or prior to the date of leaving office. 2. Repaying contributions to contributors to the officeholder committee on a pro rata basis. 3. Donating funds to the City's general fund. 	<p>constituent communications, in a calendar year during which the officeholder with such an account runs, intends to run, or is eligible to run for an elective public office in the City.</p> <p>A. An officeholder who does not file a Statement of Organization or equivalent initial filing to seek a subsequent city, county, regional, state, or federal elective office shall terminate their officeholder committee within 90 days of leaving office. The Commission may for good cause extend the termination date.</p> <p>B. Following the date of leaving office, an officeholder shall not make any new expenditures from their officeholder committee except for the following purposes:</p> <ol style="list-style-type: none"> 1. Paying for legitimate, outstanding officeholder expenses accrued on or prior to the date of leaving office. 2. Repaying contributions to contributors to the officeholder committee on a pro rata basis. 3. Donating funds to the City's general fund. <p>C. The officeholder terminating an officeholder account shall file a statement regarding the disposition of all funds from the account, including the identification of all persons and entities that have received funds from</p>	<p>ensure that incumbents do not gain an unfair advantage in an election year by providing information to constituents and the public about their activities using their officeholder accounts to send out mass mailings.</p> <p>Section 2.12.612 has been renumbered as section 2.12.660, which contains some additional new provisions.</p> <p>Under A., both the Council and the FCPC provide a similar 90-day time period for terminating an officeholder committee after leaving office, but the FCPC allows for an extension of the deadline for good cause. This provides more flexibility.</p> <p>The FCPC proposal adds a requirement that an officeholder terminating a committee and an account must file a statement regarding the disposition of all funds from the account. This will assist assuring that the funds were properly disposed of and that he public is aware of the disposition of the funds.</p>
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<p>2.12.615 Limits and requirements for contributions and expenditures</p>	<p>A. The limit on cumulative contributions to an officeholder committee by a person other than the officeholder in a calendar year shall be the same as the limit on contributions to a candidate with respect to a single election under Section 2.12.415.</p> <p>Contributions to a candidate shall not be counted against the limit on contributions to an officeholder committee in the same calendar year.</p> <p>B. Officeholder committees shall be subject to the limits on contributions from organizations and entities to candidates and committees under Section 2.12.440.</p> <p>C. Nothing in this Article shall limit the amount an officeholder may contribute to their own officeholder committee or spend on officeholder expenses either through or not through an officeholder committee.</p> <p>D. All requirements and prohibitions for campaign contributions and expenditures under Sections 2.12.300, 2.12.305, 2.12.310, 2.12.315, and 2.12.320 shall apply to officeholder committees.</p>	<p>the account and the amounts distributed, The officeholder closing the account must verify the statement and file it electronically no later the date prescribed for the termination of the officeholder account or the approved extension thereof. The Commission may require the statement to be provided on a form prescribed by the Commission.</p> <p><i>[This section has been deleted and replaced by other new sections, which generally address the issues differently.]</i></p>	
			<p>A. The Council and FCPC proposals differ significantly with respect to the amount of annual contributions that private individuals can make to officeholders. The Council proposal in this section would allow individuals to contribute as much as an individual can make to a privately funded campaign under section 2.12.415—\$250 annually (adjusted for cost of living). The FCPC proposal in section 2.12.603 would limit the amount of the contribution that individuals can make to the amount of a “qualifying contribution” under section 2.12.167—\$50 (adjusted). The FCPC thinks that limiting officeholder contributions to the lower amount is better public policy because it will ensure that no individual can unduly influence—or appear to influence—any principal elected official in the city. The lower limit will also level the playing field among Council members by enabling all eligible elected officials to be able to collect small contributions from numerous constituents rather than enabling a few members from wealthier districts to collect larger contributions from</p>

<p>wealthier constituents. The current legislation should not create disparities in the resources available to different Council members based on the wealth of their districts or their constituents.</p>			
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B. Both the Council in B. of this section and the FCPC in section 2.12.603 would prohibit contributions to officeholders from corporations and other entities. But only the FCPC proposal would limit contributions to natural residents of Berkeley. This will limit outside influences on local government business and ensure that elected officials are primarily responsible to their own citizens.

C. The Council proposal would permit officeholders to contribute unlimited amounts to their own officeholder committee and to spend unlimited amounts for their own office. The FCPC proposal in section 2.12.603.D. would limit the amount an officeholder can contribute and spend; and it would require officeholders to regularly report all contributions and expenditures, including their own. The FCPC's approach would result in greater fairness and transparency.

D. Both the Council and the FCPC versions would make various requirements of the BERA concerning contributions and expenditures applicable to officeholder committees and accounts. The content of

<p>2.12.625 Officeholder committees and public financing</p>	<p>[No section on this subject exists in the Council proposal.]</p>	<p>Individuals who have established, maintained, and used an officeholder committee may participate in the City's public campaign financing program under Article 8, the Fair Elections Act, provided that they comply with the requirements of this Article, including terminating any open officeholder committee before filing a Statement of Organization for a campaign committee for elective office.</p>	<p>2.12.615.D. has been relocated to 2.12.604 of the FCPC proposal.</p> <p>This new section clarifies that a candidate participating in the City's public financing program may, if elected as an eligible officeholder, create an officeholder committee and account, provided that they comply with the requirements of Article 9.</p>
<p>2.12.645 Officeholder Committee Treasurer [Renumbered as section 2.12.640]</p>	<p>Each officeholder committee shall appoint a committee treasurer and shall comply with all requirements for campaign committee treasurers under section 2.12.245.</p>	<p>Each officeholder committee shall appoint a committee treasurer and shall comply with all requirements for campaign committee treasurers under section 2.12.245.</p>	<p>The FCPC version is the same as the Council's section 2.12.645, renumbered as section 2.12.640. This provision on treasurers is consistent with the BERA on other types of committees.</p>
<p>2.12.650 Officeholder expenditure and contribution account – Establishment required – Procedure for use [Renumbered as section 2.12.641 and renamed Officeholder</p>	<p>An officeholder committee treasurer shall establish and manage a checking account. All provisions of Section 2.12.250 regarding the establishment and use of campaign accounts shall also apply to the establishment and use of officeholder committee checking accounts, unless otherwise provided in this Article.</p>	<p>An officeholder committee treasurer shall establish and manage a separate checking account exclusively for the purposes of the committee. All provisions of Section 2.12.250 regarding the establishment and use of campaign accounts shall also apply to the establishment and use of officeholder committee checking accounts, unless otherwise provided in this Article. Consistent with this Article and notwithstanding 2.12.250.D., the treasurer of an officeholder committee shall not accept any monetary or non-</p>	<p>Both the FCPC and Council proposals contain this section that requires the treasurer to establish and manage a checking account. The FCPC proposal has modified the provision to clarify that the checking account must be a separate account used exclusively for the purposes of the officeholder committee. The FCPC version also adds a clarification that the treasurer of an officeholder committee shall not accept any monetary or non-monetary contribution with a value in</p>

<p>account – Establishment required – Procedure for use.]</p>		<p>monetary contribution with a value in excess of fifty dollars (\$50) and must retain itemized receipts or vouchers of all contributions.</p>	<p>excess of fifty dollars (\$50) and must retain itemized receipts or vouchers of all contributions. The FCPC version section has also been renumbered.</p>
<p>2.12.655 Statement of organization – Committee required to file. [Renumbered as section 2.12.630]</p>	<p>A. Every officeholder committee shall file with the City Clerk a statement of organization before accepting contributions. B. The date on which an officeholder committee is formed by filing a statement of organization shall determine the officeholder committee's obligation to file statements and reports required by this chapter.</p>	<p>A. Every eligible officeholder who directly or indirectly, from any authorized person or from themselves, receives contributions that cumulatively total more than two hundred fifty dollars (\$250) in a calendar year or makes expenditures exceeding two hundred fifty dollars (\$250) in a calendar year for expenses related to holding office shall establish an "officeholder committee" and shall open an "officeholder account" as defined in section 2.12.157. B. Every officeholder committee shall file with the City Clerk a Statement of Organization for the officeholder committee before accepting contributions. C. The date on which an officeholder committee is formed by filing a Statement of Organization shall determine the officeholder committee's obligation to file statements and reports required by this chapter. D. Every eligible officeholder who does not directly or indirectly, from any authorized person or from themselves, receive contributions that cumulatively total more than two hundred fifty dollars (\$ 250) in a calendar year or make</p>	<p>The FCPC and Council's proposals both contain the provisions that (1) every officeholder shall file a statement of organization with the City Clerk before accepting contributions, and (2) the date an officeholder committee is formed by filing the statement of organization shall determine the officeholder committee's obligations to file statements and reports. (Section 2.12.630.B and C.) The FCPC proposal would also add two subsections. The first new subsection provides that every eligible officeholder who directly or indirectly, from any authorized person or from themselves, receives contributions that cumulatively total more than two hundred fifty dollars (\$ 250) in a calendar year or makes expenditures exceeding two hundred fifty dollars (\$250) in a calendar year for expenses related to holding office shall establish an "officeholder committee" and shall open an "officeholder account" as defined in section 2.12.157. (Section 2.12.630.A.) This new provision is consistent with the approach to establishing a committee for</p>

		<p>expenditures exceeding two hundred fifty dollars (\$250) in a calendar year for expenses related to holding office shall file a verified certificate stating that they are not required to establish a committee or open an account because the amounts received or expended, if any, do not exceed the amounts specified in subsection A. above. Every eligible officeholder shall file the certificate required by this subsection on the dates prescribed under section 2.12.650, notwithstanding the fact they are not required to file a complete report under that section.</p>	<p>campaign purposes under BERA, section 2.12.095.</p> <p>The second new subsection provides that every eligible officeholder who does not directly or indirectly, from any authorized person or from themselves, receive contributions that cumulatively total more than two hundred fifty dollars (\$250) in a calendar year or make expenditures exceeding two hundred fifty dollars (\$250) in a calendar year for expenses related to holding office shall file a verified certificate stating that they are not required to establish a committee or open an account because the amounts received or expended, if any, do not exceed the amounts specified in subsection A. above. (Section 2.12.630.D.) The certificates required by that subsection shall be filed on the dates prescribed by section 2.12.650. This new provision is consistent with the reporting requirements for campaign candidates who raise or expend only small amounts and are allowed to file a short form statement rather than a complete campaign statement. (See section 2.12.270.C.)</p> <p>These two new provisions should make it easier for officeholders who receive or expend only minimal amounts and do not intend to raise funds for officeholder purposes to comply with the law, while requiring them to publicly report those facts by</p>
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<p>2.12.660 Statement of organization – information required [Renumbered as section 2.12.631]</p>	<p>The statement of organization required by Section 2.12.655 shall include:</p> <p>A. The name, street address and telephone number of the officeholder committee;</p> <p>B. The name of the officeholder;</p> <p>C. The full name, street address and telephone number of the treasurer and other principal officers;</p> <p>D. The elected office held by the officeholder;</p> <p>E. The account number and name of the bank at which the checking account, required by Section 2.12.650, is maintained; if the information required by this section is unavailable at the time of filing the statement of organization, the filer shall promptly submit an amended statement after such information becomes available;</p> <p>F. The cash on hand at the time of filing the statement of organization;</p> <p>G. Such other information as shall be required by the rules or regulations of the commission consistent with the purposes and provisions of this chapter.</p>	<p>The statement of organization for an officeholder committee required by Section 2.12.630 shall include:</p> <p>A. The name, street address and telephone number of the officeholder committee;</p> <p>B. The name of the officeholder;</p> <p>C. The full name, street address and telephone number of the treasurer and other principal officers;</p> <p>D. The elected office held by the officeholder;</p> <p>E. The account number and name of the bank at which the checking account, required by Section 2.12.641, is maintained; if the information required by this section is unavailable at the time of filing the statement of organization, the filer shall promptly submit an amended statement after such information becomes available;</p> <p>F. The cash on hand at the time of filing the statement of organization;</p> <p>G. Such other information as shall be required by the rules or regulations of the commission consistent with the purposes and provisions of this Chapter.</p>	<p>regularly filing the appropriate certification.</p> <p>The Council and the FCPC proposals on this section are the same, except for the renumbering and changes in the cross-references.</p>
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<p>Section 2.12.665 Statement of organization-- Change of information-- Amendment Required. [Renumbered as section 2.12.632]</p>	<p>Whenever there is a change in any of the information contained in the statement of organization, an amendment shall be filed within ten days to reflect the change.</p>	<p>Whenever there is a change in any of the information contained in the statement of organization, an amendment shall be filed within ten days to reflect the change.</p>	<p>The Council and the FCPC proposals on this section are the same, except for the renumbering.</p>
<p>Section 2.12.670 Officeholder statements – Filing requirements [Renumbered as 2.12.650 and renamed as Reporting - Officeholder statements – Content – Filing dates.]</p>	<p>Each officeholder committee statement shall be filed in accordance with the filing dates prescribed by state law for campaign committee statements. If state law does not establish the filing dates for campaign statements, the commission shall set the necessary filing dates.</p>	<p>A. All contributions received for, and all expenditures made from, each officeholder account during a calendar year shall be reported as prescribed in B. and C. below.</p> <p>B. Officeholder committee statements required by this Article shall include all applicable information required for campaign committee statements by Section 2.12.280.</p> <p>C. Each eligible officeholder who maintains an officeholder committee and account shall file a statement containing all the required information one or more times each calendar year, as prescribed by the Commission. Unless the Commission prescribes otherwise, each officeholder committee statement shall be filed in accordance with the filing dates prescribed by state law for semi-annual campaign committee statements. If the Commission determines that other dates are more appropriate for the filing of officeholder committee statements, the Commission shall set the necessary filing dates.</p>	<p>Under the FCPC proposal, this section requires that all contributions received and expenditures made from an officeholder account must be reported and the committee statements must provide all the information required by section 2.12.280 for campaign statements. While the Council proposal may have assumed these requirements, the FCPC proposal makes them explicit, which will improve the clarity, implementation, and enforcement of the ordinance.</p> <p>The FCPC proposal also modifies the Council proposal regarding the time of filing officeholder committee statements, to provide that each statement shall be filed in accordance with the filing dates prescribed by state law for <u>semi-annual</u> campaign statements, unless the <u>Commission</u> determines that other dates are <u>more appropriate</u>. (The underlined provisions are new.) The FCPC's proposed changes to this section improve it by (1) making the timing of filing of officeholder statements</p>

<p>Section 2.12.675 Officeholder statements – Verification [Renumbered as 2.12.655 and renamed Filing requirements.]</p>	<p>A. Reports and statements required by this Article shall be subject to the filing requirement of Sections 2.12.025, 2.12.030, 2.12.032, 2.12.033, 2.12.035, 2.12.040, 2.12.045 and 2.12.050.</p> <p>B. An officeholder shall verify his or her officeholder statement. The verification shall be in accordance with the provisions of Section 2.12.025 except that it shall state that they have made reasonable inquiry into the truthfulness and completeness of such officeholder statement and that to the best of their knowledge, the treasurer of the officeholder committee used all reasonable diligence in the preparation of the committee's statement. This section does not relieve the treasurer of any officeholder committee from the obligation to verify each officeholder statement filed pursuant to Section 2.12.025.</p>	<p>All reports and statements required to be filed by this Article shall be subject to the filing requirements and other provisions of the Berkeley Election Reform Act relating to the filing of campaign reports and statements, including the signature and verification requirements in section 2.12.025, the provisions on where to file in section 2.12.030, the requirement to file electronically in section 2.12.032, the filing procedures in section 2.12.033, and the provision that no fee or charge shall be collected by the City Clerk for the filing of the statement or report under section 2.12.035.</p>	<p>clearer because there are many different possible dates for filing campaign statements, many of which would seem to be inapplicable, and (2) giving the Commission the discretion to adjust the filing dates if another date or dates prove to be more appropriate for officeholder statements than the semi-annual campaign filing dates.</p> <p>The FCPC proposal retains the same filing requirements as the Council proposal in subsection A. but explains them in a little more detail. This should be helpful to persons reading the ordinance.</p> <p>The specific verification requirements proposed in 2.12.675.B. have been omitted because verification is already required under revised section 2.12.655. The version there is simpler and consistent with section 2.12.025, which prescribes the verification requirements for all statements and reports filed under BERA. There is no reason for creating different verification requirements for officeholder committee statements and reports.</p>
<p>Section 2.12.680 Officeholder Statement – Information required</p>	<p>Officeholder committee statements required by this article shall include all applicable information required for campaign committee statements by Section 2.12.280.</p>	<p><i>[Section 2.12.680 has been deleted and its contents have been relocated to new section 2.12.650.B.]</i></p>	<p>The Council and the FCPC proposals both contain the same provisions regarding the required contents of officeholder statements, though located in different sections. This requirement is consistent with the requirements for the content of campaign committee statements under BERA.</p>

<p>Section 2.12.658 Requirements for public inspection, preservation, and City Clerk's responsibilities.</p>	<p><i>[No section on this subject exists in the Council proposal.]</i></p>	<p>All reports and statements required by this Article shall be subject to the same provisions for public inspection, preservation, and City Clerk's responsibilities as provided for campaign reports and statements in sections 2.12.040, 2.12.045, and 2.12.050.</p>	<p>The FCPC proposal adds this section to ensure that officerholder statements and reports are subject to the same provisions for public inspection, preservation, and City Clerk's responsibilities as statements and reports under the rest of BERA.</p>
<p>Section 2.12.670 Records of officerholder accounts.</p>	<p><i>[No section on this subject exists in the Council proposal.]</i></p>	<p>A. The officerholder and treasurer of an officerholder committee are subject to record keeping requirements. B. It is the duty of each officerholder and each treasurer for an officerholder committee to maintain detailed accounts, records, bills, and receipts necessary to prepare officerholder statements, to establish that the statements were accurate and properly filed, and to otherwise comply with the provisions of this Article. Officerholders and treasurers must also maintain records of the cumulative amount of all contributions and expenditures. C. The detailed accounts, records, bills, and receipts shall be retained by the officerholder and treasurer for a period specified by the Commission. The records shall be retained for a period of at least four years after the adoption of a final audit report or five years from the date of any alleged violation,</p>	<p>The FCPC proposal adds a new section on record-keeping requirements. First, these provisions provide, among other things, that it is the duty of officerholders and treasurers to maintain detailed accounts, records, bills, and receipts necessary to prepare officerholder statements and to establish that the statements are accurate and properly filed. These provisions are consistent with state and local law relating to recordkeeping. (See Gov't Code § 84104; 2 Cal. Code Reg. § 18401; BERA, section 2.12.250.D.–E.) Second, the section provides that records relating to officerholder accounts shall be retained for a period of at least four years after the adoption of a final audit report or five years from the date of any violation. This is consistent with state and local law. (See 2 Cal. Code Reg. §§ 18401 and 18531.62; BERA, section 2.12.250.D.–F.)</p>

		<p>whichever is less, unless the Commission provides otherwise.</p> <p>D. In the event that a person alleged to have violated this Article fails to produce documents in response to a court order to produce the records sought by subpoena, the five-year period in C. above shall be tolled for the period of delay from the date of filing of the motion to compel until the date the documents are produced.</p> <p>E. Officeholders and treasurers shall make available to the Commission and other authorities or their designees specified in section 2.12.250.F, on demand, the details of any account requested and the records supporting it, and shall sign a waiver permitting those authorities or their designees to inspect officeholder account records maintained by the bank in which the officeholder account is opened.</p>	<p>Finally, the section provides that officeholders and treasurers shall make available to the Commission and other authorities or their designees specified in section 2.12.250, on demand, the details of any officeholder account requested and the records supporting it. This is consistent with state and local law. (See Gov't Code § 90001(i); 2 Cal. Regs. § 18401; BERA, section 2.12.250.F.)</p>
<p>Section 2.12.675 Audits of officeholder committees and accounts.</p>	<p><i>[No section on this subject exists in the Council proposal.]</i></p>	<p>A. Officeholder committees and officeholder accounts are subject to audits.</p> <p>B. The City Auditor shall audit all officeholder committees and officeholder accounts every two years beginning in 2024. The audits shall cover the preceding two-year period ending July 1 of every even-numbered year. The final audits shall be publicly filed with the City Clerk and copies shall be sent to the Commission for review no later than October 1 of the</p>	<p>The FCPC proposal provides for regular audits of officeholder committees and accounts. It provides that the City Auditor shall audit all officeholder committees and accounts every two years beginning in 2024. The audits shall cover the preceding two-year period ending July of every even numbered year. The final audits shall be publicly filed with the Clerk and copies shall be sent to the FCPC for review not later than October 1 of the even year when the audits were</p>

		<p>even-numbered year when the audits are scheduled to be prepared and filed.</p> <p>C. In the event that any audit or audits are not completed, finalized, and filed by October 1, the Clerk shall promptly notify the Commission and the affected officeholder and treasurer responsible for the officeholder committee. Upon receipt of this notice, the officeholder committee shall immediately cease operations, including collecting contributions and making expenditures, until the final audit or audits have been filed, copies have been sent to the Commission, and the Commission has approved the audit.</p>	<p>scheduled to be prepared and filed. (Section 2.12.685.A.)</p> <p>The FCPC proposal further provides that, if any audit or audits are not completed, finalized, and filed by October 1, the Clerk shall promptly notify the Commission and the affected officeholder and treasurer. Upon receipt of this notice, the officeholder committee shall immediately cease operations, including collecting contributions and making expenditures, until the final audit or audits have been filed, copies sent to the Commission, and the Commission has approved the audits. (section 2.12.685.B.)</p> <p>Unlike the FCPC proposal, the Council proposal does not include any provision regarding audits. Providing for regular audits of officeholder committees and accounts is good practice, ensures compliance with the law, and is consistent with state law relating to the regulation of officeholder committees and accounts. (See Gov't Code § 90001; 2 Cal. Code Reg. § 18531.62(c)(4).) The state's requirement for regular audits of officeholder accounts is superior to the current provision in BERA for auditing campaign accounts (see BERA, section 2.12.250.G), which has proven ineffective. In most instances, BERA is more rigorous than state law; with regard to the auditing of officeholder</p>
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<p>Section 2.12.685 Enforcement</p>	<p>Violations of this article involving the unlawful use of officeholder committees are subject to the enforcement procedures and penalties in Article 7 of this chapter.</p>	<p>A. Violations of this article involving the unlawful use of officeholder committees and accounts are subject to the limitations on contributions in Article 6 and the enforcement procedures and penalties in Article 7 of this Chapter. For the purposes of Article 9, section 2.12.435 is modified to provide that, if any person is found guilty of violating the terms of this Article, each campaign treasurer who received part or all of the contribution or contributions which constitute the violation shall pay promptly, from available funds in the</p>	<p>committees and accounts, it should also be at least as rigorous.</p> <p>Finally, with respect to the cost of audits, these should be minimal. At least until recently, only one Member of the Council has maintained an officeholder account. Even if other members and the mayor establish such accounts in the future, the burden of auditing these few additional accounts every two years should not be substantial and would be outweighed by the benefits of creating greater public confidence in the city's principal officeholders by assuring that all private contributions to them are being properly regulated. Naturally, if the authorization to establish officeholder committees were to be expanded to all elected city officials, as proposed by the Council, that would greatly increase the costs of auditing; but that is not proposed by the Commission.</p>
			<p>Both the FCPC and the Council proposals provide that the violations of Article 9 involving the unlawful use of officeholder committees are subject to the enforcement procedures and penalties in Article 7 of BERA. (Section 2.12.685.A.) The FCPC proposal also makes the limitations on contributions in Article 6 explicitly applicable to Article 9. This means that, if any person is found guilty of violating the terms of the chapter, the treasurer who received part or all of the contributions which</p>

		<p>officerholder account, if any, the amount received in excess of the amount permitted by this Article to the City for deposit in the City's general fund.</p> <p>B. In addition to the limitations, enforcement procedures, and penalties in Articles 6 and 7, if the Commission determines, after notice and a hearing, that an officerholder has committed a substantial violation of the regulations relating to officerholder accounts, it may suspend or terminate the officerholder's committee and account and may prohibit the officerholder from establishing, maintaining, or operating such a committee or account in the future.</p>	<p>constitute the violation shall pay promptly, from available officerholder account funds, if any, the amount received by such persons in excess of the amount permitted by the chapter for deposit in the general fund,</p> <p>In addition, the FCPC proposal adds a provision that, if the Commission determines, after notice and a hearing, that an officerholder has committed a substantial violation of the regulations relating to officerholder accounts, it may suspend or terminate the officerholder's committee and account and may prohibit the officerholder from establishing, maintaining, or operating such a committee or account in the future. This provision ensures that, in addition to monetary penalties, the Commission—acting in accord with due process—may take action to stop misconduct, and to prevent further abuses, if an officerholder commits serious violations of Article 9.</p>
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Fair Campaign Practices Commission

September 1, 2022

To: Fair Campaign Practices Commission

From: Sam Harvey, Secretary, Fair Campaign Practices Commission

Re: City Council Referral – Candidate Contribution Limits Under BMC § 2.12.415

Background

At its meeting on September 16, 2021, the Commission approved a number of amendments to BERA, primarily related to the City's public campaign financing program. These amendments were approved by the City Council on November 30, 2021. Included in these amendments was a provision providing that the \$250 per-contributor contribution limit for City candidates shall be adjusted every two years based on cost of living. (See BMC § 2.12.415.)

During its review and approval of these amendments, the City Council requested that the Commission also review whether the \$250 limit should be increased.

Current Situation and its Effects

The Berkeley Election Reform Act ("BERA") (BMC Ch. 2.12.) limits campaign contributions to candidates to \$250 per contributor. Berkeley Municipal Code section 2.12.415 (Attachment 1) provides in relevant part:

No person other than a candidate shall make and no campaign treasurer shall solicit or accept any contribution which will cause the total amount contributed by such person with respect to a single election in support of or in opposition to such candidate to exceed two hundred fifty dollars.

Candidates may only accept contributions from natural persons. (BMC § 2.12.440.) Specifically, BERA provides that no "proprietorship, firm, partnership, joint venture, syndicate, business trust, company, corporation, including non-profit corporations, or labor union" may make a contribution to a candidate and no candidate may solicit or accept such a contribution. (Id.)

The \$250 contribution limit applies only to candidates and their campaign committees. The limit does not apply to independent expenditure committees, which may raise unlimited amounts to support or oppose a candidate, from nearly any source, provided they do not coordinate with a candidate's campaign. Additionally, the limit does not apply to ballot measure committees.

Candidate Contribution Limits

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The \$250 limit in BMC section 2.12.415 was adopted in 1974 and has remained unchanged. (See Attachment 2 - Berkeley Election Reform Act, Sec. 600, p.16 (as adopted by the voters in 1974).) Adjusted for inflation, \$250 in 1974 is the equivalent of roughly \$1,500 in 2022. Put another way, \$250 in 2022 has the same spending power as roughly \$40 in 1974.¹ As a result, the contribution limit has functionally decreased since its adoption in 1974.

Possible Next Steps

Staff recommends that the Commission first develop a plan for the consideration of this referred item. The Commission may wish to form a subcommittee to review this item. Additionally, the Commission may wish to request certain information from staff. Possible information the Commission may wish to request includes:

- Campaign contribution and expenditure data for City races
- Contribution limits from other jurisdictions
- Legislative history information for BERA
- Copies of policy papers and analyses from academic and other sources on the topic of contribution limits

While staff remains neutral as to whether the \$250 limit should be amended, staff recommends that the Commission consider the interplay between the City's ordinary \$250 candidate campaign contribution limit and the City's public financing program to ensure cohesion among the many parts of BERA.

BERA may be amended via the "double greenlight process." First, an amendment must be adopted by the Commission by a two-thirds vote. Next, after thirty days, the City Council may hold a public hearing and adopt the amendment by a two-thirds vote. (BMC § 2.12.051.A.)

¹ Based on calculations using U.S. Bureau of Labor Statistics Consumer Price Index Inflation Calculator: https://www.bls.gov/data/inflation_calculator.htm.

2.12.415 Persons other than candidate--Maximum permitted amount.

No person other than a candidate shall make and no campaign treasurer shall solicit or accept any contribution which will cause the total amount contributed by such person with respect to a single election in support of or in opposition to such candidate to exceed two hundred fifty dollars. The Commission shall adjust the dollar amount in this Section for cost of living changes pursuant to Section [2.12.075](#) in January of every odd-numbered year. For purposes of this section single election is a primary, general, special, runoff or recall election. (Ord. 7793-NS § 1, 2021; Ord. 5895-NS § 1, 1988; Ord. 4700-NS § 600, 1974)

The Berkeley Municipal Code is current through Ordinance 7812-NS, passed May 24, 2022.

Disclaimer: The City Clerk's Office has the official version of the Berkeley Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

[City Website: www.berkeleyca.gov](http://www.berkeleyca.gov)

[Code Publishing Company](#)

ORDINANCE NO. 4700-N.S.

BERKELEY ELECTION REFORM ACT OF 1974.

BE IT ORDAINED by the People of the City of Berkeley:

CHAPTER 1. GENERAL

Sec. 100. This ordinance shall be known and may be cited as the Berkeley Election Reform Act of 1974.

Sec. 101. The people find and declare as follows:

(a) Local government should serve the needs and respond to the wishes of all citizens equally, without regard to their wealth;

(b) Public officials, whether elected or appointed, should perform their duties in an impartial manner, free from bias caused by their own financial interests or the financial interests of persons who have supported them;

(c) Costs of conducting election campaigns have increased greatly in recent years, and candidates have been forced to finance their campaigns by seeking large contributions from persons and organizations who thereby gain disproportionate influence over governmental decisions;

(d) The influence of large campaign contributors is increased because existing laws for disclosure of campaign receipts and expenditures have proved to be inadequate;

(e) Previous laws regulating campaign practices have suffered from inadequate enforcement.

Sec. 102. The people enact this ordinance to accomplish the following purposes:

(a) Receipts and expenditures in municipal election campaigns should be fully and truthfully disclosed in order that the voters may be fully informed and improper practices may be inhibited;

(b) The amounts that may be expended in municipal elections should be listed in order that the importance of money in such elections may be reduced;

(c) Adequate enforcement mechanisms should be pro-

vided to public officials and private citizens in order that this ordinance will be vigorously enforced.

Sec. 103. This ordinance should be liberally construed to accomplish its purposes.

Sec. 104. Reports and statements filed under this ordinance shall be signed under penalty of perjury and verified by the filer. The verification shall state that the filer has used all reasonable diligence in its preparation, and that to the best of his or her knowledge it is true and complete. A report or statement filed by a committee shall be signed and verified by the treasurer, and a report or statement filed by any other organization shall be signed and verified by a responsible officer of the organization or by an attorney or a certified public accountant. Every person who signs or verifies any report or statement required to be filed under this ordinance which contains material which he or she knows to be false is guilty of perjury.

Sec. 105. Reports or statements filed under this ordinance shall be filed with the City Clerk.

Sec. 106. No fee or charge shall be collected by the City Clerk for the filing of any report or statement or for the forms upon which the reports or statements are to be prepared.

Sec. 107. Campaign statements are to be open for public inspection and reproduction during regular City business hours, at the office of the City Clerk and at the Berkeley Public Library during the normal hours it is open to the public. Copies of the statements or parts of statements shall be provided by the City Clerk at a price of not more than ten cents (\$0.10) per page copied.

Sec. 108. Every campaign statement shall be preserved by the City Clerk for at least six (6) years from the date upon which it was required to be filed under the terms of this ordinance.

Sec. 109. With respect to reports or statements filed with him or her pursuant to this ordinance, the City Clerk shall:

(a) Supply the necessary forms and manuals prescribed by the Commission;

(b) Notify in advance all candidates and known committees of the dates campaign statements are required;

(c) Report apparent violations of this ordinance to the appropriate agencies; and

(d) Complete and maintain a current list of all reports and statements filed with his or her office.

Sec. 110. Whenever in this ordinance the amount of goods, services, facilities or anything of value other than money is required to be reported, the amount shall be the estimated fair market value at the time received or expended, and a description of the goods, services or facilities shall be appended to the report or statement.

Sec. 111. If any provision of this ordinance, or the application of such provision to any person or circumstances, shall be held invalid, the remainder of this ordinance to the extent it can be given effect, or the application of such provision to persons or circumstances other than those to which it is held invalid, shall not be affected thereby, and to this end the provisions of this ordinance are severable.

Sec. 112. The City of Berkeley shall publish, in all newspapers whose editorial offices are in Berkeley, which during at least six (6) months of the year generally publish a newspaper at least five days a week and at least two-thirds of whose newspapers are delivered in Berkeley, a list of all contributors of over \$50 to any candidate or committee, under the heading of Public Notice, seven (7) days before the election and on the day preceding the election. In addition, the City of Berkeley shall publish a list of all contributors of over \$50 to any candidate or committee, under the heading Public Notice, at such time or times and in such newspaper or newspapers as the Commission shall find is appropriate to inform minority group members of such contributions.

CHAPTER 2. DEFINITIONS

Sec. 200. Unless the contrary is stated or clearly appears from the context, the definitions set forth in this chapter shall govern the interpretation of this ordinance.

Sec. 201. "Adjusting an amount for cost of living changes" means adjusting upward or downward by the percent change in the Consumer Price Index for the United States, published by the United States Bureau of Labor Statistics using October 1974 as the base month. The Commission shall calculate the adjusted amounts based on the index level of the month six months prior to an election and shall inform all candidates and committees of said figure on the filing date for that election.

Sec. 202. "Campaign statement" means an itemized report which is prepared on a form prescribed by the Commission and which provides the information required by Chapter 4 of this ordinance.

Sec. 203. "Candidate" for the purposes of this ordinance means a candidate for a Berkeley municipal elective office. "Candidate" means an individual who is listed on the ballot or who has qualified to have write-in votes on his or her behalf counted by election officials, for nomination for or election to any elective office, or who receives a contribution or makes an expenditure or gives his or

her consent for any other person to receive a contribution or makes an expenditure with a view to bringing about his or her nomination or election to any elective office, whether or not the specific elective office for which he or she will seek nomination or election is known at the time the contribution is received or the expenditure is made and whether or not he or she has announced his or her candidacy or filed a declaration of candidacy at such time. "Candidate" also includes any office holder who is the subject of a recall election and any candidate for his or her office, but does not include the proponents or opponents of a recall. The proponents or opponents of a recall are for the purposes of this ordinance the proponents or opponents of a measure.

Sec. 204. "Commission" means the Berkeley Fair Campaign Practices Commission.

Sec. 205. "Committee" means any person or combination of persons that directly or indirectly receives contributions or makes expenditures or contributions for the purpose of influencing or attempting to influence the action of voters for or against the nomination or election of one or more candidates, or the passage or defeat of any measure, including any committee or subcommittee of a political party.

Sec. 206. "Contribution" means a gift, subscription, loan, advance, deposit, pledge, forgiveness of indebtedness, payment of a debt by a third party, contract, agreement, or promise of money or anything of value or other obligation, whether or not legally enforceable, made directly or indirectly in aid of or in opposition to the nomination or election of one or more candidates or the qualification for the ballot or voter approval of one or more measures. The term "contribution" includes the purchase of tickets for events such as dinners, luncheons, rallies and similar fund raising events; a candidate's own money or property used on behalf of his or her candidacy; the granting to a candidate or committee of discounts or rebates not available to the general public; and payments for the services of any person serving on behalf of a candidate or committee, when such payments are not made from contributions the candidate or committee must otherwise report under the terms of this ordinance. The term "contribution" further includes any transfer, gift, loan, advance, deposit, forgiveness of indebtedness, payment of a debt by a third party, pledge, contract, agreement or promise of money or anything of value or other obligation, whether or not legally enforceable, received directly or indirectly by a committee from another committee. The term "contribution" shall not include a gift of service or labor when volunteered by the person performing the service or labor, but shall include service or labor for which a payment is made.

Sec. 207. "Controlled committee" means a committee which is controlled, directly or indirectly, by a candidate or which acts

jointly with a candidate or controlled committee in connection with the receipt or solicitation of contributions or the making of expenditures. A candidate controls a committee if he or she, his or her agent or any other committee he or she controls has a significant influence on the actions or decisions of the committee.

Sec. 208. "Cumulative amount" in a campaign statement means the amount contributed or expended since the closing date of the most recent post-election statement which has been filed by the filer. If the filer has not previously filed a campaign statement pursuant to any of these sections, the cumulative amount is the amount contributed or expended since the effective date of this ordinance.

Sec. 209. "Elected officer" means any person who holds an elective office or has been elected to an elective office but has not yet taken office. A person who is appointed to fill a vacant elective office is an elected officer.

Sec. 210. "Election" shall mean any primary, general or special municipal election held in the City of Berkeley, including an initiative, referendum or recall election.

Sec. 211. "Elective office" means any elective office as defined in the Berkeley City Charter.

Sec. 212. "Expenditure" means a payment, pledge or promise of payment of money or anything of value or other obligation, whether or not legally enforceable, for goods, materials, services or facilities in aid of or in opposition to the nomination or election of one or more candidates or the qualification for the ballot or adoption of one or more measures. The term "expenditure" includes any transfer, payment, gift, loan, advance, deposit, pledge, contract, agreement or promise of money or anything of value or other obligation, whether or not legally enforceable, made directly or indirectly by one committee to another committee. "Expenditure" also includes the forgiving of a loan or the repayment of a loan by a third party.

Sec. 213. "Filer" means any person filing or required to file any statement or report under this ordinance.

Sec. 214. "Independent committee" means a committee which is not controlled either directly or indirectly by a candidate or controlled committee, and which does not act jointly with a candidate or controlled committee in connection with the receipt or solicitation of contributions or the making of expenditures. A committee may be controlled with respect to one or more candidates and independent with respect to other candidates.

Sec. 215. "Late contribution" means any contribution of \$100 or more received after the closing date of the last campaign statement

required to be filed prior to an election.

Sec. 216. "Mass mailing" means two hundred (200) or more identical or nearly identical pieces of mail, but does not include a form letter or other mail which is sent in response to a request, letter or other inquiry.

Sec. 217. "Measure" means any City Charter amendment, ordinance or other proposition submitted to a popular vote at an election, whether by initiative, referendum or recall procedure or otherwise, or circulated for the purposes of submission to a popular vote at any election, whether or not the proposition qualifies for the ballot.

Sec. 218. "Period covered" by a statement or report required to be filed by this ordinance means, unless a different period is specified, the period beginning with the day after the closing date of the most recent statement or report in question. If the person filing the statement or report has not previously filed a report or statement of the same type, the period covered begins on the effective date of this ordinance. Nothing herein shall exempt any person from disclosing transactions which occurred prior to the effective date of this ordinance according to the law then in effect.

Sec. 219. "Persons" means an individual, proprietorship, firm, partnership, joint venture, syndicate, business trust, company, corporation, association, committee, and any other organization or group of persons acting in concert.

CHAPTER 3. BERKELEY FAIR CAMPAIGN PRACTICES COMMISSION

Sec. 300. There is hereby established in Berkeley municipal government the Berkeley Fair Campaign Practices Commission. The Commission shall have nine (9) members, including the chairperson.

Sec. 301. Each member of the Commission shall serve for the same term as the Councilmember appointing them. Members of the Commission may not be reappointed by the same Councilmember. All initial appointments shall be made by September 1, 1974. A member whose term has expired shall serve until his or her successor is appointed.

Sec. 302. A majority of the appointed members shall constitute a quorum.

Sec. 303. The Commission shall elect its own chairperson.

Sec. 304. Vacancies on the Commission shall be filled, within

thirty (30) days, by appointment of the same official, or his or her successor, who appointed the prior holder of the position. Appointments to fill vacancies shall be for the unexpired term of the member whom the appointee succeeds. A vacancy or vacancies shall not impair the right of the remaining members to execute all of the powers of the board.

Sec. 305. Each member of the Commission shall be a resident of Berkeley and registered to vote in Berkeley elections. No member of the Commission, during his or her tenure, shall hold or seek election to any other public office, serve as an officer of any political party or partisan organization or participate in or contribute to a Berkeley municipal election campaign. No member of the Commission shall endorse, support, oppose or work on behalf of or against any candidate or measure in a Berkeley election. Each member of the Commission shall use his or her best efforts to remain independent of candidates and measures in Berkeley elections.

Sec. 306. The Commission shall have a staff which shall act in accordance with Commission policies and regulations and with applicable law to investigate violations and bring proper court action and to assist the Commission in the performance of its duties.

Sec. 307. The Commission has the primary responsibility for the impartial, effective administration of this ordinance.

Sec. 308. The Commission may adopt, amend, and rescind rules and regulations to carry out the purposes of this ordinance, and to govern the procedures of the Commission.

Sec. 309. The Commission shall, in addition to its other duties:

(a) Prescribe forms for reports, statements, notices and other documents required by this ordinance;

(b) Prepare and publish manuals and instructions setting forth methods of bookkeeping and preservation of records to facilitate compliance with and enforcement of this ordinance, and explaining the duties of persons and committees under this ordinance;

(c) Provide assistance to agencies and public officials in administering the provisions of this ordinance;

(d) Determine whether required documents have been filed and, if so, whether they conform on their face with the requirements of this ordinance.

Sec. 310. Any person may request the Commission to issue an opinion with respect to his or her duties under this ordinance. The Commission shall issue the opinion with fourteen (14) days. No person who acts in good faith of an opinion issued to him or her by the Commission shall be subject to criminal or civil penalties for so acting, provided that the material facts are as stated in the

opinion request. The Commission's opinions shall be public records and may from time to time be published. The Commission may request the City Attorney to issue an opinion, in which case the City Attorney shall issue the opinion within fourteen (14) days.

Sec. 311. Upon the sworn complaint of any person or on its own initiative, the Commission shall investigate possible violations of this ordinance. Within seven (7) days after the receipt of a complaint under this section, the Commission shall notify in writing the person who made the complaint of the action, if any, which the Commission has taken or plans to take on the complaint, together with the reasons for such action or non-action.

Sec. 312. When the Commission determines there is probable cause for believing this ordinance has been violated, after making a good faith effort to give at least twenty-four (24) hours notice to the person or persons it has probable cause to believe violated this ordinance, it may hold a hearing to determine if such a violation has occurred. All interested persons may participate in the hearing pursuant to procedures established by the Commission.

Sec. 313. Any person may seek judicial review of any action of the Commission.

Sec. 314. All meetings of the Commission shall be open to the public.

CHAPTER 4. CAMPAIGN DISCLOSURE

ARTICLE 1. ORGANIZATION OF COMMITTEES

Sec. 400. (a) Each candidate and each committee shall appoint a campaign treasurer. A candidate may appoint himself or herself as his or her campaign treasurer. No contribution and no expenditures shall be accepted or made by or on behalf of a candidate or committee at a time when there is a vacancy in the office of treasurer.

(b) No expenditure shall be made by or on behalf of a candidate or committee without the authorization of the treasurer or that of his or her designed agent.

(c) All contributions received by a person acting as an agent of a candidate shall be reported promptly by such person to the candidate or any of his or her designated agents. All contributions received by a person acting as an agent of a committee shall be reported promptly by the recipient to the committee's treasurer or any of his or her designated agents. "Promptly" as used in this section means not later than five (5) days before the closing date of any campaign statement required to be filed

by the treasurer, and immediately if the contribution was received less than five (5) days before the closing date. All contributions shall be separated from and may not be comingled with any personal funds of the recipient or any other person.

Sec. 401 (a) A campaign treasurer for each candidate and for each and every committee shall establish a campaign contribution trust account for the candidate or committee to be administered by a trust officer of a bank at an office of the bank located in Alameda County. All monetary contributions to the candidate, to a person on behalf of the candidate or to a person on behalf of a committee shall be placed in the candidate's or committee's trust account promptly. Where a candidate or a committee are permitted under Section 414 to file a joint campaign statement, a campaign treasurer may establish under the terms of this section one joint trust account for the candidate and the committee;

(b) Amounts shall be paid from the campaign contribution trust account only upon receipt, by the trust officer administering the trust account, of a bill or voucher, certified by the campaign treasurer, from a person furnishing goods or services to the candidate or committee which bill or voucher itemizes and identifies the goods or services furnished or to be furnished and lists the unit and total price therefor. All payments of twenty-five dollars (\$25) or more shall be made by a check payable to the person furnishing the goods or services to a candidate or committee;

(c) In the event that, after payment has been made for all goods and services furnished in connection with the campaign of a candidate or committee, there remains a balance in the trust account of the candidate or committee, upon certification by the campaign treasurer that to his or her knowledge the candidate or committee has no further outstanding indebtedness in connection with the campaign, the trust officer shall liquidate the trust account by paying the remaining balance in the trust account to the candidate or committee for his or her or its use in any lawful manner;

(d) The trust officer shall make available to the Commission, the City Attorney, the District Attorney, the California Attorney General and the California Secretary of State, on demand, the details of any trust account requested and the records supporting it. The trust officer shall maintain a record of every contribution received and disbursement made from the trust account which record shall include copies of checks, cancelled checks, bank records, bills and vouchers.

Sec. 402. Every committee shall file with the City Clerk a statement of organization within ten (10) days after it is formed as a committee. Each such committee in existence at the date of enactment of this ordinance shall file a statement with the City Clerk within thirty (30) days after the effective date of this ordinance.

Sec. 403. The statement of organization required by Section 402 shall include:

(a) The name, street address and telephone number, if any, of the committee;

(b) The name, street address and telephone number of each candidate, if any, with which the committee is affiliated or connected;

(c) The full name, street address and telephone number, if any, of the treasurer and other principal officer;

(d) The full name and office sought by each candidate and the title and ballot number if any, of each measure, which the committee supports or opposes;

(e) A statement of whether the committee is independent or controlled, and if it is controlled, the name of each candidate or committee by which it is controlled or with which it acts jointly;

(f) The disposition of surplus funds which will be made in the event of dissolution;

(g) Such other information as shall be required by the rules or regulations of the Commission consistent with the purposes and provisions of this ordinance.

Sec. 404. Whenever there is a change in any of the information contained in the statement of organization, an amendment shall be filed within ten (10) days to reflect the change.

ARTICLE 2. FILING OF CAMPAIGN STATEMENTS.

Sec. 410. Each candidate and each committee shall file no fewer than two campaign statements prior to an election and one campaign statement following the election. Campaign statements shall be filed in accordance with the filing dates prescribed by state law. If state law is amended to establish fewer than two filing dates prior to an election and one filing date following the election, the Commission shall set the necessary filing dates.

Sec. 411. A candidate shall verify his or her campaign statement and the campaign statement of each committee subject to his or her control. The verification shall be in accordance with the provisions of Section 104 except that it shall state that he or she has made reasonable inquiry into the truthfulness and completeness of such campaign statements and that to the best of his or her knowledge the treasurer of each controlled committee used all reasonable diligence in the preparation of the committee's statement. This section does not relieve the treasurer of any committee from the obligation to verify each campaign statement filed pursuant to Section 104.

Sec. 412. Each campaign statement required by this article shall contain the following information:

- (a) Under the heading "receipts," the total amount of contributions received, and under the heading "expenditures," the total amount of expenditures made during the period covered by the campaign statement and cumulative amount of such totals.
- (b) The total amount of contributions received during the period covered by the campaign statement from persons who have given twenty-five dollars (\$25) or more;
- (c) The total amount of contributions received during the period covered by the campaign statement from persons who have given less than twenty-five dollars (\$25);
- (d) The total amount of expenditures made during the period covered by the campaign statement to persons who have received twenty-five dollars (\$25) or more;
- (e) The total amount of expenditures disbursed during the period covered by the campaign statement to persons who have received less than twenty-five dollars (\$25);
- (f) The balance of cash and cash equivalents on hand at the beginning and the end of the period covered by the campaign statement;
- (g) The full name of each person from whom a contribution or contributions totalling twenty-five dollars (\$25) or more has been received together with his or her street address, occupation, and the name of his or her employer, if any, or the principal place of business if he or she is self-employed, the amount which he or she contributed, the date on which each contribution was received during the period covered by the campaign statement, and the cumulative amount he or she contributed. In the case of committees which are listed as contributors, the campaign statement shall also contain the full name and street address of the treasurer of the committee. Loans received shall be set forth in a separate schedule and the foregoing information shall be stated in regard to the lender, together with the date and amount of the loan, and if the loan has been repaid, the date of payment and by whom paid;
- (h) The full name, street address of each person to whom an expenditure or expenditures totalling twenty-five dollars (\$25) or more has been made, together with the amount of each separate expenditure to each person during the period covered by the campaign statement; a brief description of the consideration for which the expenditure was made; the full name and street address of the person providing the consideration for which an expenditure was made if different from the payee; and in the case of committees which are listed, the full name and street address of the treasurer of the committee;

(i) In a campaign statement filed by a committee supporting or opposing more than one candidate or measure, the amount of expenditures for or against each candidate or measure during the period covered by the campaign statement and the cumulative amount of expenditures for or against each such candidate or measure;

(j) The full name, residential and business address and telephone number of the filer or, in the case of a campaign statement filed by a committee, the name and telephone number of the committee and the committee's street address;

(k) In a campaign statement filed by a candidate, the full name and street address of any committee, of which he or she has knowledge, which has received contributions or made expenditures on behalf of his or her candidacy, along with the full name, street address and telephone number of the treasurer of such committee.

Sec. 413. Whenever any provision of this chapter requires the filing of a campaign statement by a candidate, the candidate may in lieu thereof file a statement signed under penalty of perjury that to the best of his or her knowledge not more than two hundred dollars (\$200) has been received or expended on behalf of or in support of his or her candidacy.

Sec. 414. Two or more committees which act jointly in support of or in opposition to any candidate or measure may file consolidated campaign statements under this ordinance.

Sec. 415. Each late contribution shall be reported by the filing with the City Clerk within forty-eight (48) hours of its receipt the full name, street address, occupation, and the name of the employer, if any, or the principal place of business if self-employed, of the contributor. Filing of a report of late contributions may be by any written means of communication, including but not limited to, telegram or letter, and need not contain an original signature. Late contributions shall be reported on subsequent campaign statements without regard to reports filed pursuant to this section.

ARTICLE 3. PROHIBITIONS.

Sec. 420. All monetary contributions of twenty-five dollars (\$25) or more shall be made by written instrument containing the name of the donor and the name of the payee.

Sec. 421. No contribution shall be made, directly or indirectly, by any person in a name other than the name by which such person is identified for legal purposes.

Sec. 422. No contribution shall be made, directly or indirectly, of anything belonging to another person or received from another person on the condition that it or part of it be used as a contribution. No contribution shall be made, directly or indirectly, by any person on behalf of another person.

Sec. 423. No expenditure shall be made, other than overhead or normal operating expenses, by an agent or independent contractor, including but not limited to an advertising agency, on behalf of or for the benefit of any candidate or committee unless it is reported by the candidate or committee as if the expenditure were made directly by the candidate or committee. The agent or independent contractor shall make known to the candidate or committee all information required to be reported by this section. This section is intended as a limitation and does not authorize any expenditures which are otherwise prohibited by this ordinance.

Sec. 424. No person shall make an anonymous contribution or contributions to a candidate, committee or any other person totalling more than twenty-five dollars (\$25) in a calendar year. An anonymous contribution of more than twenty-five dollars (\$25) shall not be kept by the intended recipient but instead shall be promptly paid to the City Auditor for deposit in the General Fund of the City.

Sec. 425. No person shall make an expenditure for the purpose of sending a mass mailing unless the postage is paid by postage meter or the mail is sent by first class or third class bulk rate mail. The bulk rate number or meter number shall be stated in a campaign statement, and a copy of every mass mailing in support of or in opposition to a candidate or measure shall be sent to the Commission. Such copies sent to the Commission shall be public record.

CHAPTER 5. LIMITATIONS ON EXPENDITURES

ARTICLE 1. CANDIDATES

Sec. 500. Aggregate expenditures by a candidate for any city-wide elective office, his or her agents and controlled committees during the six (6) months prior to an election shall not exceed ten thousand dollars (\$10,000) or fourteen cents (\$0.14) per registered voter, whichever is less, and adjusted in all years after October 1974 for cost of living changes as defined in Section 201.

Sec. 501. The amount set forth in Section 500 shall be reduced by ten percent (10%) for an incumbent who is seeking reelection to the same office.

Sec. 502. Except as provided in Section 503, no independent committee shall make expenditures aggregating more than one hundred dollars (\$100) during the six months preceeding an election in support of or in opposition to the candidate seeking election to a single elective office. Two or more independent committees which act jointly in receiving or soliciting contributions or in making expenditures shall be considered a single independent committee for the purposes of this chapter.

Sec. 503. Not less than forty (40) days prior to an election an independent committee may file with the Commission a statement of intent to make expenditures exceeding one hundred dollars (\$100) in support of a candidate. The Commission shall immediately notify all candidates for the office in question of the statement of intent and shall require the candidate being supported to file a verified statement of whether or not the committee is independent of him or her. The Commission shall approve the statement of intent not less than twenty-five days prior to the election if it finds that the filer is a bona fide independent committee, that it is acting in good faith in supporting the candidate, and that it has the intention and ability to incur the expenditures. If the statement of intent is approved, the Commission shall notify each candidate for the office in question other than the candidate supported by the independent committee that the limits contained in Section 500 may be increased by the amount in the statement of intent filed by the independent committee, except to the extent that statements of intent to make expenditures in support of such other candidates are also approved. The Commission shall not approve statements of intent for the support of a candidate aggregating more than twenty percent (20%) of the amount a candidate can spend under Section 500. If statements of intent exceeding this amount are submitted, the Commission shall apportion the expenditures on the basis of a strictly arithmetic formula which shall be prescribed by regulation, unless all the independent committees agree among themselves to a different allocation, in which case the Commission may apportion pursuant to the agreed-to allocation.

Sec. 504. Expenditures incurred by an ongoing organization, not formed specifically for the purpose of influencing voters, for communication strictly limited to its own members and not to the general public, shall not be included within the limitations contained in Sections 502 and 503.

Sec. 505. (a) If an expenditure is incurred in support of two candidates, eighty percent (80%) or the entire amount is charged to each candidate for the purposes of Sections 500, 502 and 503;

(b) If an expenditure is incurred in support of three candidates, seventy-five percent (75%) of the entire amount is charged to each candidate for the purposes of Sections 500, 502, 503;

(c) If an expenditure is incurred in support of four candidates, seventy percent (70%) of the entire amount is charged to each candidate for the purposes of Sections 500, 502 and 503;

(d) If an expenditure is incurred in support of five or more candidates, sixty-five percent (65%) of the entire amount is charged to each candidate for the purposes of Sections 500, 502 and 503.

Sec. 506. Payment made for the purposes of registering voters are not expenditures within the meaning of this chapter. This section does not affect the duty to disclose such payments under Chapter 4 of this ordinance.

Sec. 507. Independent committees shall indicate clearly on any material published, displayed, or broadcast that it was not authorized by a candidate, when such expenditures in whole or in part would have been covered by the provisions of this ordinance if they were subject to the control of a candidate.

ARTICLE 2. MEASURES.

Sec. 510. "Expenditures" as used in this article mean expenditures to influence the "action" of voters for or against the placing of a measure on the ballot or for or against the adoption of any measure which has qualified to be placed on the ballot.

Sec. 511. No committee shall make expenditures with respect to any measure in excess of one hundred dollars (\$100) without complying with the requirements of this article. For purposes of this article, two or more committees which act jointly in the receipt or solicitation of contributions or the making of expenditures shall be deemed a single committee.

Sec. 512. Any committee which intends to make expenditures in excess of one hundred dollars (\$100) with respect to any measure, shall, not later than twenty-eight (28) days prior to an election, file a statement of intent with the Commission, which shall identify the measure and state whether the committee intends to support or oppose the measure and the amount the committee intends to spend. The Commission shall approve the statement of intent, subject to the limitations set forth in this article, if it finds that the committee has the intention and ability to incur the expenditures. Not less than twenty-one (21) days prior to the election, the Commission shall notify each committee whose statement has been approved of the limitation on expenditures that is applicable to the committee.

Sec. 513. Aggregate expenditures in support of or in opposition to a measure shall not exceed seventy-five hundred dollars (\$7500) or ten cents (\$0.10) multiplied by the number of registered voters, whichever is less, and adjusted in all years after October 1974 for cost of living changes as defined in Section 201.

Sec. 514. (a) Except as provided in Section 514(b), if the aggregate amount set forth in the approved statements of intent filed in support of or in opposition to a measure exceeds the limitations contained in Section 513, the Commission shall apportion the permissible expenditures among the committees which have filed statements of intent on the basis of a strictly arithmetic formula which shall be prescribed by regulation, unless all the committees agree among themselves to a different allocation, in which case the

Commission may apportion pursuant to the agreed-to allocation.

(b) If the measure is placed on the ballot by the circulation of petitions, the electors who signed the notice of intent to circulate the petitions or their delegated representatives shall constitute the official committee and shall be allotted as much as they request, up to eighty percent (80%) of the allowed expenditures in Section 513.

Sec. 515. Expenditures incurred by an ongoing organization, not formed specifically for the purpose of influencing voters, for communication strictly limited to its own members, and not to the general public, shall not be included within the limitations contained in Sections 511, 512 and 513.

Sec. 516. If an expenditure is incurred in support of or in opposition to more than one measure, the entire amount is charged to each measure for the purposes of Section 513.

Sec. 517. No person shall receive any compensation for the circulation of petitions to place a measure on the ballot.

Sec. 518. Positions taken by a candidate on a measure shall not be charged to the committee supporting or opposing the measure if the expenditure is paid for by the candidate or committee supporting the candidate. Such expenditures shall be charged against the candidate's expenditure limit.

CHAPTER 6. LIMITATIONS ON CONTRIBUTIONS

Sec. 600. No person other than a candidate shall make, and no campaign treasurer shall solicit or accept, any contribution which will cause the total amount contributed by such person with respect to a single election in support of or in opposition to such candidate to exceed two hundred and fifty dollars (\$250).

Sec. 601. No candidate shall make any contribution which will cause the total amount contributed by him or her to his or her campaign treasurer and all political committees supporting him or her to exceed, with respect to a single election, five times the limit specified in Section 600. "Candidate" for the purposes of this section shall include and mean the immediate family of the candidate, i.e. the candidate's spouse, and any child, parent, grandparent, brother or sister of the candidate, and the spouse of any such person.

Sec. 602. No person shall make, and no campaign treasurer shall solicit or accept, any contribution which will cause the total amount contributed by such person with respect to a single election in support of or in opposition to a measure to exceed two hundred and fifty dollars (\$250).

Sec. 603. (a) In addition to any other limitations, no candidate together with his or her controlled committees can keep or expend on behalf of a candidate in the aggregate more than eight hundred dollars (\$800) in monetary contributions and no independent committee can keep or expend on behalf of a candidate more than two hundred dollars (\$200) in monetary contributions, except for contributions of \$25.00 or more and contributions as to which disclosures are made in campaign statements as if such contributions were \$25.00 or more. Any excess shall be paid promptly to the City Auditor for deposit in the General Fund of the City.

(b) In addition to any other limitations, all the committees spending more than \$100 in support or opposition to a measure cannot respectively keep or expend for or against in the aggregate more than one thousand dollars (\$1,000) (\$1,000 for all those supporting and \$1,000 for all those opposing the measure) in contributions, except for contributions of \$25.00 or more and contributions as to which disclosures are made in campaign statements as if such contributions were \$25.00 or more. If there is more than one such committee opposing or supporting a measure, the Commission shall determine pursuant to its rules what part of said \$1,000 each committee can keep and expend and shall inform the committee of the amount at least twenty-one (21) days before the election. Any excess shall be paid promptly to the City Auditor for deposit in the General Fund of the City.

Sec. 604. If any person is found guilty of violating the terms of this chapter, each campaign treasurer who received part or all of the contribution or contributions which constitute the violation shall pay promptly, from available campaign funds, if any, the amount received from such persons in excess of the amount permitted by this chapter to the City Auditor for deposit in the General Fund of the City.

CHAPTER 7. ENFORCEMENT

ARTICLE 1. PENALTIES.

Sec. 700. Any person who knowingly or willfully violates any provision of this ordinance is guilty of a misdemeanor punishable by a fine for each violation of three times the amount the person failed to report properly or unlawfully contributed, expended, gave or received.

Sec. 701. If a judgment is entered against the defendant or defendants in an action brought under Section 711, the plaintiff shall receive fifty percent of the amount recovered. The remaining fifty percent shall be deposited in the General Fund of the City. In an action brought by the Commission on the City Attorney, the entire amount recovered shall be paid to the General Fund of the City.

Sec. 702. If after his or her election a candidate receives a final judgment of conviction of a violation of any provision of this ordinance, the office of such candidate shall be forfeited and such office shall become vacant immediately, thereupon or on the date upon which the candidate, if he or she is not an incumbent, would otherwise take office.

Sec. 703. If a candidate receives a final judgment of conviction of a violation of this ordinance at any time prior to his or her election, his or her candidacy shall be terminated immediately and he or she shall be no longer eligible for election.

Sec. 704. No person convicted of a violation of this ordinance shall be a candidate for City elective office for a period of five (5) years from and after the date of his or her conviction. A plea of nolo contendere shall be deemed a conviction for purposes of this section.

ARTICLE 2. ENFORCEMENT.

Sec. 710. Any person who believes that a violation of any portion of this ordinance has occurred may file a complaint with the Commission. If the Commission determines that there is reason to believe a violation of this ordinance has occurred, it shall make an investigation. If the Commission has reason to believe that a violation of this ordinance has occurred or is about to occur, it may institute action at law or equity to enforce and compel compliance with the provisions of this ordinance.

Sec. 711. Any resident of the City of Berkeley who believes that a violation of this ordinance has occurred or is about to occur, may institute such action at law or equity for injunctive relief and to compel compliance with the provisions of this ordinance.

Sec. 712. Before instituting an action pursuant to Section 711, a person must file a written request with the Commission asking it to commence the action. The request shall include a clear statement of the facts indicating that a cause of action exists. The Commission shall respond within seven (7) days after receipt of the request stating whether or not it intends to file the action. If the Commission states that it intends to file the action and files the action within ten (10) days thereafter, no other action may be brought by any person unless the action brought by the Commission is dismissed without prejudice. If the Commission states that it does not intend to file the requested action or fails to do so, then the resident requesting that the action be brought may file and prosecute the action to enforce or compel compliance with this ordinance.

This ordinance was approved by the electors of the City of Berkeley at the Special Municipal Election consolidated with the Consolidated Primary Election held in the City of Berkeley on June 4, 1974.

In effect: June 4, 1974

ORDINANCE NO. 4700 —N.S.

Passed to Print:.....

Finally Adopted:.....

In Effect: June 4, 1974.....

Passed by the Electors June 4, 1974 at the Special Municipal Election.

At a regular meeting of the Council of the City of Berkeley, held on the.....day of
....., this Bill was passed to print and ordered published by posting by the
following vote:

Ayes:

Noes:

Absent:

Attest:

.....
City Clerk and ex-officio Clerk of the Council

At a regular meeting of the Council of the City of Berkeley, held on the.....day of
....., this Ordinance was finally adopted by the following vote:

Ayes:

Noes:

Absent:

Attest:

.....
City Clerk and ex-officio Clerk of the Council
of the City of Berkeley, California

Approved this.....day of.....

.....
Mayor and President of the Council
of the City of Berkeley, California

BERKELEY ELECTION REFORM ACT

A Guide To Navigating Local Election Rules



Presented by:
City Clerk Department
City Attorney's Office



2022 Election Cycle

Disclaimer

The following pages are designed to be visual aids only and contain only highlights and selected provisions of local election laws. They do not carry the force of law. Please consult the Berkeley Election Reform Act, local Regulations, the Campaign Filing Manual and City staff for guidance.

This workshop is designed for **Berkeley candidates** who plan to raise or spend \$250 or more on their election and other committees active in Berkeley elections.

What Will You Learn?

- How to get started
- General information and rules regarding campaign requirements and prohibitions
- How to complete and file campaign reports
- What to do after the election
- Resources

What is the Berkeley Election Reform Act (BERA)?

- ▶ Initiative Ordinance passed by Berkeley voters in 1974.
- ▶ Codified in Chapter 2.12 of the Berkeley Municipal Code.
- ▶ Imposes **contribution limits** for candidate-controlled committees.
- ▶ Imposes **disclosure requirements** for all committees beyond those in state law.
- ▶ Created the Berkeley Fair Campaign Practices Commission to administer BERA (information, compliance, enforcement).
- ▶ Contains the Fair Elections Act of 2018 (Public Financing)
- ▶ BERA Regulations adopted by the FCPC



State Laws

- Political Reform Act
 - Filing: Secretary of State Political Reform Division
 - Enforcement/Advice: Fair Political Practices Commission
- State FPPC Advice Letters and Regulations
- State FPPC Campaign Filing Manuals
- **Remember:** BERA supplements, but does not replace, the state regulations in the Political Reform Act.

www.fppc.ca.gov

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Electronic Filing

- **Mandatory** for all committees that reach \$1,000 threshold.
- Once you reach \$1,000, you must e-file until termination of committee.
- City Clerk Support and Training:
 - Call (510) 981-6908
 - Email elections@cityofberkeley.info
- NetFile is the electronic filing system used in Berkeley



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Public Financing

- New in 2018
- All City Offices
- Optional
- Candidates that opt in are eligible for a 6:1 match on qualifying contributions up to \$47,000 for Council, \$20,000 for Auditor and School Board, and \$8,000 for Rent Board
- Additional restrictions and regulations for participating candidates
- More information in the public financing guide

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Public Financing - Timeline

- Must start early
- Qualifying Request – 30 unique contributions of at least \$10 each for a total of at least \$580
- Must submit a Qualifying Request no later than the close of the candidate nomination period (August 12 or 17, 2022)

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Getting Started

- Form 501 – Candidate Intention Statement
 - file with your local elections office
- Form 410 – Statement of Organization
 - file original with the Secretary of State (SOS) and a copy with your local elections office
 - registers your committee and gets the committee ID#
 - include \$50 committee fee
- City Statement of Organization – File with City Clerk Only
- Open Bank Account – ask your bank what they require

Hard Copies Only! Do not e-file these forms

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Form 501 Candidate Intention Statement

- File before receiving or spending money, including personal funds
- File a new 501 for each election, even if you're running for re-election
- File with City Clerk

Candidate Intention Statement		Date Stamp	CALIFORNIA FORM 501 <small>For Official Use Only</small>
Check One: <input checked="" type="checkbox"/> Initial <input type="checkbox"/> Amendment (Explain) _____			
1. Candidate Information:			
NAME OF CANDIDATE (Last, First, Middle Initial) Hernandez, Sue		DAYTIME TELEPHONE NUMBER (510) 555-1234	FAX NUMBER (optional) (510) 555-1235
STREET ADDRESS 100 Sandburg Street		CITY Berkeley	STATE CA
OFFICE/SOURT (POSITION TITLE) City Council		AGENCY NAME City of Berkeley	DISTRICT NUMBER, if applicable 94709
OFFICE JURISDICTION <input checked="" type="checkbox"/> State (Complete Part 2) <input type="checkbox"/> City <input type="checkbox"/> County <input type="checkbox"/> Multi-County: _____ (Name of multi-county jurisdiction)		PARTY: <input checked="" type="checkbox"/> NON-PARTISAN	
		2016 <small>(Year of Election)</small>	
2. State Candidate Expenditure Limit Statement: <small>(CARRIERS and CASTRO candidates, judges, judicial candidates, and candidates for local offices do not complete Part 2.)</small>			
<small>(Year of Election)</small> Primary/general election		<small>(Year of Election)</small> Special/runoff election	
<small>(Check one box)</small>			
<input type="checkbox"/> I accept the voluntary expenditure ceiling for the election stated above.			
<input type="checkbox"/> I do not accept the voluntary expenditure ceiling for the election stated above.			
Amendment: <input type="checkbox"/> I did not exceed the expenditure ceiling in the primary or special election held on: ____/____/____, and I accept the voluntary expenditure ceiling for the general or special run-off election.			
<small>(Mark if applicable)</small> <input type="checkbox"/> On ____/____/____, I contributed personal funds in excess of the expenditure ceiling for the election stated above.			
3. Verification:			
I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.			
Executed on <u>August 1, 2016</u> <small>(month, day, year)</small>		Signature <u>Sue Hernandez</u> <small>(Candidate)</small>	
		<small>FPPC Form 501 (Jan/2016) FPPC Advisor: advice@fppc.ca.gov (866) 275-3723</small>	

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Form 410 Statement of Organization

Statement of Organization Recipient Committee

Statement Type Initial Amendment Termination - See Part 5
 Not yet qualified or

Date qualified as committee: 08/04/2016
 Date qualified as committee (if applicable): _____
 Date of Termination: _____

CALIFORNIA FORM 410
For Official Use Only

1. Committee Information

NAME OF COMMITTEE: Hernandez for City Council 2016
 STREET ADDRESS (NO P.O. BOX): 100 Sandburg Street
 CITY: Berkeley STATE: CA ZIP CODE: 94709 AREA CODE/PHONE: (510)555-1234
 Mailing Address (if different): Same
 E-mail: shernandez@global.net
 COUNTY OF DOMICILE: Alameda
 JURISDICTION WHERE COMMITTEE IS ACTIVE: Berkeley

2. Treasurer and Other Principal Officers

NAME OF TREASURER: Ben Marks
 STREET ADDRESS (NO P.O. BOX): 10 Parkway Plaza
 CITY: Berkeley STATE: CA ZIP CODE: 94709 AREA CODE/PHONE: (510)555-2600

NAME OF ASSISTANT TREASURER, IF ANY: Sue Hernandez
 STREET ADDRESS (NO P.O. BOX): 100 Sandburg Street
 CITY: Berkeley STATE: CA ZIP CODE: 94709 AREA CODE/PHONE: (510)555-1234

NAME OF PRINCIPAL OFFICER(S): _____
 STREET ADDRESS (NO P.O. BOX): _____
 CITY: _____ STATE: _____ ZIP CODE: _____ AREA CODE/PHONE: _____

Attach additional information on appropriate page.

3. Verification
 I have used all reasonable diligence in preparing this statement and to the best of my knowledge the information contained herein 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 08/07/2016 By Ben Marks
 Executed on 08/07/2016 By Sue Hernandez

Annotations:
 - Arrow pointing to "shernandez@global.net": "Must show last name, office sought, and election year"
 - Arrow pointing to "Alameda": "SOS will reject if e-mail is not provided"

Form 410 Page 2

Statement of Organization Recipient Committee

INSTRUCTIONS ON REVERSE

COMMITTEE NAME: Hernandez for City Council 2016

CALIFORNIA FORM 410
Page 2 I.D. NUMBER

All committees must list the financial institution where the campaign bank account is located.

NAME OF FINANCIAL INSTITUTION: First Bank and Trust
 AREA CODE/PHONE: (510)555-6555 BANK ACCOUNT NUMBER: 0790-9909-2540
 ADDRESS: 900 North D Street
 CITY: Berkeley STATE: CA ZIP CODE: 94709

4. Type of Committee Complete the applicable:

Controlled Committee ← Candidate committees are controlled committees

- List the name of each controlling officerholder, date or officeholder controlled, also list the elective office sought or held, and district number, if any, and the year of the election.
- List the political party with which each officeholder or candidate is affiliated or check "nonpartisan."
- If this committee acts jointly with another controlled committee, list the name and identification number of the other controlled committee.

NAME OF CANDIDATE/OFFICEHOLDER/STATE MEASURE PROPONENT	ELECTIVE OFFICE SOUGHT OR HELD (INCLUDE DISTRICT NUMBER IF APPLICABLE)	YEAR OF ELECTION	PARTY
Sue Hernandez	Berkeley City Council	2016	<input checked="" type="checkbox"/> Nonpartisan <input type="checkbox"/> Nonpartisan

Primarily Formed Committee Primarily formed to support or oppose specific candidates or measures in a single election. List below:

CANDIDATE(S) NAME OR MEASURE(S) FULL TITLE (INCLUDE BALLOT NO. OR LETTER)	CANDIDATE(S) OFFICE SOUGHT OR HELD OR MEASURE(S) JURISDICTION (INCLUDE DISTRICT NO., CITY OR COUNTY, AS APPLICABLE)	CHECK ONE	
		SUPPORT	OPPOSE
		<input type="checkbox"/>	<input type="checkbox"/>

Type of Committee

Candidate-Controlled Committee

- Formed to support candidate, in/directly controlled by candidate.
- Contributions limited to **\$250**; no contributions from businesses.

Ballot Measure Committee

- Formed to support or oppose a ballot measure.
- No limits on contribution source or amount received.

General Purpose Committee

- Supports/opposes *various* measures/candidates over time; not candidate-controlled or primarily formed for candidate/measure.
- No limits on contributions source or amount received.

Independent Expenditure Committees

- Formed to make independent expenditures in City election (not in coordination with any candidate or ballot measure committee).
- Typically sponsored; does not accept contributions.

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Form 410



- Common Mistakes
- Name of Committee
- Phone Numbers for Offices
- Principal Officers
- Required Signatures
- Proper Committee Type

**These errors will delay processing and
the assignment of your State ID
Number.**

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Committee Identification Number

Upon receipt of the Form 410, the Secretary of State's Office will assign your committee an ID number.

The ID number will be posted on their website at www.cal-access.sos.ca.gov.

This number is used on all FPPC reporting forms.

Note: If your bank requires a taxpayer ID, contact the IRS at (800) 829-4933 or go to their website at www.irs.gov.

The screenshot shows the Cal-Access website for Secretary of State ALEX PADILLA. A search bar contains the text 'hernandez' and a 'GO' button. Below the search bar, the text 'Search Results For "hernandez"' is displayed. A table lists the search results with columns for ENTITY ID, ENTITY NAME, ENTITY TYPE, and STATUS.

ENTITY ID	ENTITY NAME	ENTITY TYPE	STATUS
951433	ANYBODY BUT LUIS HERNANDEZ	RECIPIENT COMMITTEE	TERMINATED
1403899	BLOCK, CUEVAS AND HERNANDEZ-JARVIS FOR BOARD OF EDUCATION 2018, SPONSORED BY GO PUBLIC SCHOOL ADVOCATES; WEST CONTRA COSTA KIDS CAN, SUPPORTING *	RECIPIENT COMMITTEE	ACTIVE
1307250	CITIZENS OF SAN FERNANDO FOR THE RECALL OF COUNCILMAN JOSE HERNANDEZ AND COUNCILWOMAN JULIE RUELAS	RECIPIENT COMMITTEE	TERMINATED
697041	DANIEL HERNANDEZ TRUCKING	MAJOR DONOR	
697041	HERNANDEZ TRUCKING, DANIEL *	MAJOR DONOR	
943428	ESPINOZA, COMMITTEE TO ELECT ROSE HERNANDEZ	RECIPIENT COMMITTEE	TERMINATED
923006	ESPINOZA, COMMITTEE TO ELECT ROSE HERNANDEZ	RECIPIENT COMMITTEE	TERMINATED

15



Campaign Bank Account Rules

- One bank account per election
- May be opened as a personal account (*if your bank requires a tax ID#, contact the IRS*)
- No commingling of funds (*with personal or other committee funds*)
- Candidate must make all campaign expenditures from campaign account

Exceptions:

- Candidate may pay filing fees and the \$50 annual committee fee out of pocket
- Campaign workers/volunteers may make out of pocket expenditures and be reimbursed (promptly!)

16

Candidate and Treasurer Responsibilities

- Before a candidate or committee may receive contributions, a treasurer must be appointed.
- Both the candidate and treasurer must take appropriate steps to ensure compliance with reporting/recordkeeping rules.
- Stay informed. Be aware of bank deposits and proper expenditures of campaign funds.
- In the event of an audit or Enforcement investigation, both the candidate and treasurer are equally liable for non-disclosure on campaign reports or lack of records.

17

Recordkeeping

- Candidates – don't pay out of pocket! **Deposit your personal funds in your campaign bank account first.**
- Record the names and addresses of contributors of \$25 or more, and the occupation/employer of individuals who contribute \$50 or more.
- Keep copies of all receipts and contribution documentation for at least four years.

18

Filing Schedule

- Late Contribution Reports – (90 days)
- Late Independent Expenditure Reports – (90 days)
- First Pre-Election Report
- Second Pre-Election Report
- Semi-Annual Report

- Note reporting periods and deadlines

- Monetary penalties for late filings



19



Enforcement

- Since 2007, we have issued over \$16,000 in fines to 36 different filers.
- Fines accrue at \$10 per day after the deadline.
- **File on time – you can always amend later.**
- City Clerk issues late filing penalties.
- The FCPC may also issue additional penalties of up to \$1,000 per violation or up to the amount of the unlawful or undisclosed contribution or expenditure, whichever is greater.

20

BERA: The Basics

BERA vs. State Law

- ▶ \$250 contribution limit for candidates.
- ▶ Source limits for candidates.
- ▶ \$50 and up require written instrument and itemized reporting obligations.
- ▶ Late contribution reports required for \$100-\$999 during last 16 days.
- ▶ Mass mailings (Certificate and 3 copies within set time).
- ▶ Late independent expenditure (3 copies of communication filed with City Clerk).
- ▶ Top four donors listed on materials for all committees receiving contributions over \$250.

21

What is a Contribution?

- Payment received by candidate
- Payment made at the behest of candidate
- Candidate's personal funds
- Loans from candidate or others
- Fundraiser tickets (full ticket price)
- Non-monetary goods and services, including food/beverages



Contribution limits apply to all of these!

22

Contribution Limits

- \$250 contribution limit for candidates.
 - Includes cash and in-kind contributions
- Does not apply to ballot measure committees (except *recall* measures).
- Does not apply to the candidate contributing or loaning money to own campaign.

23

Contribution Limits

(continued)

- **No contributions to candidates (or recall measures) from businesses**, including labor unions & non-profits.
 - No free office space or inventory from such groups.



- Contributions of \$250 or less from PACs to candidates are allowed, however the source of contributions to the PAC must be individuals.

24

Receiving Electronic Contributions

Contributions may be received by credit card, wire transfer, debit account transaction, text message, or similar electronic payment options (including contributions received via the Internet or telephone).



25

Receiving \$5,000 or More From a Contributor?

Not if you are a Berkeley candidate!

You **must** send the contributor a notice that they may need to file as a major donor.

A sample notice is provided in Campaign Disclosure Manual 2.

The donor may need to file:

- **Form 461** Major Donor Statement
- **Form 497** 24-Hour Contribution Report

Major Donor committees should refer to Campaign Disclosure Manual 5.

26

Exceptions to Contributions

These are generally NOT reportable:

- Volunteer personal services
- Home/office fundraiser
- Uncompensated internet activity
- Certain communications from an organization to its members (Regulation 18531.7)

JOIN US



27

Home and Office Events

State Law: If the **total** cost of the event is \$500 or less, the occupant/host has not made a contribution.

BERA: More restrictive than state law. Under BMC 2.12.100, if the value of the use of personal or real property is in excess of \$50, it qualifies as a contribution. Likewise, food and beverages for any one event that cost more than \$50 qualify as a contribution.

28

Campaign Fundraisers

- Report donated items at fair market value on Schedule C - Non-monetary (In-kind) Contributions.
- Fair market value is the amount it would cost any member of the public to purchase the item, not necessarily the amount the donor paid.

Note: A spouse or domestic partner of an elected officer or a candidate may not receive compensation from campaign funds for services rendered, including fundraising services for the candidate's campaign.

29

Contribution Restrictions

- Never accept or spend \$50 or more in cash
- No contributions of \$50 or more made by money order or cashier's check may be accepted
- No anonymous contributions of \$50 or more may be accepted

30

Disclosure Requirements: Differences From State Law

- ▶ Itemize contributions and expenditures at \$50, not \$100.
- ▶ On the appropriate schedule, aggregate contributions and expenditures of less than \$50.
- ▶ Include occupation and name of employer (or principal place of business if self employed).

31

Disclosure Requirements

(continued)

- Monetary contributions and expenditures of \$50 or more must be made by written instrument (e.g., check, credit card or debit card).
- Anonymous contributions or expenditures of \$50 or more are prohibited.
- State: \$100 or more for both.
- State requires record retention for contributions of \$25 or more.



32

Form 460 Campaign Statement

Fast Facts

- A public document
- Reviewed by City Clerk
- Use Form 460 to amend previous statements
- NetFile date and time stamp (postmark for non filers)
- Subject to \$10/day late fees and other enforcement penalties

Where to File

Local Committees: City Clerk

Multiple Committees: Holding one office and running for another? File for both committees in both locations.

33

Form 460 Snap Shot of Schedules

Money In

- Schedule A: Contributions
- Schedule B: Loans Received
- Schedule C: Non-Monetary Contributions
- Schedule I: Miscellaneous Increases to Cash

Money Out

- Schedule B: Loan Repayments
- Schedule E: Expenditures
- Schedule F: Accrued Expenses

Note: Schedules D, G, and H (money out) are not commonly used by local candidates and will not be discussed at this workshop. For more information on these schedules, please see Manual 2 or contact FPPC.

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Form 460 Schedule A

Reporting Monetary Contributions

Date received = **possession** of check (not date deposited) or **possession** of payment information for credit cards.

Itemize = disclose details about the contributor - the names and addresses of contributors of \$50 or more in an election cycle.

For contributors who are individuals, also report the **occupation and employer**.

35

Form 460 Schedule A Schedule A

Schedule A
Monetary Contributions Received

You must include
individuals' occupation
& employer

Amount less than
\$50 this period is
added to previous
contribution

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 BUSINESS)	AMOUNT RECEIVED THIS PERIOD	CUMULATIVE TO DATE CALENDAR YEAR (JAN. 1 - DEC. 31)	PER ELECTION TO DATE (IF REQUIRED)
8/1/2016	Linda Miller 123 South B Street Oakland, CA 94601	<input checked="" type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC	Nurse, Oakland Medical Clinic	50	100	

IND = Individual
COM = Committee

Lump sum - report
contributions
less than \$50

Schedule A Summary

1. Amount received this period – itemized monetary contributions. (Include all Schedule A subtotals.)	\$ 860
2. Amount received this period – unitemized monetary contributions of less than \$100	\$ 1,200
3. Total monetary contributions received this period. (Add Lines 1 and 2. Enter here and on the Summary Page, Column A, Line 1.)	TOTAL \$ 2,060

Form 460 Schedule A

Sally Morgan
James Morgan
804 S. 14th Street
Berkeley, CA 94709 3317

PAY TO THE ORDER OF Sue Hernandez 200 ⁰⁰

Two Hundred Dollars DOLLARS

Contribution Sally Morgan

If one signer on a joint checking account, the signer is the contributor

Donor made contribution from her business account and another from her personal account. Contribution from business account to candidate is **ILLEGAL**

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)
8/1/2016	Clara's Cupcakes 411 Main Street Berkeley, CA 94709	<input type="checkbox"/> IND <input type="checkbox"/> COM <input checked="" type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC		99	198	
8/2/2016	Clara Edgeworth 411 Main Street Santa Clara, CA 94709	<input checked="" type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC	Owner, Clara's Cupcakes	99	198	

Form 460 - Schedule E

An expenditure of \$50 or more for a gift, meal, or travel must include certain details.

Date, number of attendees, whether candidate &/or any individual with authority to make expenditures attended, and purpose

NAME AND ADDRESS OF PAYEE (IF COMMITTEE, ALSO ENTER I.D. NUMBER)	CODE OR	DESCRIPTION OF PAYMENT	AMOUNT PAID
Jacqueline's Kitchen 42 Mariner Way Santa Clara, CA 95053		8/15/16: Lunch to discuss campaign strategy, 4 attendees, including candidate and treasurer	120
Sue Hernandez 100 Sandburg Street Santa Clara, CA 94709	FIL	Filing Fee Reimbursement	1,000
County Bank Visa 2900 Middleton Street Dayton, OH 45330			1,500
Subvondor: Phone Banks R Us \$1,000 2550 Parkway Plaza Mountain View, CA 94039	PHO		

Reimburse candidate for filing fee

Credit card payment

Form 460 Schedule E Reporting Subvendors

- Report subvendors of campaign agents and consultants.
- Itemize payments of \$50 or more.
- Reimburse campaign workers within 45 days.
- Use description field

NAME AND ADDRESS OF PAYEE (IF COMMITTEE, ALSO ENTER I.D. NUMBER)	CODE	OR	DESCRIPTION OF PAYMENT	AMOUNT PAID
Freeman & Associates 650 South Gateway Blvd Berkeley, CA 94709	CNS			3,000
Subvendor: Daily News \$750 1475 Seventh Street Berkeley, CA 94709				

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Form 460 - Schedule F

Reporting Accrued Expenses

- Report goods or services received, but not yet paid, during reporting period.
- Continue to report as accrued expense until paid off.
- If not paid off within 45 days it becomes a contribution.



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Pay your debts promptly

- State law: payments by an agent on behalf of a committee become **non-monetary contributions** if not repaid within 45 days.
- Extension of credit: must pay off outstanding expenses or they may become a contribution.
- Failure to timely repay may result in a violation of BERA's \$250 contribution limit or business ban.



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Late Contributions

- \$100-\$999: file within 48 hours (last 16 days).
- \$1,000 or more: file within 24 hours (last 90 days).
- *Candidates must still abide by \$250 limit!*
- Must file late contribution report even if contribution received on election day.
- Includes loans.
- \$10 per day penalty for late filing!!!
- E-filers must file electronically



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Form 497 24-Hour Contribution Report

- File if contributions totaling \$1,000 or more are received from a single source in the 90 days before or on the date of the election (Berkeley candidates – this can only be a loan from the candidate)
- Mandatory electronic filing.

497 Contribution Report		Amounts may be rounded to whole dollars.		
NAME OF FILER Berkeleyans for Measure A		Date of This Filing 8/21/2016	Date Stamp	
AREA CODE/PHONE NUMBER 510-555-1234	I.D. NUMBER (if applicable) 654123	Report No. 3	CALIFORNIA FORM 497 <small>For Official Use Only</small>	
STREET ADDRESS 100 Sandburg Street		<input type="checkbox"/> Amendment to Report No. <small>(explain below)</small>		
CITY Berkeley	STATE CA	ZIP CODE 94709	No. of Pages 1	
1. Contribution(s) Received				
DATE RECEIVED	FULL NAME, STREET ADDRESS AND ZIP CODE OF CONTRIBUTOR <small>(IF COMMITTEE, ALSO ENTER I.D. NUMBER)</small>	CONTRIBUTOR CODE *	IF AN INDIVIDUAL, ENTER OCCUPATION AND EMPLOYER <small>(IF SELF-EMPLOYED, ENTER NAME OF BUSINESS)</small>	AMOUNT RECEIVED
8/20/2016	Frances Burney 1444 Riverside Drive Berkeley, CA 94079	<input checked="" type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC	Owner, Burney Publishing Company	1,500 <input type="checkbox"/> Check if Loan <small>Provide interest rate _____%</small>

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Filings: Avoiding Common Errors

- Do your homework.
- File on time.
- Include all required approvals (*i.e.*, treasurer and candidate).
- Remember \$250 and source limits on contributions/loans to candidates.
- File timely amendments.
- Candidates may not pay vendors.



Mass Mailings

- 200 or more similar pieces of mail.
 - Excludes mail sent in response to a request or other inquiry (e.g., newsletter subscription).
- File in person both a Certificate of Mass Mailing and three (3) copies with the City Clerk one day after mailing, or mail both to Clerk on same day as mailing, *by guaranteed overnight delivery*.
- BERA does not regulate content!

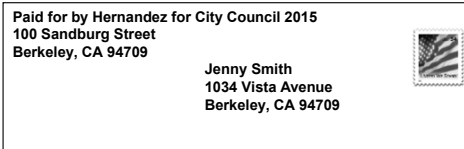


45

Identification on Mailings

If:

More than 200 similar pieces are sent in a calendar month (mass mailing)



Then:

“Paid for by” and committee name and address must be on the outside of the mailing in no less than 6-point type and in a contrasting color. The committee ID number is recommended, but not required.

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Mass Mailings Recordkeeping Requirement

- Retain a copy of each mass mailing
- In your records, keep note of:
 - Date
 - Method of postage
 - Number of pieces

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Political Advertisement Disclaimers

Go to:
[FPPC Home Page >](#)
[Learn >](#)
[Campaign Rules >](#)
[Campaign Advertising](#)



Political Advertising Disclaimers
1. Communications by Candidate Committees for their own Election

The disclaimer must include, unless otherwise noted: "Paid for by committee name."
 Examples: "Paid for by Jones for Assembly 20XX"
 "Paid for by Friends of Smith for Mayor 20XX"

Communication	Manner of Display
<p>All mass mailings - more than 200 sent within a calendar month (including emails and faxes)</p>	<ul style="list-style-type: none"> • Candidate's committee name/address (on file with Form 410) on outside of mailing (if no Form 410 on file, use candidate name/address) • Only committee name (no address) required on emails • "Paid for by" must be in the same color and font as the committee name/address and immediately in front of or above the name/address • If sent by more than one candidate/committee: <ul style="list-style-type: none"> ◦ Also on at least one insert in the mailing • No less than 6-point type/contrasting print color • Return envelopes (if included in solicitation) - committee's name, address and ID number are recommended but not required
<p>Telephone calls advocating candidate's own election (500 or more) - made by:</p> <ul style="list-style-type: none"> • Vendors ("robo" calls) or • Paid individuals other than the candidate, campaign manager or volunteers 	<ul style="list-style-type: none"> • Any time during the message • Must identify the candidate that paid for the call or an organization authorizing the call that files campaign reports • Must state that the call is "paid for by" or "authorized by" the identified candidate or organization <ul style="list-style-type: none"> ◦ Examples: <i>This call was paid for by Senator Jones.</i> <i>This call was authorized by (name of committee)</i> • No ID required on telephone calls personally dialed by candidate, campaign manager or volunteers

info@fppc.ca.gov 1.866.275.3772 or 916.322.5660
 www.fppc.ca.gov FPPC TAD • 012-012016 • Page 1 of 2

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Independent Expenditures

- Expenditures that are not in coordination with any candidate or ballot measure committee.
- Differs from a nonmonetary contribution, which is done in coordination with the affected committee.

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Independent Expenditures

- Period for reporting “late” independent expenditures of \$1,000 or more extends to last 90 days before election day, including election day.
- Report within 24 hours.
- **BMC § 2.12.297:**
Submit three copies of communication funded by expenditure to City Clerk.

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“Major Funding” Disclosure

- Campaign communications must include:
 - The name of the committee.
 - **“Major Funding Provided By”** followed by the names, cities of domicile, and total contribution amounts for each of the top 4 donors (contributions or loans).
- Committees are required to comply if they receive contributions or loans exceeding \$250.
- Candidates who personally contribute or loan more than \$250 to their committee must disclose that loan or contribution.

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Major Funding Provided By

- “Campaign communications” means:
 - 1,000 or more pieces of campaign literature (mailers, flyers, pamphlets, door hangers).
 - Paid advertisements (newspapers, magazines, internet).
 - 1,000 or more similar emails or pre-recorded telephone calls in a calendar month.
- Disclosure not required on:
 - Small promotional items (pens, mugs, pins).
 - Mass media (TV or radio ads).
 - Posters, yard signs, billboards.

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Example of Disclosure

***Paid for by Citizens for Kitten Rights,
Yes on Measure C Committee
(FPPC #1234567)***

***Major Funding Provided By:
Cat Lovers of America, San Diego, \$5000;
Cats for All Political Action Committee,
Sacramento, \$1000;
Jon Doe, Berkeley, \$500;
Jane Smith, Oakland, \$400.***

(FPPC number recommended but not required.)

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Post-Election: Got Debt?

- Can raise funds to pay off debt after an election.
- Candidates may receive a contribution for the prior period, but **only** from someone who did not contribute the maximum of \$250 for that period.
 - **And** only as necessary to retire debt.
 - **And** no later than December 31, 2024 for the November 2022 election.
- Mark such contributions: “**G22**”

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After the Election: Successful Candidates

- Must continue to file campaign reports and pay the \$50 annual fee until the committee terminates.
- May continue to receive contributions and use leftover funds for officeholder expenses.
- May use leftover funds for election to a future office if the funds are redesignated or transferred **before they become surplus.**
- Campaign funds become surplus on the 90th day following the closing date for the postelection reporting period or on the 90th day following the date of leaving office, whichever occurs last.

55

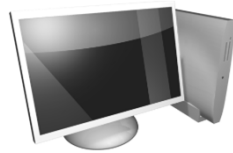
After the Election: Defeated Candidates

- Must continue to file campaign reports and pay the \$50 annual fee until you terminate the committee.
- May use leftover funds for election to a future office if the funds are redesignated or transferred **before they become surplus.**
- Funds become surplus **90 days after the end of the semi-annual reporting period.**
- The end of the semi-annual reporting period is December 31 for elections held in November.

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After the Election: Leftover Assets

- Leftover assets may also become surplus.
- For personal use, you must purchase the item at fair market value.
- Proceeds from the sale of items are shown as miscellaneous increases to cash on Schedule I.
- Public Financing Candidates must return all unspent funds to the Fair Elections Fund



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Using Leftover Campaign Funds for a Future Election

Running for Same Office

- File Form 501
- File *amended* Form 410

Running for Different Office

- File Form 501
- File *new* Form 410
- Open a new bank account
- Transfer funds to new bank account



Note: Remember this must be done before the funds become surplus.

58

Terminating Your Committee

The following criteria must be met:

- No remaining funds
- Not receiving or planning to receive contributions
- Not making or planning to make expenditures
- Termination Forms 410 and 460 must be filed

Note: There is no timeframe for terminating a local committee, but you must continue to file campaign reports and pay the \$50 annual fee until the committee terminates.

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Resources

- Campaign Rules Page of FPPC Website
- Campaign Disclosure Manuals
- Form Instructions
- Candidate/Treasurer Video on YouTube
- Your City Clerk or County Elections Office
- FPPC E-mail - advice@fppc.ca.gov
- FPPC Phones - 866-275-3772
- Secretary of State

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Questions?

- Closely read the **Campaign Filing Manual**.
- Consult **BERA** and **FCPC Regulations**.
- Call City staff – there is no such thing as a silly question!

City Clerk: 981-6908
email: elections@cityofberkeley.info

City Attorney: 981-6998
email: FCPC@cityofberkeley.info



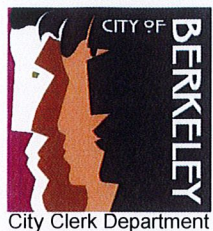
PUBLIC FINANCE MATCHING FUNDS NOVEMBER 8, 2022 GENERAL ELECTION

Committee	Office	Amount Disbursed	Date Certified
Kate Harrison for City Council 2022	District 4	\$ 47,000.00	1/19/2022
Kesarwani for Berkeley City Council 2022	District 1	\$ 47,000.00	3/24/2022
Mara Kolesas for School Board 2022	School Board	\$ 10,606.50	7/14/2022
Mary-Lee Smith for Berkeley City Council 2022	District 8	\$ 10,500.00	7/21/2022
Shanoski for Berkeley School Board 2022	School Board	\$ 20,000.00	7/27/2022
Re-Elect Jenny Wong for City Auditor 2022	City Auditor	\$ 11,880.00	8/5/2022
Rigel Robinson for Berkeley City Council 2022	District 7	\$ 12,385.38	8/11/2022
Mark Humbert for Berkeley City Council 2022	District 8	\$ 17,040.00	8/15/2022
Ida Martinac for Rent Board 2022	Rent Board	\$ 7,602.00	8/24/2022
Mari Mendonca for City Council 2022	District 8	\$ 10,188.00	8/22/2022
Mike Chang for School Board 2022	School Board	\$ 12,780.00	8/23/2022
Carole Marasovic for Rent Board 2022	Rent Board	\$ 8,000.00	8/29/2022
Elisa Mikiten for Berkeley City Council 2022	District 1	\$ 28,860.00	8/30/2022
Negeene Mosaed for Rent Board 2022	Rent Board	\$ 8,000.00	9/1/2022

Berkeley's voter-approved Public Financing Program allows certified candidates for Mayor, City Council, School Board, Rent Stabilization Board, and City Auditor seats to receive a 6-to-1 match on qualifying contributions of up to \$60 from Berkeley residents (e.g. for a \$50 qualifying contribution, a participating candidate receives \$300 in public matching funds), to a maximum of \$47,000 for City Council candidates \$140,000 for mayoral candidates, \$8,000 for Rent Stabilization Board candidates, and \$20,000 for School Board and City Auditor candidates

This document shows the cumulative amounts received by certified Public Finance candidates in the November 8, 2022 general election. It is updated weekly.

For more information, visit the [Public Financing](#) page or contact the City Clerk department at elections@cityofberkeley.info.



DATE: August 16, 2022

TO: FAIR CAMPAIGN PRACTICES COMMISSION

FROM: *MN* Mark Numainville, City Clerk

SUBJECT: Certification of Public Financing Program Participant

Pursuant to the Fair Elections Act of 2016, the City is required to certify candidates as participants in the City's public financing program.

In order to participate, a candidate must submit an application for participation and complete all required administrative paperwork to process payments. The candidate must also qualify by submitting 30 contributions of at least \$10 from 30 unique contributors totaling at least \$580.

As of August 16, 2022 the following candidate has submitted the required filings as well as a compliant Initial Qualifying Request and their participation in the program has been approved by City staff:

Application for Participation and Initial Qualifying Request for Funds	
Submitted By:	Soli Alpert (Rent Board)
Qualified Contributions:	\$1,844
Eligible Matching Funds:	\$11,064
Action	Certified candidate to participate in the program. Approved 6:1 matching public funds in an amount not to exceed \$11,064.

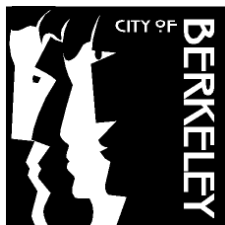
Basic glossary of terms:

Application for Participation	Required form for participating candidates that certifies they will follow the regulations and requirements of the program.
Qualifying Request	In order to qualify to receive public matching funds, a candidate must collect at least 30 contributions (from 30 unique contributors) of at least \$10 totaling \$580.
Matching Request	Campaign committees participating in the Public Financing Program submit a Matching Request with all required documentation in order to receive Public Matching Funds.

Qualified Contribution	A contribution that is eligible for the 6-to-1 match from the Fair Elections Fund. A Qualified Contribution is a contribution of \$60 or less from a natural person resident of Berkeley.
------------------------	---

Attachments

1. Soli Alpert: Application for Participation and Initial Qualifying Request for Funds.



City Clerk Department
 2180 Milvia Street
 Berkeley, CA 94704
 (510) 981-6900
www.cityofberkeley.info | elections@cityofberkeley.info

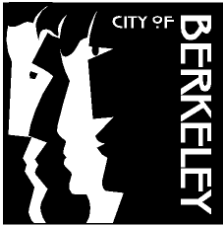
E-Filed
 08/12/2022
 15:29:06
 Filing ID:
 204422859

FAIR ELECTIONS ACT FORM

APPLICATION FOR PARTICIPATION IN PUBLIC FINANCING PROGRAM

(Berkeley Municipal Code Chapter 2.12 – Election Reform Act)

OFFICE SOUGHT		
OFFICE Rent Stabilization Board	COUNCIL DISTRICT (IF APPLICABLE)	
ELECTION CYCLE 11/08/2022		
CANDIDATE INFORMATION		
LAST Alpert	FIRST Soli	M.I.
COMMITTEE INFORMATION		
NAME OF CAMPAIGN COMMITTEE Soli Alpert for Rent Board, 2022	FPPC I.D. No. Pending	
CANDIDATE CERTIFICATION		
<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>		
Soli Alpert CANDIDATE SIGNATURE	08/12/2022 DATE SIGNED	



City Clerk Department
 2180 Milvia Street
 Berkeley, CA 94704
 (510) 981-6900
www.cityofberkeley.info | elections@cityofberkeley.info

E-Filed
 08/12/2022
 16:52:36
 Filing ID:
 204424437

**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**

OFFICE SOUGHT			
OFFICE Rent Stabilization Board		COUNCIL DISTRICT (IF APPLICABLE)	
ELECTION CYCLE 11/08/2022			
COMMITTEE INFORMATION			
NAME OF CAMPAIGN COMMITTEE Soli Alpert for Rent Board, 2022		FPPC I.D. No. Pending	
STREET ADDRESS 2120 Delaware St., #3		APARTMENT/SUITE/FLOOR	
CITY Berkeley	STATE CA	ZIP CODE 94709	
TELEPHONE (415) 819-2139	EMAIL ADDRESS soli.r.alpert@gmail.com		
CANDIDATE DECLARATION			
<p>I hereby declare that the following information is true and correct:</p> <ul style="list-style-type: none"> All information on the attached Qualified Contribution Receipts is complete and accurate to the best of my knowledge. I understand that the City shall verify that the qualified contributions meet all of the requirements and restrictions prior to the disbursement of funds. 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. 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. I understand that all campaign filings must be current in order for a disbursement of Fair Election funds to be released. 			
Soli Alpert CANDIDATE SIGNATURE		08/12/2022 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.	Ty	Alper	1712 Jaynes St	94703 Berkeley	Professor	UC	Check	08/12/2022	08/12/2022	1	60.00
2.	Boyle	Pamela	1310 Acton, D	94706 Berkeley	Accountant	Alameda County	Check	08/12/2022	08/12/2022	1	30.00
3.	Polatnick	Margaret Rivka	1509 Le Roy Ave	94708 Berkeley	Retired	Retired	Check	08/12/2022	08/12/2022	1	20.00
4.	Selawsky	John	1912 Blake St	94704 Berkeley	Rent Board Commissioner	City of Berkeley	Check	08/12/2022	08/12/2022	1	60.00
5.	Diehm	Erin	2316 Jefferson Ave	94703 Berkeley	Not Employed	Not Employed	Check	08/12/2022	08/12/2022	1	60.00
6.	Webster	Pamela	1912 Blake St	94704 Berkeley	Retired	Retired	Check	08/12/2022	08/12/2022	1	30.00
7.	Chang	James	1601 Allston Way	94703 Berkeley	Commissioner	City of Berkeley	Check	08/12/2022	08/12/2022	1	60.00
8.	Kurzweil	Jack	1737 Allston Way	94703 Berkeley	Retired	Retired	Check	08/12/2022	08/12/2022	1	60.00
9.	Robinson	Rigel	2214 Durant Ave, 1	94709 Berkeley	City Councilmember	City of Berkeley	Check	08/12/2022	08/12/2022	1	60.00
10.	Hammargren	Ruth	1709 Bancroft Way	94703 Berkeley	Retired	Retired	Check	08/12/2022	08/12/2022	1	20.00
11.	Saginer	Kitt	1915 Oregon St, Unit C	94703 Berkeley	Retired	Retired	Check	08/12/2022	08/12/2022	1	40.00
12.	Olivenbaum	Linda	1901 Alcatraz Ave	94703 Berkeley	Retired	Retired	Check	08/12/2022	08/12/2022	1	60.00
13.	Anderson	Maxwell	1901 Alcatraz Ave	94703 Berkeley	Retired	Retired	Check	08/12/2022	08/12/2022	1	60.00
14.	Hendry	James	2043 Lincoln Ave	94709 Berkeley	Energy/Environmental Analyst	City of San Francisco	Check	08/12/2022	08/12/2022	1	35.00
15.	Harrison	Kathryn	2043 Lincoln Ave	94709 Berkeley	City Councilmember	City of Berkeley	Check	08/12/2022	08/12/2022	1	25.00
										Subtotals	680.00

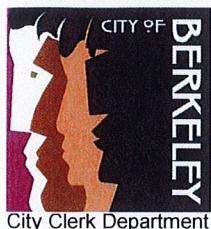
ITEM 12

Last Name	First Name	Address	Zip Code, City	Occupation	Employer	Payment Method	Date Received	Date Deposited	Deposit Batch #	Amount of Contribution	
16.	Marerro	Vanessa	1819 Addison St, Apt 4 Berkeley	94703	Executive Director	Parents for Public Schools	Check	08/12/2022	08/12/2022	1	60.00
17.	Bloom	Wendy	2206 Roosevelt Ave Berkeley	94703	Registered Nurse	Children's Hospital Oakland	Check	08/12/2022	08/12/2022	1	60.00
18.	Twu	Alfred	14 Hillside Ct Berkeley	94704	Architect/Artist	MWA Architects/Alfred Twu, Self Employed Berkeley	Check	08/12/2022	08/12/2022	1	60.00
19.	Carter	Jeffrey	170 Southampton Ave Berkeley	94707	Attorney	Self, Berkeley	Check	08/12/2022	08/12/2022	1	60.00
20.	Bogert	William	2022 Virginia St, 8 Berkeley	94709	Technical Specialist	Kaiser Foundation Health Plan	Check	08/12/2022	08/12/2022	1	40.00
21.	Kandarian	May	1918 Grant St, 1 Berkeley	94703	Retired	Retired	Check	08/12/2022	08/12/2022	1	10.00
22.	Maclean	Judith	2610 Regent St, 201 Berkeley	94704	Retired	Retired	Check	08/12/2022	08/12/2022	1	10.00
23.	Johnson	Timothy	2060 4th St, 138 Berkeley	94710	Policy Director	The Just Cities Institute	Check	08/12/2022	08/12/2022	1	60.00
24.	Hess	Kathleen	2610 Regent St, 201 Berkeley	94704	Retired	Retired	Check	08/12/2022	08/12/2022	1	10.00
25.	Alberti	Judy	2232 Derby St Berkeley	94705	Retired	Retired	Check	08/12/2022	08/12/2022	1	20.00
26.	Turitz	Eugene	2124 Derby St Berkeley	94705	Retired	Retired	Check	08/12/2022	08/12/2022	1	20.00
27.	Schwartz	Yvonne	1626 Dwight Way, B Berkeley	94703	Retired	Retired	Check	08/12/2022	08/12/2022	1	10.00
28.	Mosaed	Negeen	1178 Colusa Ave Berkeley	94707	Physical Therapist	Berkeley Community P.T.	Check	08/12/2022	08/12/2022	1	30.00
29.	Sanders	Caroline	2615 Milvia Berkeley	95704	Policy Director	CPEHN	Check	08/12/2022	08/12/2022	1	10.00
30.	Auerbach	Elana	1636 Bonita Ave Berkeley	94709	Priestess	Self, Berkeley	Check	08/12/2022	08/12/2022	1	30.00
31.	Malvido	Hector	2241 8th St, Apt A Berkeley	94710	Policy Coordinator	LibGen	Check	08/12/2022	08/12/2022	1	30.00
32.	Cato	Julia	2431 Jefferson Ave, Apt E Berkeley	94703	Retired	Retired	Check	08/12/2022	08/12/2022	1	10.00
33.	Smith	Margot	1300 Shattuck Ave, Apt A Berkeley	94709	Retired	Retired	Check	08/12/2022	08/12/2022	1	10.00
34.	Chang	Michael	943 Hilldale Ave Berkeley	94708	Attorney	U.S. Department of Education	Check	08/12/2022	08/12/2022	1	60.00
35.	Martinac	Ida	2838 Milvia St Berkeley	94703	Legal Secretary	State of California Department of Justice	Check	08/12/2022	08/12/2022	1	25.00
36.	Vasudeo	Ana	2200 Marin Ave Berkeley	94707	Managing Director	Public Health Institute	Check	08/12/2022	08/12/2022	1	60.00
										Subtotals	685.00

ITEM 12

Last Name	First Name	Address	Zip Code, City	Occupation	Employer	Payment Method	Date Received	Date Deposited	Deposit Batch #	Amount of Contribution	
37.	Katz	Andy	2001 Addison Street, 300 Berkeley	94704	Director	EBMUD	Cash	08/12/2022	08/12/2022	1	20.00
38.	Ellington	Pam	2120 Delaware Street, 4 Berkeley	94709	Restaurant Server	Comal	Cash	08/12/2022	08/12/2022	1	10.00
39.	Lunaparra	Cecilia	2732 Haste Street, 5 Berkeley	94704	Student	UC Berkeley	Cash	08/12/2022	08/12/2022	1	30.00
40.	Bartlett	Ben	2911 Corina Street Berkeley	94705	Attorney	Self Bartlett Law Berkeley	Cash	08/12/2022	08/12/2022	1	20.00
41.	Cerami	Sara	557 Santa Clara Avenue Berkeley	94707	Legislative Aide	City of Berkeley	Cash	08/12/2022	08/12/2022	1	49.00
42.	Goldstein	Zachary	3033 Harper Street, A Berkeley	94703	Communications Specialist	SEIU Local 1021	Cash	08/12/2022	08/12/2022	1	40.00
43.	Tregub	Igor	1043 Virginia Street, 300 Berkeley	94710	Senior Policy Advisor	CALSSA	Cash	08/12/2022	08/12/2022	1	20.00
44.	Brown	Michael	1425 Oregon Street, B4 Berkeley	94702	Legal Assistance	San Francisco Public Defender's Office	Cash	08/12/2022	08/12/2022	1	10.00
45.	Greenberg	Samuel	2112 Roosevelt Ave, I Berkeley	94703	Student	UC Berkeley	Cash	08/12/2022	08/12/2022	1	20.00
46.	Pan	Tony	2120 Delaware Street, 3 Berkeley	94709	Software Engineer	Castle Global Inc.	Cash	08/12/2022	08/12/2022	1	40.00
47.	Marion	Mark	2501 Benvenue Avenue, 19 Berkeley	94704	Student	UC Berkeley	Cash	08/12/2022	08/12/2022	1	40.00
48.	Srioudom	Davina	2431 Ellsworth Street, 307 Berkeley	94704	Student Supervisor	UC Berkeley	Cash	08/12/2022	08/12/2022	1	45.00
49.	Finch	Steven	2010 5th Street, 478 Berkeley	94710	Teacher	Contra Costa County Office of Education	Cash	08/12/2022	08/12/2022	1	10.00
50.	Cook	Carol	1416 Peralta Berkeley	94702	Retired	Retired	Cash	08/12/2022	08/12/2022	1	10.00
51.	Selawsky	Peter	1912 Blake Street Berkeley	94704	Attorney	Eviction Defense Center, Oakland CA	Cash	08/12/2022	08/12/2022	1	20.00
52.	Bierce	Katharine	2607 Fulton Street, C Berkeley	94704	Manager, Research Content	Salesforce	Cash	08/12/2022	08/12/2022	1	10.00
53.	Baumann	Mary Jo	1301 Walnut Street Berkeley	94709	Retired	Retired	Cash	08/12/2022	08/12/2022	1	60.00
54.	Laverde	Paola	1533 Martin Luther King Jr. Way, #4 Berkeley	94709	Bilingual Public Information Officer	Department of Industrial Relations	Check	08/12/2022	08/12/2022	1	25.00
Subtotals										479.00	
Grand Totals										1,844.00	

1,844.00
X6
11,064



DATE: August 17, 2022

TO: FAIR CAMPAIGN PRACTICES COMMISSION

FROM: *MN* Mark Numainville, City Clerk

SUBJECT: Certification of Public Financing Program Participant

Pursuant to the Fair Elections Act of 2016, the City is required to certify candidates as participants in the City's public financing program.

In order to participate, a candidate must submit an application for participation and complete all required administrative paperwork to process payments. The candidate must also qualify by submitting 30 contributions of at least \$10 from 30 unique contributors totaling at least \$580.

As of August 17, 2022 the following candidate has submitted the required filings as well as a compliant Initial Qualifying Request and their participation in the program has been approved by City staff:

Application for Participation and Initial Qualifying Request for Funds	
Submitted By:	Mike Chang for School Board 2022
Qualified Contributions:	\$2,130
Eligible Matching Funds:	\$12,780
Action	Certified candidate to participate in the program. Approved 6:1 matching public funds in an amount not to exceed \$12,780.

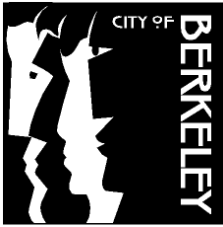
Basic glossary of terms:

Application for Participation	Required form for participating candidates that certifies they will follow the regulations and requirements of the program.
Qualifying Request	In order to qualify to receive public matching funds, a candidate must collect at least 30 contributions (from 30 unique contributors) of at least \$10 totaling \$580.
Matching Request	Campaign committees participating in the Public Financing Program submit a Matching Request with all required documentation in order to receive Public Matching Funds.

Qualified Contribution	A contribution that is eligible for the 6-to-1 match from the Fair Elections Fund. A Qualified Contribution is a contribution of \$60 or less from a natural person resident of Berkeley.
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Attachments

1. Mike Chang: Application for Participation and Initial Qualifying Request for Funds.



City Clerk Department
 2180 Milvia Street
 Berkeley, CA 94704
 (510) 981-6900
www.cityofberkeley.info | elections@cityofberkeley.info

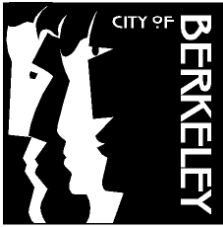
E-Filed
 08/11/2022
 14:54:54
 Filing ID:
 204414197

FAIR ELECTIONS ACT FORM

APPLICATION FOR PARTICIPATION IN PUBLIC FINANCING PROGRAM

(Berkeley Municipal Code Chapter 2.12 – Election Reform Act)

OFFICE SOUGHT		
OFFICE School Board Trustee	COUNCIL DISTRICT (IF APPLICABLE)	
ELECTION CYCLE 11/08/2022		
CANDIDATE INFORMATION		
LAST Chang	FIRST Mike	M.I.
COMMITTEE INFORMATION		
NAME OF CAMPAIGN COMMITTEE Mike Chang for Berkeley School Board 2022	FPPC I.D. No. 1446072	
CANDIDATE CERTIFICATION		
<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>		
Michael Chang CANDIDATE SIGNATURE	08/11/2022 DATE SIGNED	



City Clerk Department
 2180 Milvia Street
 Berkeley, CA 94704
 (510) 981-6900
www.cityofberkeley.info | elections@cityofberkeley.info

E-Filed
 08/16/2022
 05:10:33
 Filing ID:
 204440810

**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**

OFFICE SOUGHT			
OFFICE School Board Trustee		COUNCIL DISTRICT (IF APPLICABLE)	
ELECTION CYCLE 11/08/2022			
COMMITTEE INFORMATION			
NAME OF CAMPAIGN COMMITTEE Mike Chang for Berkeley School Board 2022		FPPC I.D. No. 1446072	
STREET ADDRESS 943 Hilldale Avenue		APARTMENT/SUITE/FLOOR	
CITY Berkeley	STATE CA	ZIP CODE 94708	
TELEPHONE (510) 528-4056	EMAIL ADDRESS mike@mikechangforberkeley.com		
CANDIDATE DECLARATION			
<p>I hereby declare that the following information is true and correct:</p> <ul style="list-style-type: none"> All information on the attached Qualified Contribution Receipts is complete and accurate to the best of my knowledge. I understand that the City shall verify that the qualified contributions meet all of the requirements and restrictions prior to the disbursement of funds. 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. 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. I understand that all campaign filings must be current in order for a disbursement of Fair Election funds to be released. 			
Michael Chang CANDIDATE SIGNATURE		08/16/2022 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.	Mizell	Nathan	2533 Hillegass, Apt. 306	94704 Berkeley	Paralegal	Bryan Schwartz Law	Electronic	08/11/2022	08/11/2022	643	10.00
2.	Pan	Tony	2120 Delaware Street	94709 Berkeley	Software engineer	Castle Global Inc.	Electronic	08/11/2022	08/11/2022	640	50.00
3.	Allan	Stephanie	1712 Channing Way	94703 Berkeley	Consultant	Self-employed	Electronic	08/10/2022	08/10/2022	637	60.00
4.	Chang	Olivia	943 Hilldale Avenue	94708 Berkeley	Student	NA	Electronic	08/11/2022	08/11/2022	641	60.00
5.	Barry	Liz	943 Hilldale Ave	94708 Berkeley	Attorney	Social Security Administration	Electronic	08/11/2022	08/11/2022	129	60.00
6.	Hahn	Sophie	1130 Shattuck Avenue	94707 Berkeley	Councilmember	City of Berkeley	Electronic	08/10/2022	08/10/2022	4	60.00
7.	Jordan	Sheila	1340 California Street	94703 Berkeley	Retired	Retired	Check	08/10/2022	08/10/2022	August 10 check	60.00
8.	Sinai	Julie	1661 Tacoma Avenue	94707 Berkeley	Chief Strategy Officer	Lifelong Medical care	Electronic	08/10/2022	08/10/2022	5	60.00
9.	Bjerkholt	Eric	1130 Shattuck Avenue	94707 Berkeley	CFO	Chinook Therapeutics	Electronic	08/10/2022	08/10/2022	635	60.00
10.	Alberga	Jeremy	1422 Holly St.	94703 Berkeley	Executive	U.C. San Francisco - Global Health Group	Electronic	08/10/2022	08/10/2022	363	60.00
11.	Gershon	Elissa	1929 Parker St.	94704 Berkeley	Attorney	Self-employed	Electronic	08/09/2022	08/09/2022	627	60.00
12.	Butler	Michael	1929 Parker St.	94704 Berkeley	Contractor	Berkeley Craftsman	Electronic	08/09/2022	08/09/2022	628	60.00
13.	Alpert	Soli	2120 Delaware Street, Apt. 3	94709 Berkeley	Legislative Assistant	City of Berkeley	Electronic	08/09/2022	08/09/2022	633	20.00
14.	Provenzano	Teresa	1737 Grant Street	94703 Berkeley	NA	NA	Electronic	08/09/2022	08/09/2022	632	60.00
15.	Nordman	Bruce	1737 Grant Street	94703 Berkeley	Scientist	Lawrence Berkeley Laboratory	Electronic	08/09/2022	08/09/2022	631	60.00
										Subtotals	800.00

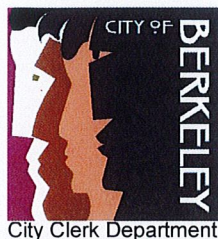
ITEM 12

Last Name	First Name	Address	Zip Code, City	Occupation	Employer	Payment Method	Date Received	Date Deposited	Deposit Batch #	Amount of Contribution	
16.	Gross	Rebecca	1423 Walnut Street, Apartment 2	94709 Berkeley	Teacher	Berkeley Unified School District	Electronic	08/09/2022	08/09/2022	630	60.00
17.	Benouar	Hamed	948 Hilldale Avenue	94708 Berkeley	Managing Director	CTSN Consulting LLC	Electronic	08/08/2022	08/08/2022	193	60.00
18.	Sowerwine	Jennifer	960 Euclid Ave.	94708 Berkeley	Professor	University of California	Electronic	08/08/2022	08/08/2022	372	10.00
19.	Carlson	Tom	960 Euclid Ave.	94708 Berkeley	Professor	University of California, Berkeley	Electronic	08/08/2022	08/08/2022	369	60.00
20.	Yep	Ray	557 Neilson St.	94707 Berkeley	Retired	Retired civil engineer	Electronic	07/11/2022	07/11/2022	616	60.00
21.	Stout	Jeremy	2624 Piedmont Ave.	94704 Berkeley	Instructor	Academy of Art	Electronic	06/24/2022	06/24/2022	608	60.00
22.	Stout	Gladys	2624 Piedmont Ave	94704 Berkeley	Graduate Student Advisor	U.C. Berkeley	Electronic	06/24/2022	06/24/2022	601	60.00
23.	Chen	Amy	1608 Beverly Place	94707 Berkeley	marketing	Self-employed	Electronic	06/21/2022	06/21/2022	605	60.00
24.	Alper	Ty	1712 Jaynes St.	94703 Berkeley	Professor	University of California, Berkeley	Electronic	06/18/2022	06/18/2022	603	60.00
25.	Masia	Mia	1521 Hawthorne Terrace	94708 Berkeley	Donor Relations Manager	What if Foundation	Electronic	05/23/2022	05/23/2022	214	60.00
26.	Wiener	Erik	1718 Jaynes St.	94703 Berkeley	Director of Engineering	Adobe	Electronic	05/18/2022	05/18/2022	387	60.00
27.	Chala	Joel	1423 Walnut St,	94709 Berkeley	Project Manager	Oliver Builders Inc.	Electronic	05/17/2022	05/17/2022	374	60.00
28.	Kratzer	Valerie	1718 Jaynes St.	94703 Berkeley	Development Coordinator	Berkeley Public Schools Fund	Electronic	05/17/2022	05/17/2022	374	60.00
29.	Walker	Chaghig	1941 Delaware St.	94709 Berkeley	Project Coordinator	Stanford University	Electronic	05/16/2022	08/16/2022	218	60.00
30.	Marchesini	Madhuri	1250 Monterey Ave.	94704 Berkeley	Therapist	Blue Oak	Electronic	05/16/2022	05/16/2022	365	60.00
31.	Marchesini	Stefano	1250 Monterey Ave.	94707 Berkeley	Scientist	Stanford National Accelerator Laboratory	Electronic	05/16/2022	05/16/2022	629	60.00
32.	Davis	Kenny	1001 Keith Ave.	94708 Berkeley	CEO and toy maker	Action Face	Electronic	05/10/2022	05/10/2022	276	60.00
33.	Davis	Anya	1001 Keith Ave,	94708 Berkeley	Real estate	Self-employed	Electronic	05/09/2022	05/09/2022	384	60.00
34.	Appel	Judy	1805 Stuart St,	94703 Berkeley	Attorney	Retired	Electronic	05/07/2022	05/07/2022	9	60.00
35.	Benouar	Katie	948 Hilldale Ave.	94708 Berkeley	NA	Retired	Electronic	05/02/2022	05/02/2022	191	60.00
36.	Twu	Alfred	2415 Prospect St.	94704 Berkeley	Architect/Berkeley	MWA Architects	Electronic	04/15/2022	04/15/2022	382	60.00
										Subtotals	1,210.00

ITEM 12

Last Name	First Name	Address	Zip Code, City	Occupation	Employer	Payment Method	Date Received	Date Deposited	Deposit Batch #	Amount of Contribution
37. Vasudeo	Ana	2200 Marin Ave.	94707 Berkeley	Executive	Public Health Institute	Electronic	04/10/2022	04/10/2022	11	60.00
38. Vasudeo	Jyotindra	2200 Marin Ave.	94707 Berkeley	Software Engineer	Q Bio	Electronic	03/27/2022	03/22/2022	117	60.00
									Subtotals	120.00
									Grand Totals	2,130.00

2,130
X6
 12,780



DATE: August 26, 2022

TO: FAIR CAMPAIGN PRACTICES COMMISSION

FROM: *MW* Mark Numainville, City Clerk

SUBJECT: Certification of Public Financing Program Participant

Pursuant to the Fair Elections Act of 2016, the City is required to certify candidates as participants in the City's public financing program.

In order to participate, a candidate must submit an application for participation and complete all required administrative paperwork to process payments.

The candidate must also qualify by submitting 30 contributions of at least \$10 from 30 unique contributors totaling at least \$580.

As of August 26, 2022, the following candidate has submitted the required filings as well as a compliant Initial Qualifying Request and their participation in the program has been approved by City staff:

Application for Participation/Qualifying Request for Funds/Matching Request for Funds	
Submitted By:	Tamar Michai Freeman (District 1)
Qualified Contributions:	\$1,080
Eligible Matching Funds:	\$6,480
Action	Certified candidate to participate in the program. Approved 6:1 matching public funds in an amount not to exceed \$6,480.

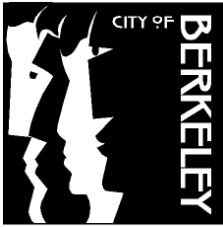
Basic glossary of terms:

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Qualifying Request	In order to qualify to receive public matching funds, a candidate must collect at least 30 contributions (from 30 unique contributors) of at least \$10 totaling \$580.
Matching Request	Campaign committees participating in the Public Financing Program submit a Matching Request with all required documentation in order to receive Public Matching Funds.

Qualified Contribution	A contribution that is eligible for the 6-to-1 match from the Fair Elections Fund. A Qualified Contribution is a contribution of \$60 or less from a natural person resident of Berkeley.
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Attachments

1. Tamar Michai Freeman: Application, Qualifying and Matching Request.



City Clerk Department
 2180 Milvia Street
 Berkeley, CA 94704
 (510) 981-6900
www.cityofberkeley.info | elections@cityofberkeley.info

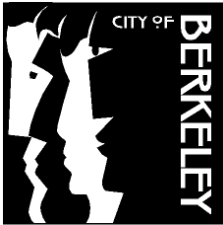
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FAIR ELECTIONS ACT FORM

APPLICATION FOR PARTICIPATION IN PUBLIC FINANCING PROGRAM

(Berkeley Municipal Code Chapter 2.12 – Election Reform Act)

OFFICE SOUGHT		
OFFICE City Council Member	COUNCIL DISTRICT (IF APPLICABLE) 1	
ELECTION CYCLE 11/08/2022		
CANDIDATE INFORMATION		
LAST Freeman	FIRST Tamar Michai	M.I.
COMMITTEE INFORMATION		
NAME OF CAMPAIGN COMMITTEE Tamar Michai Freeman For Berkeley City Council District 1 2022		FPPC I.D. No. Pending
CANDIDATE CERTIFICATION		
<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>		
Tamar Michai Freeman CANDIDATE SIGNATURE		08/11/2022 DATE SIGNED



City Clerk Department
2180 Milvia Street
Berkeley, CA 94704
(510) 981-6900

www.cityofberkeley.info | elections@cityofberkeley.info

E-Filed
08/17/2022
17:17:51

Filing ID:
204461753

**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**

OFFICE SOUGHT			
OFFICE City Council Member		COUNCIL DISTRICT (IF APPLICABLE) District 1	
ELECTION CYCLE 11/08/2022			
COMMITTEE INFORMATION			
NAME OF CAMPAIGN COMMITTEE Tamar Michai Freeman For Berkeley City Council District 1 2022			FPPC I.D. No. Pending
STREET ADDRESS 1801 University Avenue,		APARTMENT/SUITE/FLOOR	
CITY Berkeley	STATE CA	ZIP CODE 94703	
TELEPHONE (510) 326-8718	EMAIL ADDRESS michai.freeman@gmail.com		
CANDIDATE DECLARATION			
<p>I hereby declare that the following information is true and correct:</p> <ul style="list-style-type: none"> All information on the attached Qualified Contribution Receipts is complete and accurate to the best of my knowledge. I understand that the City shall verify that the qualified contributions meet all of the requirements and restrictions prior to the disbursement of funds. 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. 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. I understand that all campaign filings must be current in order for a disbursement of Fair Election funds to be released. 			
Tamar Michai Freeman		08/17/2022	
CANDIDATE SIGNATURE		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:

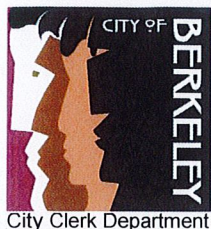
- Qualified Contributions List (below).
- Receipt for Qualified Contribution for Fair Elections Funds.
- Evidence of each contribution received, such as electronic copies of contributor checks, credit card authorizations, or online payment receipts.
- Electronic copies of itemized deposit slips.
- Complete 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.	Mui	Peter	1715 Eola Street	94703 Berkeley	Retired	Retired	Check	08/12/2022	08/12/2022	-	60.00
2.	Davila	Cheryl	1039 Allston Way	94710 Berkeley	Retired	Retired	Check	08/12/2022	08/12/2022	-	20.00
3.	Fowles	Sarah	2937 Hillegass Ave	94705 Berkeley	Retired	Retired	Other	08/12/2022	08/12/2022	-	10.00
4.	Kambon	Afi Tiombe	1114 Francisco Street, Apt B	94702 Berkeley	Retired	Retired	Check	08/12/2022	08/12/2022	-	25.00
5.	Hernandez	karen	1801 University Avenue, 306	94703 Berkeley	Unemployed	Unemployed	Cash	08/12/2022	08/12/2022	-	10.00
6.	Kennerly	Carole	2955 California Street	94703 Berkeley	Retired	Retired	Check	08/12/2022	08/12/2022	-	10.00
7.	Wagele	August Paul	1535 Milvia Street	94709 Berkeley	Retired	N/A	Cash	08/11/2022	08/11/2022	-	40.00
8.	Wagele	August (Angie) Fred	1535 Milvia Street	94709 Berkeley	Realtor	Self Employed, Berkeley	Cash	08/11/2022	08/11/2022	-	20.00
9.	Maio	Linda	1732 Berkeley Way	94703 Berkeley	Owner	Telavera Ceramics	Cash	08/11/2022	08/11/2022	-	10.00
10.	Silverstone	Marysa	1441 University Avenue, 3	94702 Berkeley	Retired	N/A	Cash	08/11/2022	08/11/2022	-	10.00
11.	Story	Meredith	1970 San Pablo Avenue, 6	94702 Berkeley	Unemployed	N/A	Cash	08/11/2022	08/11/2022	-	20.00
12.	Illidge	Valentine	1970 San Pablo Avenue, Apt 3	94702 Berkeley	Retired	N/A	Cash	08/10/2022	08/12/2022	-	60.00
13.	McFaddan	James	2430 McGee Avenue	94703 Berkeley	Physicist	Uc Berkeley	Check	08/10/2022	08/12/2022	-	60.00
14.	Biggs	Ralph	1801 University Avenue #207, 401	94703 Berkeley	Sexual Mobility Educator	Sexability Berkeley	Check	08/10/2022	08/12/2022	-	60.00
15.	Turitz	Eugene	2124 Derby Street	94705 Berkeley	n/a	Retired	Check	08/10/2022	08/12/2022	-	60.00
										Subtotals	475.00

ITEM 12

Last Name	First Name	Address	Zip Code, City	Occupation	Employer	Payment Method	Date Received	Date Deposited	Deposit Batch #	Amount of Contribution	
16.	Behm-Steimberg	Hugh	1447 Kains Avenue	94702 Berkeley	Adjunct Professor	California College Of Arts	Cash	08/09/2022	08/12/2022	-	30.00
17.	Behm-Steimberg	Mary	1447 Kains Avenue	94702 Berkeley	Disabled	N/A	Cash	08/09/2022	08/12/2022	-	30.00
18.	Mendonca	Mari	2166 Ashby Avenue, Berkeley	94705 Berkeley	Rent Board Commission	City of Berkeley Rent Stabilization Board	Cash	08/09/2022	08/12/2022	-	20.00
19.	Sloan	John	1929 McGee	94702 Berkeley	Retired	N/A	Cash	08/09/2022	08/12/2022	-	20.00
20.	Theobald	Michael	1630 University Avenue, Apt 26	94703 Berkeley	Personal Attendant	In Home Support Services	Cash	08/09/2022	08/12/2022	-	20.00
21.	Wagele	Nicholas	1801 University Avenue #207	94703 Berkeley	Personal Caregiver	Tamar Freeman	Check	08/08/2022	08/12/2022	-	60.00
22.	Huchting	Catherine	3013 Ellis Street	94703 Berkeley	Director of Business Development	Chronicle Books LLC	Check	08/07/2022	08/12/2022	-	60.00
23.	Olivenbaun	Linda	1901 Alcatraz Avenue	94703 Berkeley	Retired	Retired	Check	08/06/2022	08/12/2022	-	60.00
24.	Anderson	Maxwell	1901 Alcatraz Avenue	94703 Berkeley	Retired	Retired	Check	08/06/2022	08/12/2022	-	60.00
25.	Schildt	Christine	1829 63rd Street	94703 Berkeley	Policy Advocate	Urban Habitat	Check	08/06/2022	08/12/2022	-	60.00
26.	Payne	Tajmal	2928 California Street	94703 Berkeley	Retired	Retired	Check	08/06/2022	08/12/2022	-	25.00
27.	Hine	Priscilla	1806 Prince Street	94703 Berkeley	Teacher	Head Royce School	Check	08/05/2022	08/12/2022	-	20.00
28.	Mosaesd	Negeene	1178 Colusa Avenue	94707 Berkeley	Physical Therapist	BLPT	Check	08/05/2022	08/12/2022	-	20.00
29.	Wilkinson	Tony	3025 Ellis Street	94703 Berkeley	RETIRED	RETIRED	Check	08/05/2022	08/12/2022	-	60.00
30.	Rosenkrantz	Louise	2124 Derby Street	94705 Berkeley	Retired	Retired	Check	08/04/2022	08/12/2022	-	60.00
										Subtotals	605.00
										Grand Totals	1,080.00

1,080
x6
6,480



DATE: August 22, 2022

TO: FAIR CAMPAIGN PRACTICES COMMISSION

FROM: *MNV* Mark Numainville, City Clerk

SUBJECT: Certification of Public Financing Program Participant

Pursuant to the Fair Elections Act of 2016, the City is required to certify candidates as participants in the City's public financing program.

In order to participate, a candidate must submit an application for participation and complete all required administrative paperwork to process payments. The candidate must also qualify by submitting 30 contributions of at least \$10 from 30 unique contributors totaling at least \$580.

As of August 22, 2022 the following candidate has submitted the required filings as well as a compliant Initial Qualifying Request and their participation in the program has been approved by City staff:

Application for Participation and Initial Qualifying Request for Funds	
Submitted By:	Wendy Saenz Hood (Rent Board)
Qualified Contributions:	\$1,500
Eligible Matching Funds:	\$9,000
Action	Certified candidate to participate in the program. Approved 6:1 matching public funds in an amount not to exceed \$9,000.

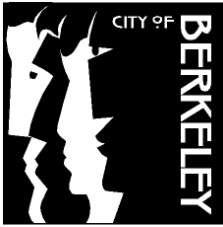
Basic glossary of terms:

Application for Participation	Required form for participating candidates that certifies they will follow the regulations and requirements of the program.
Qualifying Request	In order to qualify to receive public matching funds, a candidate must collect at least 30 contributions (from 30 unique contributors) of at least \$10 totaling \$580.
Matching Request	Campaign committees participating in the Public Financing Program submit a Matching Request with all required documentation in order to receive Public Matching Funds.

Qualified Contribution	A contribution that is eligible for the 6-to-1 match from the Fair Elections Fund. A Qualified Contribution is a contribution of \$60 or less from a natural person resident of Berkeley.
------------------------	---

Attachments

1. Wendy Saenz Hood: Application for Participation and Initial Qualifying Request for Funds.



City Clerk Department
 2180 Milvia Street
 Berkeley, CA 94704
 (510) 981-6900
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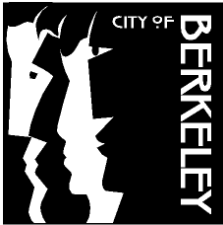
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 08/16/2022
 16:22:16
 Filing ID:
 204450405

FAIR ELECTIONS ACT FORM

APPLICATION FOR PARTICIPATION IN PUBLIC FINANCING PROGRAM

(Berkeley Municipal Code Chapter 2.12 – Election Reform Act)

OFFICE SOUGHT		
OFFICE Rent Stabilization Board	COUNCIL DISTRICT (IF APPLICABLE)	
ELECTION CYCLE 11/08/2022		
CANDIDATE INFORMATION		
LAST Hood	FIRST Wendy	M.I.
COMMITTEE INFORMATION		
NAME OF CAMPAIGN COMMITTEE Wendy Saenz Hood for Berkeley Rent Board 2022		FPPC I.D. No. Pending
CANDIDATE CERTIFICATION		
<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>		
Wendy Hood CANDIDATE SIGNATURE		08/16/2022 DATE SIGNED



City Clerk Department
 2180 Milvia Street
 Berkeley, CA 94704
 (510) 981-6900
www.cityofberkeley.info | elections@cityofberkeley.info

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 Filing ID:
 204459879

**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**

OFFICE SOUGHT			
OFFICE Rent Stabilization Board		COUNCIL DISTRICT (IF APPLICABLE)	
ELECTION CYCLE 11/08/2022			
COMMITTEE INFORMATION			
NAME OF CAMPAIGN COMMITTEE Wendy Saenz Hood for Berkeley Rent Board 2022		FPPC I.D. No. Pending	
STREET ADDRESS 1320 Summit Road		APARTMENT/SUITE/FLOOR	
CITY Berkeley	STATE CA	ZIP CODE 94708	
TELEPHONE (804) 855-4872	EMAIL ADDRESS wendysaenzhoodbrsb22@gmail.com		
CANDIDATE DECLARATION			
<p>I hereby declare that the following information is true and correct:</p> <ul style="list-style-type: none"> All information on the attached Qualified Contribution Receipts is complete and accurate to the best of my knowledge. I understand that the City shall verify that the qualified contributions meet all of the requirements and restrictions prior to the disbursement of funds. 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. 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. I understand that all campaign filings must be current in order for a disbursement of Fair Election funds to be released. 			
Wendy Hood CANDIDATE SIGNATURE		08/17/2022 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:

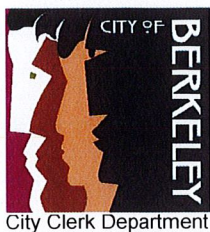
- Qualified Contributions List (below).
- Receipt for Qualified Contribution for Fair Elections Funds.
- Evidence of each contribution received, such as electronic copies of contributor checks, credit card authorizations, or online payment receipts.
- Electronic copies of itemized deposit slips.
- Complete 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.	Bott	Renee	19 Claremont Crescent	94705 Berkeley	Artist	Retired, Berkeley	Check	08/17/2022	08/17/2022	qual12	60.00
2.	Champlin	Marie	154 Panoramic Way	94704 Berkeley	Physician	Alameda County Health Systems	Check	08/17/2022	08/17/2022	qual1	50.00
3.	Kaplan	Lawrence	154 Panoramic Way	94704 Berkeley	Physician	UCSF, San Francisco	Check	08/17/2022	08/17/2022	qual1	50.00
4.	Sweet	Suzanne	1974 Thousand Oaks Blvd.	94707 Berkeley	Nurse	Retired, Berkeley	Check	08/17/2022	08/17/2022	qual1	60.00
5.	Mejia	Feliciano	1155 Camelia Street	94702 Berkeley	Retired	Retired, Berkeley	Check	08/17/2022	08/17/2022	qual1	35.00
6.	Woods	Debra	1155 Camelia Street	94702 Berkeley	Academic Coordinator	CSU, East Bay, Hayward	Check	08/17/2022	08/17/2022	qual1	50.00
7.	Friedman	Eric	2240 Roosevelt	94703 Berkeley	Retired	Retired, Berkeley	Cash	08/17/2022	08/17/2022	qual1	10.00
8.	Ungern	Patricia	1517 Milvia Street	94709 Berkeley	Teacher	Retired, Berkeley	Check	08/17/2022	08/17/2022	qual1	25.00
9.	Futran	Sasha	1743 Delaware Street	94703 Berkeley	Retired	Retired, Berkeley	Check	08/17/2022	08/17/2022	qual1	60.00
10.	Serkes	Ira	693 Vicente Avenue	94707 Berkeley	Real Estate Agent	Compass, Berkeley	Check	08/17/2022	08/17/2022	qual1	60.00
11.	Ahmadi	Bahman	1721 Marin Avenue	94707 Berkeley	Engineer	Retired, Berkeley	Check	08/17/2022	08/17/2022	qual1	60.00
12.	Parish	Paul	2219 Blake Street, Apt #	94704-2700 Berkeley	Pilates Trainer	YMCA, Berkeley	Check	08/16/2022	08/17/2022	qual1	10.00
13.	Vicars	Jon	2406 Grant Street	94703 Berkeley	Broker/Property Manager	Vicars Management, Berkeley	Cash	08/16/2022	08/17/2022	qual1	60.00
14.	Mussen	Ethel	120 Hill Road	94708 Berkeley	Retired	Retired, Berkeley	Check	08/16/2022	08/17/2022	qual1	10.00
15.	Sukoff	Albert	1214 Glen Avenue	94708-1831 Berkeley	Rental Property Owner	Retired, Berkeley	Check	08/16/2022	08/17/2022	qual1	60.00
										Subtotals	660.00

ITEM 12

Last Name	First Name	Address	Zip Code, City	Occupation	Employer	Payment Method	Date Received	Date Deposited	Deposit Batch #	Amount of Contribution	
16.	Weldon	Jonathan	2226 Jefferson Avenue, Apt. A	94703 Berkeley	Self Employed/Real Estate Broker	Cedar Properties, Berkeley	Check	08/16/2022	08/17/2022	qual1	60.00
17.	Karian	Celia	2418 California Street	94703 Berkeley	Retired	Retired, Berkeley	Check	08/16/2022	08/17/2022	qual1	60.00
18.	Flynn	William	1419 Oxford Street	94709 Berkeley	Lawyer	Neyhart, Anderson, et al., San Francisco	Check	08/16/2022	08/17/2022	qual1	60.00
19.	Arriola	Laura	2429 Byron Street	94702 Berkeley	Water Auditor	Public Utilities Commission, San Francisco	Check	08/16/2022	08/17/2022	qual1	60.00
20.	Ganch	Robert	171 Hill Road	94708 Berkeley	Retired	Retired, Berkeley	Check	08/16/2022	08/17/2022	qual1	10.00
21.	Clement	Sandra	1419 Oxford Street	94709 Berkeley	Office Manager/Clerk	BPOA, Berkeley	Check	08/16/2022	08/17/2022	qual1	60.00
22.	Plant	Ann	1963 Thousand Oaks Blvd.	94707 Berkeley	Realtor	Red Oak Realty, Berkeley	Check	08/16/2022	08/17/2022	qual1	60.00
23.	James	Novosel	2418 California Street	94703 Berkeley	Self-Employed, Architect	The Bay Architects, Berkeley	Check	08/16/2022	08/17/2022	qual1	60.00
24.	Orloff	Olga	1415 Summit Road	94708 Berkeley	Photographer	Self-Employed	Check	08/16/2022	08/17/2022	qual1	50.00
25.	Orloff	Cliff	1415 Summit Road	94708 Berkeley	Rental Property Owner	Retired, Berkeley	Check	08/16/2022	08/17/2022	qual1	50.00
26.	Kabat	Carrie	1300 Summit Road	94708 Berkeley	Director of Consumer Communications	Eat Just. Inc., San Francisco	Check	08/16/2022	08/17/2022	qual1	10.00
27.	Tuleja	Paul	2918 Benvenue Ave.	94705 Berkeley	Property Manager	AP Management, Berkeley	Check	08/16/2022	08/17/2022	qual1	60.00
28.	Lillge	Mark	1891 Thousand Oaks Blvd	94707 Berkeley	Retired	Retired, Berkeley	Check	08/16/2022	08/17/2022	qual1	60.00
29.	Simonett	Robyn	2429 Byron St.	94702-2028 Berkeley	Self-Employed, IT Professional	CAPS Lock On, Berkeley	Check	08/15/2022	08/17/2022	qual1	40.00
30.	Chodacki	John	171 Hill Road	94708 Berkeley	Director	University of California, Berkeley	Check	08/15/2022	08/17/2022	qual1	20.00
31.	Plant	Malcolm	1963 Thousand Oaks Blvd.	94707 Berkeley	Engineer	Retired, Berkeley	Check	08/15/2022	08/17/2022	qual1	60.00
32.	McDunn	Dan	1212 Glen Avenue	94708 Berkeley	Self-Employed/Contractor	McDunn Construction, Berkeley	Check	08/11/2022	08/17/2022	qual1	60.00
										Subtotals	840.00
										Grand Totals	1,500.00

1,500
X6
9,000



DATE: July 14, 2022

TO: FAIR CAMPAIGN PRACTICES COMMISSION

FROM: *MN* Mark Numainville, City Clerk

SUBJECT: Certification of Public Financing Program Participant

Pursuant to the Fair Elections Act of 2016, the City is required to certify candidates as participants in the City's public financing program.

In order to participate, a candidate must submit an application for participation and complete all required administrative paperwork to process payments.

The candidate must also qualify by submitting 30 contributions of at least \$10 from 30 unique contributors totaling at least \$580.

As of July 14, 2022, the following candidate has submitted the required filings as well as a compliant Initial Qualifying Request and their participation in the program has been approved by City staff:

Application for Participation and Initial Qualifying Request for Funds	
Submitted By:	Mara Kolesas (School Board)
Qualified Contributions:	\$1,767.75
Eligible Matching Funds:	\$10,606.50
Action	Certified candidate to participate in the program. Approved 6:1 matching public funds in an amount not to exceed \$10,606.50

Basic glossary of terms:

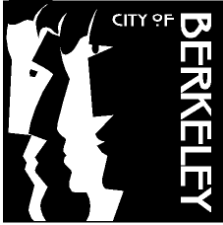
Application for Participation	Required form for participating candidates that certifies they will follow the regulations and requirements of the program.
Qualifying Request	In order to qualify to receive public matching funds, a candidate must collect at least 30 contributions (from 30 unique contributors) of at least \$10 totaling \$580.
Matching Request	Campaign committees participating in the Public Financing Program submit a Matching Request with all required documentation in order to receive Public Matching Funds.

- 2 -

Qualified Contribution	A contribution that is eligible for the 6-to-1 match from the Fair Elections Fund. A Qualified Contribution is a contribution of \$60 or less from a natural person resident of Berkeley.
------------------------	---

Attachments

1. Mara Kolesas: Application for Participation and Initial Qualifying Request for Funds.



City Clerk Department
 2180 Milvia Street
 Berkeley, CA 94704
 (510) 981-6900
www.cityofberkeley.info | elections@cityofberkeley.info

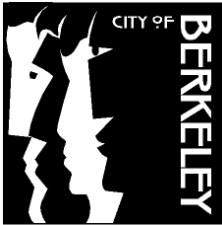
E-Filed
 06/03/2022
 08:33:33
 Filing ID:
 203968210

FAIR ELECTIONS ACT FORM

APPLICATION FOR PARTICIPATION IN PUBLIC FINANCING PROGRAM

(Berkeley Municipal Code Chapter 2.12 – Election Reform Act)

OFFICE SOUGHT		
OFFICE School Board Trustee	COUNCIL DISTRICT (IF APPLICABLE)	
ELECTION CYCLE 11/08/2022		
CANDIDATE INFORMATION		
LAST Kolesas	FIRST Mara	M.I.
COMMITTEE INFORMATION		
NAME OF CAMPAIGN COMMITTEE Mara Kolesas for School Board 2022		FPPC I.D. No. 1447236
CANDIDATE CERTIFICATION		
<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>		
Mara Kolesas CANDIDATE SIGNATURE		06/02/2022 DATE SIGNED



City Clerk Department
2180 Milvia Street
Berkeley, CA 94704
(510) 981-6900

www.cityofberkeley.info | elections@cityofberkeley.info

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07/04/2022
10:44:36

Filing ID:
204102918

**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**

OFFICE SOUGHT			
OFFICE School Board Trustee		COUNCIL DISTRICT (IF APPLICABLE)	
ELECTION CYCLE 11/08/2022			
COMMITTEE INFORMATION			
NAME OF CAMPAIGN COMMITTEE Mara Kolesas for School Board 2022		FPPC I.D. No. 1447236	
STREET ADDRESS 1354 Neilson Street		APARTMENT/SUITE/FLOOR	
CITY Berkeley	STATE CA	ZIP CODE 94702	
TELEPHONE (510) 417-6602	EMAIL ADDRESS marakolesas4schoolboard@gmail.com		
CANDIDATE DECLARATION			
<p>I hereby declare that the following information is true and correct:</p> <ul style="list-style-type: none"> All information on the attached Qualified Contribution Receipts is complete and accurate to the best of my knowledge. I understand that the City shall verify that the qualified contributions meet all of the requirements and restrictions prior to the disbursement of funds. 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. 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. I understand that all campaign filings must be current in order for a disbursement of Fair Election funds to be released. 			
Mara Kolesas		07/04/2022	
CANDIDATE SIGNATURE		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:

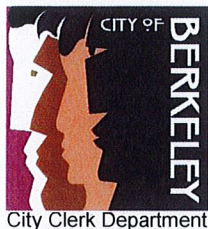
- Qualified Contributions List (below).
- Receipt for Qualified Contribution for Fair Elections Funds.
- Evidence of each contribution received, such as electronic copies of contributor checks, credit card authorizations, or online payment receipts.
- Electronic copies of itemized deposit slips.
- Complete 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.	Goard	Laura	922 Keeler Ave, 415-830-1207	94708 Berkeley	N/A	N/A	Electronic	06/18/2022	06/18/2022	41353149G1776102G	51.75
2.	Brilliant	Mark	1382 Hearst Ave	94702 Berkeley	Professor	University of California, Berkeley	Electronic	06/06/2022	06/06/2022	2NU12528YB7902643	60.00
3.	Stronach	Keren	815 Shattuck Ave	94707 Berkeley	Cancer services patient experience manager	UCSF Medical Center	Electronic	05/11/2022	05/11/2022	82Y75570XW460562G	60.00
4.	Levi	Lelogoa	1305 Cornell Ave	94702 Berkeley	Marketing Consultant	Pier 23 Cafe	Electronic	05/10/2022	05/10/2022	9WD89392MN6702321	60.00
5.	Landau	Zeph	136 Curtis Street	94702 Berkeley	Mathmetician	UC Berkeley	Electronic	05/10/2022	05/10/2022	0KU756125C955390I	60.00
6.	Eisner	Rachel	2303 Spaulding Ave.	94703 Berkeley	Non-profit director	Civicorps	Electronic	05/10/2022	05/10/2022	3ET59036X4564354X	36.00
7.	Starkey	Jamuel	1337 Carlotta Ave.	94703 Berkeley	CEO	Headlands Communications	Electronic	05/10/2022	06/10/2022	8HW79164B880939IT	60.00
8.	Blazej	Nova	1523 Walnut St	94709 Berkeley	Project Mgr.	EPA	Electronic	05/10/2022	05/10/2022	14D232467X9195123	60.00
9.	Obbard Rosenthal	Julie	2801 Piedmont Ave.	94705 Berkeley	Education consultant	Julie Obbard Consulting	Electronic	05/10/2022	05/10/2022	6D9053780T483900I	57.78 60.00
10.	Woolf	Sara	1173 Colusa Ave	94707 Berkeley	doctor	Lifelong Medical	Electronic	05/10/2022	05/10/2022	389579824A6070354	60.00
11.	Stine	Shelene	1623 Ninth Street	94710 Berkeley	Physician, Lecturer	East Bay Medical Group, UC Berkeley	Electronic	05/10/2022	05/10/2022	86481512UW787033U	60.00
12.	Noble	Jeanne	1341 Francisco St	94702 Berkeley	doctor	UCSF	Electronic	05/10/2022	05/09/2022	3FW754752B7791714	60.00
13.	Rudner	Yumi	1211 Dwight Way	94702 Berkeley	homemaker	homemaker	Electronic	05/09/2022	05/09/2022	8P22517104505452R	60.00
14.	Urbina	Lindsey	1533 Derby, Street	94703 Berkeley	Attorney	State of California	Electronic	05/06/2022	05/06/2022	1FW585751R130674C	60.00
15.	Frydman	Daniel	2145 Ward Street	94705 Berkeley	Designer	Scratch.fi	Electronic	05/06/2022	05/06/2022	2LY12330G9993635E	60.00
										Subtotals	865.53 867.75

ITEM 12

Last Name	First Name	Address	Zip Code, City	Occupation	Employer	Payment Method	Date Received	Date Deposited	Deposit Batch #	Amount of Contribution	
16.	Dasgupta	Shamik	1606 La Vareda Road Berkeley	94709	Professor	UC Berkeley	Electronic	05/06/2022	05/06/2022	7E748436GN195524 4	60.00
17.	Solomon	Steven	584 The Alameda Berkeley	94707	Professor	UC Berkeley	Electronic	05/05/2022	05/19/2022	5NR10529H4242001 F	60.00
18.	Kilimnik	Hillary	741 The Alameda Berkeley	94707	Software professional	Squaretrade	Electronic	05/05/2022	05/04/2022	0WW00079AD7933 80Y	60.00
19.	Fakouri Yokahama	Arezoo	2806 Prince Street Berkeley	94705	CEO of the house	mother	Electronic	05/05/2022	05/05/2022	1R87994175990935 W	60.00
20.	Frydman	Lisa	1382 Hearst Ave Berkeley	94702	attorney	Kids In Need of Defense (KIND)	Electronic	05/04/2022	05/04/2022	3M261257ST721651 R	60.00
21.	Tezcan	Baki	1439 Parker Street Berkeley	94702	Professor	UC Davis	Electronic	05/04/2022	05/04/2022	7PY540975E107952 D	60.00
22.	Simon-Weisberg	Deborah	2708 Martin Luther King Jr. Way Berkeley	94703	Physician	Lifelong Medical Care	Electronic	05/03/2022	05/03/2022	1GH10950KE920471 D	60.00
23.	Lauer	Katharine	1918 Napa Ave Berkeley	94907	Attorney	Stripe, Inc.	Electronic	05/03/2022	06/03/2022	9834441716314620T	60.00
24.	Graham	Deborah	1350 Neilson St Berkeley	94702	Finance	East Bay Regional Park District	Electronic	05/03/2022	05/03/2022	9DV418881R497991 Y	60.00
25.	Tobey	Rachel	1008 Grizzly Peak Blvd Berkeley	94708	Public Health Consultant	JSI - John Snow, Inc	Electronic	05/03/2022	05/03/2022	6TH063581W634580 M	60.00
26.	McGlashan	Kate	1451 Blake St Berkeley	94702	Midwife	Long Life Medical Care	Electronic	05/03/2022	05/03/2022	3X830321RY252890 5	60.00
27.	Francis	Nathan	6029 Chabolyn Terrace Berkeley	94618	Attorney	Grove Collaborative	Electronic	05/03/2022	05/03/2022	5DF38772JL129583 T	60.00
28.	Nio	Luan	1603 Derby St Berkeley	94703	Partnerships Director	IDEO.org	Electronic	05/03/2022	05/03/2022	1R397225N4014940 A	60.00
29.	Cipollone	Valerie	3045 Buena Vista Way Berkeley	94708	General Manager	Beaune Imports	Electronic	05/02/2022	05/02/2022	3E1786842B2774210	60.00
30.	Graham	Andrew	1350 Neilson St Berkeley	94702	Sales	Kate Farms	Electronic	04/29/2022	04/29/2022	6L802066KW380945 4	60.00
Subtotals										900.00	
Grand Totals										1,765.53 1,767.75	

\$1,767.75
x 6
\$10,606.50



DATE: August 26, 2022

TO: FAIR CAMPAIGN PRACTICES COMMISSION

FROM: *MM* Mark Numainville, City Clerk

SUBJECT: Certification of Public Financing Program Participant

Pursuant to the Fair Elections Act of 2016, the City is required to certify candidates as participants in the City's public financing program.

In order to participate, a candidate must submit an application for participation and complete all required administrative paperwork to process payments. The candidate must also qualify by submitting 30 contributions of at least \$10 from 30 unique contributors totaling at least \$580.

As of August 26, 2022 the following candidate has submitted the required filings as well as a compliant Initial Qualifying Request and their participation in the program has been approved by City staff:

Application for Participation and Initial Qualifying Request for Funds	
Submitted By:	Carole Marasovic for Rent Board 2022
Qualified Contributions:	\$1,385.97
Eligible Matching Funds:	\$8,000
Action	Certified candidate to participate in the program. Approved 6:1 matching public funds in an amount not to exceed \$8,000. Please note: Candidate's Public Finance matching funds disbursement was calculated to \$8,315.82 however, per Public Finance matching funds disbursement limits the candidate only qualifies for the \$8,000 maximum for Rent Board candidates.

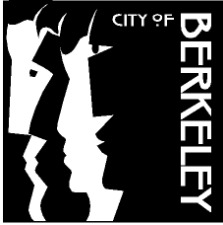
Basic glossary of terms:

Application for Participation	Required form for participating candidates that certifies they will follow the regulations and requirements of the program.
Qualifying Request	In order to qualify to receive public matching funds, a candidate must collect at least 30 contributions (from 30 unique contributors) of at least \$10 totaling \$580.

Matching Request	Campaign committees participating in the Public Financing Program submit a Matching Request with all required documentation in order to receive Public Matching Funds.
Qualified Contribution	A contribution that is eligible for the 6-to-1 match from the Fair Elections Fund. A Qualified Contribution is a contribution of \$60 or less from a natural person resident of Berkeley.

Attachments

1. Carole Marasovic Application for Participation and Initial Qualifying Request for Funds.



City Clerk Department
 2180 Milvia Street
 Berkeley, CA 94704
 (510) 981-6900
www.cityofberkeley.info | elections@cityofberkeley.info

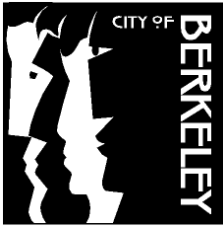
E-Filed
 08/17/2022
 11:26:13
 Filing ID:
 204456066

FAIR ELECTIONS ACT FORM

APPLICATION FOR PARTICIPATION IN PUBLIC FINANCING PROGRAM

(Berkeley Municipal Code Chapter 2.12 – Election Reform Act)

OFFICE SOUGHT		
OFFICE Rent Stabilization Board		COUNCIL DISTRICT (IF APPLICABLE)
ELECTION CYCLE 11/08/2022		
CANDIDATE INFORMATION		
LAST Marasovic	FIRST Carole	M.I.
COMMITTEE INFORMATION		
NAME OF CAMPAIGN COMMITTEE Carole Marasovic for Berkeley Rent Board 2022		FPPC I.D. No. Pending
CANDIDATE CERTIFICATION		
<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>		
Carole Marasovic CANDIDATE SIGNATURE		08/17/2022 DATE SIGNED



City Clerk Department
 2180 Milvia Street
 Berkeley, CA 94704
 (510) 981-6900
www.cityofberkeley.info | elections@cityofberkeley.info

E-Filed
 08/17/2022
 17:15:27
 Filing ID:
 204461706

**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**

OFFICE SOUGHT			
OFFICE Rent Stabilization Board		COUNCIL DISTRICT (IF APPLICABLE)	
ELECTION CYCLE 11/08/2022			
COMMITTEE INFORMATION			
NAME OF CAMPAIGN COMMITTEE Carole Marasovic for Berkeley Rent Board 2022		FPPC I.D. No. Pending	
STREET ADDRESS 1425 Oregon Street #J1		APARTMENT/SUITE/FLOOR	
CITY Berkeley	STATE CA	ZIP CODE 94702	
TELEPHONE (510) 225-5060	EMAIL ADDRESS daphnesflight@yahoo.com		
CANDIDATE DECLARATION			
<p>I hereby declare that the following information is true and correct:</p> <ul style="list-style-type: none"> • All information on the attached Qualified Contribution Receipts is complete and accurate to the best of my knowledge. • I understand that the City shall verify that the qualified contributions meet all of the requirements and restrictions prior to the disbursement of funds. • 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. • 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. • I understand that all campaign filings must be current in order for a disbursement of Fair Election funds to be released. 			
Carole Marasovic CANDIDATE SIGNATURE		08/17/2022 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	DeGuzman	Malyn	1633 Stuart Street	94703 Berkeley	Student	Student	Cash	08/16/2022	08/17/2022	1	40 00
2	Montoya	Roberta	2055 Center Street, 403	94704 Berkeley	Social worker	Dorothy Day House	Cash	08/15/2022	08/17/2022	1	49 99
3	Mercado	Gloria	1425 Oregon Street, #L-3	94702 Berkeley	Retired	Retired	Cash	08/14/2022	08/17/2022	1	10 00
4	Lee	Reichi	1221 Cornell Avenue	94704 Berkeley	Attorney	Self-employed, Reichi Lee	Check	08/12/2022	08/17/2022	1	60 00
5	Morgan	Jennie	1425 Oregon Street, #J-3	94702 Berkeley	Retired	Retired	Cash	08/11/2022	08/17/2022	1	60 00
6	Feller	Alice	2819 Benvenue Avenue	94705 Berkeley	Physician	Self-employed, Alice Feller, Berkeley	Cash	08/11/2022	08/17/2022	1	40 00
7	Bookstein	Denah	2430 Fifth Street, L	94710 Berkeley	Retired	Retired	Check	08/11/2022	08/17/2022	1	36 00
8	Meany	Mary Ann	1443 Russell Street	94702 Berkeley	Berkeley Times	Self Employed, Mary Ann Meany, Berkeley	Check	08/11/2022	08/17/2022	1	35 00
9	Denney	Carole	1970 San Pablo Avenue, Unit 4	94702 Berkeley	Cartoonist	Berkeley Times	Check	08/11/2022	08/17/2022	1	60 00
10	Johnson	Pam	2010 10th Street, Unit A	94710 Berkeley	Advocate / Interpreter for Deaf	Berkeley Place Deaf/ Hard of Hearing late Deafened Project, Box 149, Berkeley CA	Check	08/10/2022	08/10/2022	1	10 00
11	Siegal	Meryl	1144 Cedar Street	94702 Berkeley	Professor	Laney College	Check	08/10/2022	08/17/2022	1	10 00
12	Bohn	Diana	618 San Luis	94707 Berkeley	Retired	Retired	Check	08/09/2022	08/17/2022	2	60 00
13	Daniels	Ollie	1425 Oregon Street, Unit A2	94702 Berkeley	Retired	Retired	Cash	08/09/2022	08/17/2022	1	10 00
14	Blake	Paul	2236 Ward Street, Unit A	94705 Berkeley	Media	East Bay Media	Cash	08/09/2022	08/17/2022	1	10 00
15	Martin	Maurice	1425 Oregon Street, Unit C-3	94702 Berkeley	Student	Student	Cash	08/08/2022	08/17/2022	1	10 00
										Subtotals	500 99

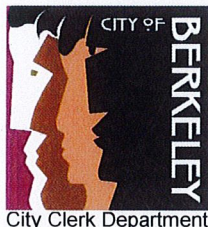
Last Name	First Name	Address	Zip Code, City	Occupation	Employer	Payment Method	Date Received	Date Deposited	Deposit Batch #	Amount of Contribution	
16	Tatto	Deborah	1865 Euclid, Unit 17 Berkeley	94709	Retired	Retired	Cash	08/08/2022	08/17/2022	1	49 99
17	Cuneo	Louis	2512 Regent Street, Unit 3 Berkeley	94704	Retired	Retired	Cash	08/07/2022	08/17/2022	1	49 99
18	Herring	Charles	1425 Oregon Street, Unit J2 Berkeley	94704	Retired	Retired	Cash	08/07/2022	08/17/2022	1	10 00
19	Poole	Marcia	2512 Regent Street Berkeley	94704	Artist	Self-Employed, Marcia Poole, Berkeley	Check	08/07/2022	08/17/2022	1	60 00
20	Thomas	Stephania	1824 San Lorenzo Avenue Berkeley	94707	Retired	Retired	Cash	08/07/2022	08/17/2022	1	35 00
21	Twu	Alfred	14 Hillside Court Berkeley	94704	Architect / Artist	MWA Architects / Self Employed, Alfred Twi, Berkeley	Check	08/06/2022	08/17/2022	1	60 00
22	Thomas Sorgen	Phoebe	1053 Cragmont, Unit B Berkeley	94708	Teacher	Self Employed, Phoebe Thomas Sorgen, Berkeley	Check	08/06/2022	08/17/2022	1	60 00
23	Kromer	John	1911 9th Street, Unit B Berkeley	94710	Engineer	Self Employed, John Kormer, Berkeley	Check	08/06/2022	08/17/2022	1	60 00
24	Halpern	Elliot	1214 Milvia Street Berkeley	94709	Retired	ACLU Board of Directors	Check	08/05/2022	08/17/2022	1	60 00
25	Halpern	Linda	1214 Milvia Street Berkeley	94709	Retired Teacher	Retired	Check	08/05/2022	08/17/2022	1	60 00
26	Goana	Richard	1425 Oregon Street, Unit P3 Berkeley	94702	Retired	Retired	Check	08/04/2022	08/17/2022	1	60 00
27	Wengraf	Susan	1404 Le Roy Avenue Berkeley	94708	City Councilmember	City of Berkeley	Check	08/04/2022	08/17/2022	1	60 00
28	Solberg	Jerome	1622 Fairview Street Berkeley	94703	Engineer	Lawrence Livermore National Lab	Check	08/04/2022	08/17/2022	1	60 00
29	Yep	Ray	557 Neilson Street Berkeley	94703	Retired civil Engineer	Retired	Check	08/04/2022	08/17/2022	1	60 00
30	Hammergren	Ruth	1709 Bancroft Way Berkeley	94703	Retired	Retired	Check	08/01/2022	08/17/2022	1	60 00
31	McCormick	Jacquelyn	305 The Uplands Berkeley	94705	Chief of Staff to the Mayor	City of Berkeley	Check	08/01/2022	08/17/2022	1	60 00
32	Gatto	Charles	101 Parkside Drive Berkeley	94705	Retired	Retired	Cash	07/30/2022	08/17/2022	1	20 00

\$1,385.97
x6
8,315.82

Subtotals	884 98
Grand Totals	1,385 97

Please note: Candidate's Public Finance matching funds disbursement was calculated to \$8,315.82 however, per Public Finance matching funds disbursement limits the candidate only qualifies for the \$8,000 maximum for Rent Board candidates.

Please make a payment of only \$8,000.



DATE: August 22, 2022

TO: FAIR CAMPAIGN PRACTICES COMMISSION

FROM: *MN* Mark Numainville, City Clerk

SUBJECT: Certification of Public Financing Program Participant

Pursuant to the Fair Elections Act of 2016, the City is required to certify candidates as participants in the City's public financing program.

In order to participate, a candidate must submit an application for participation and complete all required administrative paperwork to process payments. The candidate must also qualify by submitting 30 contributions of at least \$10 from 30 unique contributors totaling at least \$580.

As of August 22, 2022 the following candidate has submitted the required filings as well as a compliant Initial Qualifying Request and their participation in the program has been approved by City staff:

Application for Participation and Initial Qualifying Request for Funds	
Submitted By:	Vanessa Danielle Marrero (Rent Board)
Qualified Contributions:	\$1,075
Eligible Matching Funds:	\$6,450
Action	Certified candidate to participate in the program. Approved 6:1 matching public funds in an amount not to exceed \$6,450.

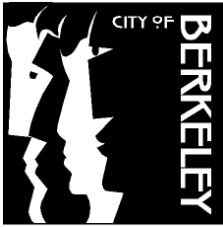
Basic glossary of terms:

Application for Participation	Required form for participating candidates that certifies they will follow the regulations and requirements of the program.
Qualifying Request	In order to qualify to receive public matching funds, a candidate must collect at least 30 contributions (from 30 unique contributors) of at least \$10 totaling \$580.
Matching Request	Campaign committees participating in the Public Financing Program submit a Matching Request with all required documentation in order to receive Public Matching Funds.

Qualified Contribution	A contribution that is eligible for the 6-to-1 match from the Fair Elections Fund. A Qualified Contribution is a contribution of \$60 or less from a natural person resident of Berkeley.
------------------------	---

Attachments

1. Vanessa Danielle Marrero: Application for Participation and Initial Qualifying Request for Funds.



City Clerk Department
 2180 Milvia Street
 Berkeley, CA 94704
 (510) 981-6900
www.cityofberkeley.info | elections@cityofberkeley.info

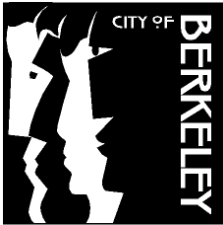
E-Filed
 08/17/2022
 13:28:46
 Filing ID:
 204458281

FAIR ELECTIONS ACT FORM

APPLICATION FOR PARTICIPATION IN PUBLIC FINANCING PROGRAM

(Berkeley Municipal Code Chapter 2.12 – Election Reform Act)

OFFICE SOUGHT		
OFFICE Rent Stabilization Board	COUNCIL DISTRICT (IF APPLICABLE)	
ELECTION CYCLE 11/08/2022		
CANDIDATE INFORMATION		
LAST Marrero	FIRST Vanessa	M.I.
COMMITTEE INFORMATION		
NAME OF CAMPAIGN COMMITTEE Vanessa Danielle Marrero 4 Rent Board 2022	FPPC I.D. No. Pending	
CANDIDATE CERTIFICATION		
<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>		
Vanessa Marrero CANDIDATE SIGNATURE	08/12/2022 DATE SIGNED	



City Clerk Department
2180 Milvia Street
Berkeley, CA 94704
(510) 981-6900

www.cityofberkeley.info | elections@cityofberkeley.info

E-Filed
08/17/2022
14:41:50

Filing ID:
204459210

**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**

OFFICE SOUGHT			
OFFICE Rent Stabilization Board		COUNCIL DISTRICT (IF APPLICABLE)	
ELECTION CYCLE 11/08/2022			
COMMITTEE INFORMATION			
NAME OF CAMPAIGN COMMITTEE Vanessa Danielle Marrero 4 Rent Board 2022		FPPC I.D. No. Pending	
STREET ADDRESS 1819 Addison St., Apt 4		APARTMENT/SUITE/FLOOR	
CITY Berkeley	STATE CA	ZIP CODE 94703	
TELEPHONE (916) 527-4109	EMAIL ADDRESS VANESSADMARRERO4RENTBOARD2022@GMAIL.COM		
CANDIDATE DECLARATION			
<p>I hereby declare that the following information is true and correct:</p> <ul style="list-style-type: none"> All information on the attached Qualified Contribution Receipts is complete and accurate to the best of my knowledge. I understand that the City shall verify that the qualified contributions meet all of the requirements and restrictions prior to the disbursement of funds. 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. 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. I understand that all campaign filings must be current in order for a disbursement of Fair Election funds to be released. 			
Vanessa Marrero		08/17/2022	
CANDIDATE SIGNATURE		DATE SIGNED	

INITIAL QUALIFYING REQUEST FOR FAIR ELECTIONS FUNDS PAYMENT

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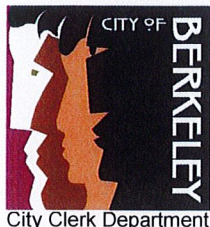
All approved Qualified Contributions are matched at a 6:1 ratio. For all public matching funds requests, a candidate must submit the following documentation:

- 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.	Shanoski	Jennifer	1335 Ashby Ave	94702 Berkeley	Chemistry Professor	Peralta Community College District	Check	08/15/2022	08/15/2022	0	60.00
2.	Lee	Reichi	1221 Cornell Ave	94706 Berkeley	Attorney	Self-Employed	Check	08/12/2022	08/12/2022	0	60.00
3.	Kenyatta	Marysa	1441 University Ave., Apt 3,	94702 Berkeley,	retired	retired	Cash	08/12/2022	08/12/2022	0	10.00
4.	Bierce	Katharine	2607 Fulton St., Unit C,	94704 Berkely,	Manager of Resource Content	Saleforce	Cash	08/11/2022	08/11/2022	0	10.00
5.	Cook	Carol	1416 Peralta Ave,	94702 Berkeley,	retired	Retired	Cash	08/11/2022	08/11/2022	0	10.00
6.	Tregub	Igor	1043 Virginia St,	94710 Berkeley,	Senior Policy Advisor	CASSA	Cash	08/11/2022	08/11/2022	0	20.00
7.	Brown	Micheal	1425 Oregon St	94702 Berkeley	Legal Assistant	SF Public Defenders Office	Cash	08/11/2022	08/11/2022	0	10.00
8.	White	Pam	2216 Spaulding Ave,	94705 Berkeley,	Retired	Retired	Cash	08/11/2022	08/11/2022	0	20.00
9.	Hess	Kathleen	2610 Regnet St., Apt 201,	94704 Berkeley,	Retired	Retired	Check	08/11/2022	08/11/2022	0	10.00
10.	Turitz	Eugene	2124 Derby St,	94705 Berkeley,	Retired	Retired	Check	08/11/2022	08/11/2022	0	20.00
11.	Finch	Steven	2010 5th Street, Apt 478	94710 Berkeley	Teacher	Contra Costa Office of Education	Cash	08/11/2022	08/11/2022	0	10.00
12.	Carter	Jefferey	170 Southhampton Ave,	94707 Berkeley	Attorney	Self-Employed	Check	08/11/2022	08/12/2022	0	60.00
13.	Alberti	Judy	2232 Derby St,	94705 Berkeley,	Retired	Retired	Check	08/11/2022	08/11/2022	0	20.00
14.	Schartz	Yvonne	1626 Dwight Way., Apt B,	94703 Berkeley,	Retired	Retired	Check	08/11/2022	08/11/2022	0	10.00
15.	Garcia-Paredes	Alejandro	1427 Ninth St., Apt 4,	94710 Berkeley,	Senior Quality Engineer	Pear Therapeutics	Check	08/11/2022	08/11/2022	0	10.00
										Subtotals	340.00

Last Name	First Name	Address	Zip Code, City	Occupation	Employer	Payment Method	Date Received	Date Deposited	Deposit Batch #	Amount of Contribution	
16.	Auerbach	Elana	1636 Bonita Ave, Berkeley,	94709	Preistess	Self-Employed	Check	08/11/2022	08/11/2022	0	30.00
17.	Bogert	William	2022 Virgina St., Apt 8, Berkeley	94709	Technical Specialist	Kaiser Permeanete Health Center	Check	08/11/2022	08/11/2022	0	40.00
18.	Kandarian	May	1918 Grant St Berkeley	94703	Retired	Retired	Check	08/11/2022	08/11/2022	0	10.00
19.	Maclean	Judith	2610 Regent St., Apt 201, Berkeley,	94704	Retired	Retired	Check	08/11/2022	08/11/2022	0	10.00
20.	Anderson	Maxwell	1901 Alcatraz, berkeley, Ca,	94703	Retired	Retired	Check	08/10/2022	08/10/2022	0	60.00
21.	Olivenbaum	Linda	1901 Alcatraz Ave, Berkeley,	94703	Retired	Retired	Check	08/10/2022	08/10/2022	0	60.00
22.	Cato	Julia	2431 Jefferson., 4 Berkely	94703	Retired	Retired	Check	08/10/2022	08/10/2022	0	10.00
23.	Smith	Margot	1300 Shattuck Ave., Apt A Berkeley	94709	Retired	Retired	Check	08/10/2022	08/10/2022	0	10.00
24.	LoCoco	Francesco	1624 Hearst Ave Berkeley	94709	RESTAURANT OWNER	Self Employed	Cash	08/10/2022	08/10/2022	0	40.00
25.	Harrison	Kathryn	2043 Lincoln Street, Berkeley,	94709	City Councilmember	City of Berkeley	Check	08/10/2022	08/10/2022	0	25.00
26.	Chang	James	1601 Allston Way Berkeley,	94703	Commissioner	City of Berkeley	Check	08/09/2022	08/09/2022	0	60.00
27.	Levitt	Ellen	1819 Addison Street., Apt 7, Berkeley,	94703	Midwife	Self-Employed	Cash	08/09/2022	08/09/2022	0	20.00
28.	Smart	Rebecca	2175 Kittredge Street, Berkeley,	94704	Nanny	Self-Employed	Cash	08/09/2022	08/09/2022	0	10.00
29.	Smart	Genaro	2175 Kittredge Street, Berkeley,	94704	Chef	Culinary Experience	Cash	08/09/2022	08/09/2022	0	10.00
30.	Nolan	Robert	1819 Addison Street., Apt 7, Berkeley,	94703	Ticket Agent	City of Walnut Creek	Check	08/09/2022	08/09/2022	0	30.00
31.	Laverde	Paola	1533 MLK Jr.Way, Apt 4, Berkeley,	94709	Bilingual Public Information Officer	Department of Industrial Relations	Check	08/08/2022	08/08/2022	0	60.00
32.	Lewis	Matthew	1333 Shattuck Avenue, Berkeley,	94707	Unemployed	Unemployed	Check	08/08/2022	08/08/2022	0	60.00
33.	Alpert	Solomon	2120 Delaware Street., Apt 3, Berkeley,	94704	Legislative Assistant	City of Berkeley	Check	08/08/2022	08/08/2022	0	60.00
34.	Baumann	Maryjo	1301 Walnut Street, Berkeley,	94709	Retired	Retired	Check	08/08/2022	08/08/2022	0	60.00
35.	Mosaed	Negeene	1178 Colusa Ave, Berkeley,	94707	Physical Therapist	Berkeley Community Physical Therapy	Check	08/07/2022	08/07/2022	0	60.00
36.	Martinac	Ida	2838 Milvia Street, Berkeley,	94703	Legal Secretary	State of California Department of Justice	Check	08/07/2022	08/07/2022	0	10.00
										Subtotals	735.00
										Grand Totals	1,075.00

1,075
X6
6,450



DATE: August 19, 2022

TO: FAIR CAMPAIGN PRACTICES COMMISSION

FROM: *MN* Mark Numainville, City Clerk

SUBJECT: Certification of Public Financing Program Participant

Pursuant to the Fair Elections Act of 2016, the City is required to certify candidates as participants in the City's public financing program.

In order to participate, a candidate must submit an application for participation and complete all required administrative paperwork to process payments. The candidate must also qualify by submitting 30 contributions of at least \$10 from 30 unique contributors totaling at least \$580.

As of August 19, 2022 the following candidate has submitted the required filings as well as a compliant Initial Qualifying Request and their participation in the program has been approved by City staff:

Application for Participation and Initial Qualifying Request for Funds	
Submitted By:	Ida Martinac (Rent Board)
Qualified Contributions:	\$1,267
Eligible Matching Funds:	\$7,602
Action	Certified candidate to participate in the program. Approved 6:1 matching public funds in an amount not to exceed \$7,602.

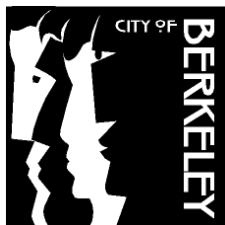
Basic glossary of terms:

Application for Participation	Required form for participating candidates that certifies they will follow the regulations and requirements of the program.
Qualifying Request	In order to qualify to receive public matching funds, a candidate must collect at least 30 contributions (from 30 unique contributors) of at least \$10 totaling \$580.
Matching Request	Campaign committees participating in the Public Financing Program submit a Matching Request with all required documentation in order to receive Public Matching Funds.

Qualified Contribution	A contribution that is eligible for the 6-to-1 match from the Fair Elections Fund. A Qualified Contribution is a contribution of \$60 or less from a natural person resident of Berkeley.
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Attachments

1. Ida Martinac: Application for Participation and Initial Qualifying Request for Funds.



City Clerk Department
 2180 Milvia Street
 Berkeley, CA 94704
 (510) 981-6900
www.cityofberkeley.info | elections@cityofberkeley.info

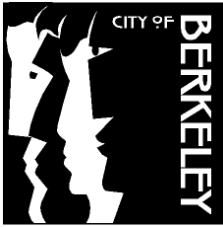
E-Filed
 08/17/2022
 15:38:49
 Filing ID:
 204460110

FAIR ELECTIONS ACT FORM

APPLICATION FOR PARTICIPATION IN PUBLIC FINANCING PROGRAM

(Berkeley Municipal Code Chapter 2.12 – Election Reform Act)

OFFICE SOUGHT		
OFFICE Rent Stabilization Board	COUNCIL DISTRICT (IF APPLICABLE)	
ELECTION CYCLE 11/08/2022		
CANDIDATE INFORMATION		
LAST Martinac	FIRST Ida	M.I.
COMMITTEE INFORMATION		
NAME OF CAMPAIGN COMMITTEE Ida Martinac for Rent Board 2022	FPPC I.D. No. Pending	
CANDIDATE CERTIFICATION		
<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>		
Ida Martinac CANDIDATE SIGNATURE	08/17/2022 DATE SIGNED	



City Clerk Department
 2180 Milvia Street
 Berkeley, CA 94704
 (510) 981-6900
www.cityofberkeley.info | elections@cityofberkeley.info

E-Filed
 08/17/2022
 15:43:05
 Filing ID:
 204460214

**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**

OFFICE SOUGHT			
OFFICE Rent Stabilization Board		COUNCIL DISTRICT (IF APPLICABLE)	
ELECTION CYCLE 11/08/2022			
COMMITTEE INFORMATION			
NAME OF CAMPAIGN COMMITTEE Ida Martinac for Rent Board 2022		FPPC I.D. No. Pending	
STREET ADDRESS 2838 Milvia St.		APARTMENT/SUITE/FLOOR	
CITY Berkeley	STATE CA	ZIP CODE 94703	
TELEPHONE (415) 812-5572	EMAIL ADDRESS ida.martinac@gmail.com		
CANDIDATE DECLARATION			
<p>I hereby declare that the following information is true and correct:</p> <ul style="list-style-type: none"> All information on the attached Qualified Contribution Receipts is complete and accurate to the best of my knowledge. I understand that the City shall verify that the qualified contributions meet all of the requirements and restrictions prior to the disbursement of funds. 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. 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. I understand that all campaign filings must be current in order for a disbursement of Fair Election funds to be released. 			
Ida Martinac		08/17/2022	
CANDIDATE SIGNATURE		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.	Kealey	Melissa	172 Stuart Street, Apt. A	94703 Berkeley	Research Scientist	State of California, Richmond	Check	08/13/2022	08/18/2022	1	10.00
2.	Brown	Michael	1425 Oregon Street, B4	94702 Berkeley	Legal Assistant	SF Public Defender's Office	Check	08/12/2022	08/18/2022	1	10.00
3.	Tremblay	Brian	1618 63rd Street, Apt. B	94703 Berkeley	Analyst	US. GAO	Check	08/11/2022	08/18/2022	1	10.00
4.	Twu	Alfred	14 Hillside Court	94704 Berkeley	Architect/Artist	MWA Architects	Check	08/11/2022	08/18/2022	1	27.00
5.	Schwartz	Yvonne	1626 Dwight Way	94703 Berkeley	Retired	Retired	Check	08/11/2022	08/18/2022	1	10.00
6.	Bogert	William	2022 Virginia Street, #8	94709 Berkeley	Technical Specialist	Kaiser Foundation Health Plan	Check	08/11/2022	08/18/2022	1	40.00
7.	Kandarian	Mat	1918 Grant Street	94703 Berkeley	Retired	Retired	Cash	08/11/2022	08/18/2022	1	10.00
8.	MacLean	Judith	2610 Regent Street, #201	94704 Berkeley	Retired	Retired	Check	08/11/2022	08/18/2022	1	10.00
9.	Hess	Kathleen	2610 Regent Street, #201	94704 Berkeley	Retired	Retired	Check	08/11/2022	08/18/2022	1	10.00
10.	Alberti	Judy Ann	2232 Derby Street	94705 Berkeley	Retired	Retired	Check	08/11/2022	08/18/2022	1	20.00
11.	Finch	Steven	2010 5th Street, #478	94710 Berkeley	Teacher	Contra Costa County Office of Education	Cash	08/11/2022	08/18/2022	1	10.00
12.	Cato	Julia	2431 Jefferson Street	94703 Berkeley	Retired	Retired	Check	08/11/2022	08/18/2022	1	10.00
13.	Garcia-Paredos	Alejandro	1427 Ninth Street	94710 Berkeley	Senior Engineer	Pear Therapeutics	Check	08/11/2022	08/18/2022	1	10.00
14.	Turitz	Eugene	2124 Derby Street	94705 Berkeley	Retired	Retired	Check	08/11/2022	08/18/2022	1	20.00
15.	Bierle	Katherine	2607 Fulton Street, Unit C	94704 Berkeley	Manager, Research Content	Salesforce	Cash	08/11/2022	08/18/2022	1	10.00
										Subtotals	217.00

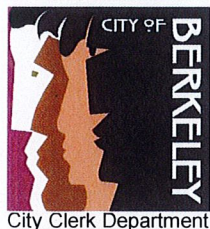
ITEM 12

Last Name	First Name	Address	Zip Code, City	Occupation	Employer	Payment Method	Date Received	Date Deposited	Deposit Batch #	Amount of Contribution	
16.	Auerbach	Elana	1636 Bonita Avenue Berkeley	94709	Priestess	Self-Employed	Check	08/11/2022	08/18/2022	1	30.00
17.	Baumann	Mary Jo	1301 Walnut Street Berkeley	94709	Retired	Retired	Check	08/11/2022	08/18/2022	1	60.00
18.	Carter	Jeffrey	170 Southampton Berkeley	94707	Attorney	Self-Employed	Check	08/11/2022	08/18/2022	1	60.00
19.	Mosaed	Negeene	1178 Colusa Avenue Berkeley	94704	Physical Therapy	Berkeley Community Physical Therapy	Check	08/10/2022	08/18/2022	1	20.00
20.	Anderson	Maxwell	1901 Alcatraz Avenue Berkeley	94703	Retired	Retired	Check	08/10/2022	08/18/2022	1	60.00
21.	Olivenbaum	Linda	1901 Alcatraz Avenue Berkeley	94703	Retired	Retired	Check	08/10/2022	08/18/2022	1	60.00
22.	Harrison	Katherine	2043 Lincoln Street Berkeley	94709	City Councilmember	City of Berkeley	Check	08/10/2022	08/18/2022	1	25.00
23.	Isaacson	Mike	2106 Russell Street Berkeley	94705	IT Administrator	Cutler Group LLP	Check	08/10/2022	08/18/2022	1	10.00
24.	Mullis	Sean	2870 Milvia Street Berkeley	94703	Unknown	Unknown	Check	08/10/2022	08/18/2022	1	20.00
25.	Gilbert	Spencer	2840 Milvia Street Berkeley	94703	Crewmate	Trader Joe's	Cash	08/10/2022	08/18/2022	1	10.00
26.	Tremblay	Constance	1601 Tyler Street Berkeley	94703	Human Resources	University of California Office of the President	Check	08/10/2022	08/18/2022	1	10.00
27.	Nutter	Tamsin	1614 Tyler Street Berkeley	94703	Writer/Editor	Exploratorium, SF	Check	08/10/2022	08/18/2022	1	15.00
28.	Hart	Ian	1614 Tyler Street Berkeley	94703	Preparator	California Academy of Sciences, SF	Check	08/10/2022	08/18/2022	1	15.00
29.	Chang	James	1601 Allston Way Berkeley	94703	Commissioner	City of Berkeley	Check	08/09/2022	08/18/2022	1	60.00
30.	Grenham	Sarah	1119 Carleton Street Berkeley	94702	Social Worker	Kaiser	Check	08/09/2022	08/18/2022	1	40.00
31.	Hallinan	Katherine	2556 Mabel Street Berkeley	94702	Attorney	Law Office of Katherine Hallinan, Berkeley	Cash	08/09/2022	08/18/2022	1	20.00
32.	Earnest	LaMonte	2556 Mabel Street Berkeley	94702	Customer Service Rep	Home Depot, Emeryville	Cash	08/09/2022	08/18/2022	1	10.00
33.	Hallinan	Wendy	2556 Mabel Street Berkeley	94702	Retired	Retired	Cash	08/09/2022	08/18/2022	1	10.00
34.	Hallinan	Daniel	2556 Mabel Street Berkeley	94702	Retired	Retired	Cash	08/09/2022	08/18/2022	1	20.00
35.	Irwin	Joshua	2225 Byron Street Berkeley	94702	Attorney	California Dept. of Justice	Check	08/09/2022	08/18/2022	1	50.00
36.	Koller	Susanne	949 University Avenue Berkeley	94710	Administrator	Tenderloin Housing Clinic, SF	Cash	08/09/2022	08/18/2022	1	10.00
Subtotals										615.00	

ITEM 12

Last Name	First Name	Address	Zip Code, City	Occupation	Employer	Payment Method	Date Received	Date Deposited	Deposit Batch #	Amount of Contribution	
37.	Cook	Carol	1416 Peralta Berkeley	94702	Retired	Retired	Cash	08/09/2022	08/18/2022	1	20.00
38.	Cheng	Michael	1202 Tevlin Street Berkeley	94706	Retired	Retired	Check	08/09/2022	08/18/2022	1	10.00
39.	Lowhurst	Karen	2022 Del Norte Street Berkeley	94707	Attorney	State of California	Check	08/09/2022	08/18/2022	1	50.00
40.	Laverde	Paola	1533 Martin Luther King Jr. Way, #4 Berkeley	94709	Bilingual Public Information Officer	Dept. of Industrial Relations	Check	08/09/2022	08/18/2022	1	60.00
41.	Stahr	Elliot	2321 Derby Street Berkeley	94705	Student	Unknown	Cash	08/08/2022	08/18/2022	1	25.00
42.	Palmer	Jesse	2231 Ashby Avenue Berkeley	94705	Lawyer	Self-Employed	Check	08/08/2022	08/18/2022	1	10.00
43.	Kenney	Kristi	2231 Ashby Avenue Berkeley	94705	Librarian	Friends of San Quentin Library	Check	08/08/2022	08/18/2022	1	10.00
44.	Bellessis	Honey	2231 Ashby Avenue Berkeley	94705	Self-Employed	Self-Employed	Cash	08/08/2022	08/18/2022	1	10.00
45.	Alpert	Solomon	2120 Delaware Street, #3 Berkeley	94709	Legislative Assistant	City of Berkeley	Check	08/08/2022	08/18/2022	1	60.00
46.	Graham	Joanna	2155 N. Valley Street Berkeley	94702	Retired	Retired	Cash	08/07/2022	08/18/2022	1	20.00
47.	Auclair	Bethany	2840 Milvia Street Berkeley	94703	Social Media Manager	ProAchre Chiropractic	Check	08/07/2022	08/18/2022	1	20.00
48.	Marrero	Vanessa	1819 Addison Street, Apt. 4 Berkeley	94703	Executive Director	Parents for Public Schools - San Francisco	Cash	08/07/2022	08/18/2022	1	10.00
49.	Yan	Darlene	2155 Ashby Avenue Berkeley	94705			Check	08/07/2022	08/18/2022	1	50.00
50.	Graham	Oscar	2155 N. Valley Street Berkeley	94702	Retired	Retired	Cash	08/07/2022	08/18/2022	1	20.00
51.	Jeren	Nadimi	2874 Milvia Street Berkeley	94703	Designer	DES Architects & Engineers	Cash	08/06/2022	08/18/2022	1	20.00
52.	Silvan	Gail	1429 Harmon Street Berkeley	94702	Clinical Law Professor	UC Hastings College of Law	Check	08/05/2022	08/18/2022	1	40.00
										Subtotals	435.00
										Grand Totals	1,267.00

1,267
X6
7,602



DATE: August 22, 2022

TO: FAIR CAMPAIGN PRACTICES COMMISSION

FROM: *MN* Mark Numainville, City Clerk

SUBJECT: Certification of Public Financing Program Participant

Pursuant to the Fair Elections Act of 2016, the City is required to certify candidates as participants in the City's public financing program.

In order to participate, a candidate must submit an application for participation and complete all required administrative paperwork to process payments. The candidate must also qualify by submitting 30 contributions of at least \$10 from 30 unique contributors totaling at least \$580.

As of August 22, 2022 the following candidate has submitted the required filings as well as a compliant Initial Qualifying Request and their participation in the program has been approved by City staff:

Application for Participation and Initial Qualifying Request for Funds	
Submitted By:	Mari Mendonca (District 8)
Qualified Contributions:	\$1,698
Eligible Matching Funds:	\$10,188
Action	Certified candidate to participate in the program. Approved 6:1 matching public funds in an amount not to exceed \$10,188.

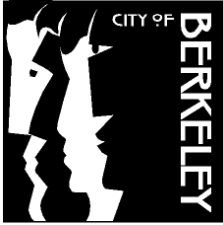
Basic glossary of terms:

Application for Participation	Required form for participating candidates that certifies they will follow the regulations and requirements of the program.
Qualifying Request	In order to qualify to receive public matching funds, a candidate must collect at least 30 contributions (from 30 unique contributors) of at least \$10 totaling \$580.
Matching Request	Campaign committees participating in the Public Financing Program submit a Matching Request with all required documentation in order to receive Public Matching Funds.

Qualified Contribution	A contribution that is eligible for the 6-to-1 match from the Fair Elections Fund. A Qualified Contribution is a contribution of \$60 or less from a natural person resident of Berkeley.
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Attachments

1. Mari Mendonca: Application for Participation and Initial Qualifying Request for Funds.



City Clerk Department
 2180 Milvia Street
 Berkeley, CA 94704
 (510) 981-6900
www.cityofberkeley.info | elections@cityofberkeley.info

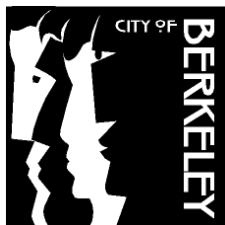
E-Filed
 08/10/2022
 22:13:16
 Filing ID:
 204409106

FAIR ELECTIONS ACT FORM

APPLICATION FOR PARTICIPATION IN PUBLIC FINANCING PROGRAM

(Berkeley Municipal Code Chapter 2.12 – Election Reform Act)

OFFICE SOUGHT		
OFFICE City Council Member	COUNCIL DISTRICT (IF APPLICABLE) 8	
ELECTION CYCLE 11/08/2022		
CANDIDATE INFORMATION		
LAST Mendonca	FIRST Mari	M.I.
COMMITTEE INFORMATION		
NAME OF CAMPAIGN COMMITTEE Mari Mendonca for City Council District 8		FPPC I.D. No. Pending
CANDIDATE CERTIFICATION		
<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>		
Mari Mendonca _____ CANDIDATE SIGNATURE		08/10/2022 _____ DATE SIGNED



City Clerk Department
2180 Milvia Street
Berkeley, CA 94704
(510) 981-6900

www.cityofberkeley.info | elections@cityofberkeley.info

E-Filed
08/16/2022
19:32:20

Filing ID:
204452389

**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**

OFFICE SOUGHT			
OFFICE City Council Member		COUNCIL DISTRICT (IF APPLICABLE) District 8	
ELECTION CYCLE 11/08/2022			
COMMITTEE INFORMATION			
NAME OF CAMPAIGN COMMITTEE Mari Mendonca for City Council District 8		FPPC I.D. No. Pending	
STREET ADDRESS 2166 Ashby Ave		APARTMENT/SUITE/FLOOR	
CITY Berkeley	STATE CA	ZIP CODE 94705	
TELEPHONE (510) 776-7566	EMAIL ADDRESS marimendoncacouncildist82022@gmail.com		
CANDIDATE DECLARATION			
<p>I hereby declare that the following information is true and correct:</p> <ul style="list-style-type: none"> All information on the attached Qualified Contribution Receipts is complete and accurate to the best of my knowledge. I understand that the City shall verify that the qualified contributions meet all of the requirements and restrictions prior to the disbursement of funds. 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. 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. I understand that all campaign filings must be current in order for a disbursement of Fair Election funds to be released. 			
Mari Mendonca CANDIDATE SIGNATURE		08/16/2022 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.	Laverde	Paola	1533 Martin Luther King Jr. Way, 4	94709 Berkeley	Bilingual Public Information Officer	California Department of Industrial Relation	Check	08/12/2022	08/12/2022	3	60.00
2.	Kambon	Afitiombe	1114 Francisco Street	94702 Berkeley	Retired	Retired	Check	08/12/2022	08/12/2022	3	25.00
3.	Gross	Joseph	3133 Lewiston Street	94702 Berkeley	Retired	Retired	Check	08/10/2022	08/11/2022	2	60.00
4.	Brosgart	Carol	3133 Lewiston Street	94705 Berkeley	Retired	Retired	Check	08/10/2022	08/11/2022	2	60.00
5.	McFadden	James	2430 McGee Avenue	94703 Berkeley	Physicist	University of California	Check	08/10/2022	08/11/2022	2	60.00
6.	Chang	James	1601 Allston Way	94703 Berkeley	Commissioner	City of Berkeley	Check	08/10/2022	08/11/2022	2	60.00
7.	Shaw	Carolyn	2811 Mathews Street	94702 Berkeley	Retired	Retired	Cash	08/09/2022	08/11/2022	2	20.00
8.	Finkelstein	Eliza	2910 Avalon Avenue	94705 Berkeley	Educator	Fulcrum Oakland	Cash	08/09/2022	08/11/2022	2	60.00
9.	Freeman	Tamar	1801 University Avenue, 207	94703 Berkeley	Student	Merritt College, Oakland	Check	08/09/2022	08/11/2022	2	20.00
10.	Mosaed	Negeene	1178 Colusa Avenue	94707 Berkeley	Physical Therapist	Berkeley Physical Therapy	Check	08/09/2022	08/11/2022	2	60.00
11.	McNeil	Jeannette	1407 Parker Street	94705 Berkeley	Educator	San Leandro Unified School District	Cash	08/09/2022	08/11/2022	2	60.00
12.	Pascua	Rachel-Ann	1662 Dwight Way	94703 Berkeley	Florist	Emilia Flowers Berkeley	Cash	08/08/2022	08/11/2022	2	18.00
13.	Huchting	Catherine	3013 Ellis Street	94703 Berkeley	Director of Business Development	Chronicle Books	Check	08/07/2022	08/08/2022	1	60.00
14.	Lloyd	Austin	2333 Grant Street	94703 Berkeley	Gardener	Self employed	Check	08/07/2022	08/11/2022	2	60.00
15.	Lloyd	Deborah	2333 Grant Street	94703 Berkeley	Retired	Retired	Check	08/07/2022	08/08/2022	1	60.00
										Subtotals	743.00
											623

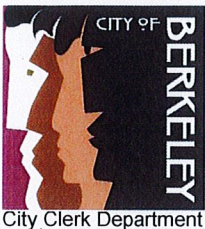
ITEM 12

Last Name	First Name	Address	Zip Code, City	Occupation	Employer	Payment Method	Date Received	Date Deposited	Deposit Batch #	Amount of Contribution	
16.	Sitkin Morgan	Jennifer	2834 Russell Street Berkeley	94705	Teacher	Castro Valley Unified School District	Check	08/07/2022	08/08/2022	1	60.00
17.	Payne	Lazondas	2928 California Street Berkeley	94703	Retired	Retired	Check	08/06/2022	08/08/2022	1	50.00
18.	Anderson	Maxwell	1901 Alcatraz Avenue Berkeley	94703	Retired	Retired	Check	08/06/2022	08/08/2022	1	60.00
19.	Olivenbaum	Linda	1901 Alcatraz Avenue Berkeley	94703	Retired	Retired	Check	08/06/2022	08/08/2022	1	60.00
20.	Schildt	Christine	1829 63rd Street Berkeley	94703	Policy Advocate	Urban Habitat	Check	08/06/2022	08/08/2022	1	60.00
21.	Wilkinson	Fony	3025 Ellis Street Berkeley	94703	Retired	Retired	Check	08/05/2022	08/08/2022	1	60.00
22.	Behm-Steinberg	Mary	1447 Kains Street Berkeley	94702	Disabled Berkeley	Disabled	Check	08/05/2022	08/08/2022	1	30.00
23.	Behm-Steinburg	Hugh	1447 Kains Street Berkeley	94702	Adj. Professional	California College of the Arts	Check	08/05/2022	08/08/2022	1	30.00
24.	Regas	Kurt	2122 Woolsey Street Berkeley	94705	Self-employed Berkeley	Gardener	Check	08/05/2022	08/08/2022	1	20.00
25.	Conrad	Marguerite	2122 Woolsey Street Berkeley	94705	Professor	San Francisco State University	Cash	08/05/2022	08/08/2022	1	10.00
26.	Hine	Priscilla	1806 Prince Street Berkeley	94703	Head Royce School, Oakland	Teacher	Check	08/05/2022	08/08/2022	1	20.00
27.	Sayre	Anne	44 Domingo Avenue Berkeley	94705	retired	2libbysayre@gmail.com	Check	08/04/2022	08/08/2022	1	25.00
28.	Kano	Susan	2315 Parker Street Berkeley	94704	Retired	Retired	Check	08/04/2022	08/08/2022	1	60.00
29.	Brown	Alison	2242 Woolsey Street Berkeley	94705	Teacher	Hayward Unified School District	Check	08/04/2022	08/08/2022	1	60.00
30.	Rosenkrantz	Sarah	1308 66th Street Berkeley	94702	Teacher Librarian	Berkeley Unified School District	Check	08/04/2022	08/08/2022	1	40.00
31.	Turitz	Eugene	2124 Derby Street Berkeley	94705	Retired	Retired	Check	08/04/2022	08/08/2022	1	60.00
32.	Rosenkrantz	Louise	2124 Derby Street Berkeley	94705	Retired	Retired	Check	08/04/2022	08/08/2022	1	60.00
33.	Brown	Gail	2124 Derby Street Berkeley	94705	Retired	Retired	Check	08/04/2022	08/08/2022	1	60.00
34.	Brown	Stephanie	2808 Edwards Street Berkeley	94702	Retired	Retired	Check	08/04/2022	08/08/2022	1	60.00
35.	Anderson	Adrian	2242 Woolsey Street Berkeley	94705	Instructional Assistant	Oakland Unified School District	Cash	08/04/2022	08/08/2022	1	40.00
36.	Hallinan	Matthew	2308 Edwards Street Berkeley	94702	Retired	Retired	Cash	08/04/2022	08/08/2022	1	60.00
										Subtotals	905 985.00

ITEM 12

Last Name	First Name	Address	Zip Code, City	Occupation	Employer	Payment Method	Date Received	Date Deposited	Deposit Batch #	Amount of Contribution
37. Brown	Jenifer	2242 Woolsey Street	94705 Berkeley	Division Director	Alameda County Probation	Check	08/04/2022	08/08/2022	1	60.00
38. Haddow	Tyler	2178 Ashby Avenue, B	94705 Berkeley	Graduate Student Instructor	UC Berkeley	Check	08/03/2022	08/08/2022	1	60.00
39. Cooper	Lynn	2129 Emerson Street	94705 Berkeley	Retired	Retired	Check	08/03/2022	08/08/2022	1	50.00
									Subtotals	170.00
									Grand Totals	1,898.00 1,698

1,698
X6
 10,188



DATE: August 26, 2022

TO: FAIR CAMPAIGN PRACTICES COMMISSION

FROM: *MN* Mark Numainville, City Clerk

SUBJECT: Certification of Public Financing Program Participant

Pursuant to the Fair Elections Act of 2016, the City is required to certify candidates as participants in the City's public financing program.

In order to participate, a candidate must submit an application for participation and complete all required administrative paperwork to process payments. The candidate must also qualify by submitting 30 contributions of at least \$10 from 30 unique contributors totaling at least \$580.

As of August 26, 2022 the following candidate has submitted the required filings as well as a compliant Initial Qualifying Request and their participation in the program has been approved by City staff:

Application for Participation and Initial Qualifying Request for Funds	
Submitted By:	Nathan Mizell for Rent Board 2022
Qualified Contributions:	\$1,070
Eligible Matching Funds:	\$6,420
Action	Certified candidate to participate in the program. Approved 6:1 matching public funds in an amount not to exceed \$6,420.

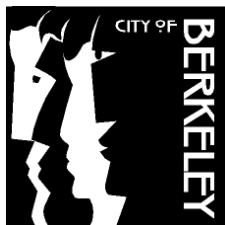
Basic glossary of terms:

Application for Participation	Required form for participating candidates that certifies they will follow the regulations and requirements of the program.
Qualifying Request	In order to qualify to receive public matching funds, a candidate must collect at least 30 contributions (from 30 unique contributors) of at least \$10 totaling \$580.
Matching Request	Campaign committees participating in the Public Financing Program submit a Matching Request with all required documentation in order to receive Public Matching Funds.

Qualified Contribution	A contribution that is eligible for the 6-to-1 match from the Fair Elections Fund. A Qualified Contribution is a contribution of \$60 or less from a natural person resident of Berkeley.
------------------------	---

Attachments

1. Nathan Mizell: Application for Participation and Initial Qualifying Request for Funds.



City Clerk Department
 2180 Milvia Street
 Berkeley, CA 94704
 (510) 981-6900
www.cityofberkeley.info | elections@cityofberkeley.info

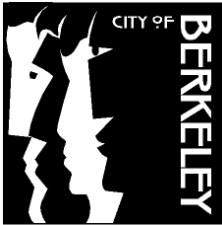
E-Filed
 08/17/2022
 16:46:34
 Filing ID:
 204461100

FAIR ELECTIONS ACT FORM

APPLICATION FOR PARTICIPATION IN PUBLIC FINANCING PROGRAM

(Berkeley Municipal Code Chapter 2.12 – Election Reform Act)

OFFICE SOUGHT		
OFFICE Rent Stabilization Board	COUNCIL DISTRICT (IF APPLICABLE)	
ELECTION CYCLE 11/08/2022		
CANDIDATE INFORMATION		
LAST Mizell	FIRST Nathan	M.I.
COMMITTEE INFORMATION		
NAME OF CAMPAIGN COMMITTEE Nathan Mizell for Berkeley Rent Board 2022	FPPC I.D. No. Pending	
CANDIDATE CERTIFICATION		
<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>		
Nathan Mizell CANDIDATE SIGNATURE	08/17/2022 DATE SIGNED	



City Clerk Department
 2180 Milvia Street
 Berkeley, CA 94704
 (510) 981-6900
www.cityofberkeley.info | elections@cityofberkeley.info

E-Filed
 08/17/2022
 16:47:44
 Filing ID:
 204461137

**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**

OFFICE SOUGHT			
OFFICE Rent Stabilization Board		COUNCIL DISTRICT (IF APPLICABLE)	
ELECTION CYCLE 11/08/2022			
COMMITTEE INFORMATION			
NAME OF CAMPAIGN COMMITTEE Nathan Mizell for Berkeley Rent Board 2022		FPPC I.D. No. Pending	
STREET ADDRESS 2533 Hillegass Ave.		APARTMENT/SUITE/FLOOR	
CITY Berkeley	STATE CA	ZIP CODE 94704	
TELEPHONE (760) 917-2699	EMAIL ADDRESS nmizell@berkeley.edu		
CANDIDATE DECLARATION			
<p>I hereby declare that the following information is true and correct:</p> <ul style="list-style-type: none"> All information on the attached Qualified Contribution Receipts is complete and accurate to the best of my knowledge. I understand that the City shall verify that the qualified contributions meet all of the requirements and restrictions prior to the disbursement of funds. 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. 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. I understand that all campaign filings must be current in order for a disbursement of Fair Election funds to be released. 			
Nathan Mizell		08/17/2022	
CANDIDATE SIGNATURE		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.	Laverde	Paola	1533 Martin Luther King Jr. Way, 4	94709 Berkeley	Bilingual Public Information office	Dept. of Industrial Relations	Check	08/17/2022	08/17/2022	-	25.00
2.	Harrison	Kate	2043 Lincoln Steet	94704 Berkeley	City Councilmember	City of Berkeley	Check	08/16/2022	08/17/2022	-	35.00
3.	Calavita	Kitty	1883 San Pedro Road	94707 Berkeley	Retired	N/A	Check	08/16/2022	08/17/2022	-	50.00
4.	Hess	Kathleen	2610 Regent St, 201	94704 Berkeley	Retired	N/A	Check	08/11/2022	08/17/2022	-	10.00
5.	Turitz	Eugene	424 Derby Street	94705 Berkeley	Retired	N/A	Check	08/11/2022	08/17/2022	-	20.00
6.	Martinac	Ida	2838 Milvia St.	94703 Berkeley	Legal Secretary	CA DOJ	Check	08/11/2022	08/17/2022	-	10.00
7.	Meaclean	Judith	2610 Regent St., 201	94704 Berkeley	Retired	N/A	Check	08/11/2022	08/17/2022	-	10.00
8.	Alberti	Judy	2232 Derby Street	94705 Berkeley	Retired	N/A	Check	08/11/2022	08/17/2022	-	20.00
9.	Cato	Julia	2431 Jefferson	94703 Berkeley	Retired	N/A	Cash	08/11/2022	08/17/2022	-	10.00
10.	Biere	Katharine	2607 Fulton Street, Unit C	94704 Berkeley	Manager, Research	Salesforce	Cash	08/11/2022	08/15/2022	-	10.00
11.	Garcia	Alejandro	2647 Durant Avenue, Apt 4	94710 Berkeley	Senior QE	Pear Therapeutics	Check	08/11/2022	08/17/2022	-	10.00
12.	Cook	Carol	1416 Peralta Ave	94702 Berkeley	N/A	Retired	Cash	08/11/2022	08/17/2022	-	10.00
13.	Welford	Jane	2128 Woolsey St., Apt B	94705 Berkeley	Jane Welford Berkeley	Gardener	Cash	08/11/2022	08/17/2022	-	10.00
14.	Carter	Jeffery	170 San	94706 Berkeley	Employed	Attorney	Check	08/11/2022	08/17/2022	-	60.00
15.	Lippman	Jeremy	2615 Milvia St.	94704 Berkeley	Retired	N/A	Check	08/11/2022	08/17/2022	-	60.00
										Subtotals	350.00

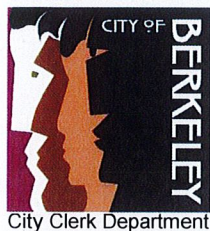
ITEM 12

Last Name	First Name	Address	Zip Code, City	Occupation	Employer	Payment Method	Date Received	Date Deposited	Deposit Batch #	Amount of Contribution	
16.	Kandarian	May	1918 Grant St, 1 Berkeley	94703	Retired	N/A	Check	08/11/2022	08/17/2022	-	10.00
17.	Brown	Michael	1425 Oregon Steet, B4 Berkeley	94702	Legal Assistant	SF Public Defender's Office	Cash	08/11/2022	08/17/2022	-	10.00
18.	Mosaed	Negeene	1178 Colusw Ave Berkeley	94704	Physical THERapist	Berkeley Community Physical Therapy	Cash	08/11/2022	08/17/2022	-	20.00
19.	Whte	Pam	2216 Spawlding Ave Berkeley	94703	Retired	N/A	Cash	08/11/2022	08/17/2022	-	40.00
20.	Finch	Steven	2010 5th St., 428 Berkeley	94710	Teacher	Contra COsta County office of education	Cash	08/11/2022	08/17/2022	-	10.00
21.	Ghosh	Barnali	1404 Henry St Berkeley	94709	Designer	Self-Employed	Check	08/11/2022	08/17/2022	-	60.00
22.	Auerbach	Elana	1636 Bonita Ave Berkeley	94709	Priestess	Self-employed	Check	08/11/2022	08/17/2022	-	30.00
23.	Tregub	Igor	1093 Virgina St. Berkeley	94710	Sr. Policy Advisor	CALSSA	Check	08/10/2022	08/17/2022	-	20.00
24.	Smith	Margot	1300 Shattuck Ave, Apt A Berkeley	9470	Retired	N/A	Cash	08/10/2022	08/17/2022	-	10.00
25.	Thomas Sorgen	Phoebe Anne	1053 Cragment Berkeley	94708	Teacher	Self - employed	Check	08/10/2022	08/17/2022	-	10.00
26.	Hammargren	Ruth Ann	1709 Bancroft Way Berkeley	94703	Retired	N/A	Check	08/10/2022	08/17/2022	-	20.00
27.	Webster	Pamela	1912 Blake St. Berkeley	94704	Retired	N/A	Check	08/10/2022	08/17/2022	-	10.00
28.	Chang	Mike	943 Hillside Ave Berkeley	94704	Attorney	US. Department of Education	Check	08/10/2022	08/17/2022	-	60.00
29.	Selawsky	Peter	1912 Blake St. Berkeley	94704	Attorney	Eviction Defense Center	Cash	08/10/2022	08/17/2022	-	20.00
30.	Cerami	Sara	557 Santa Clara Ave Berkeley	94701	Legislative Aid	City of Berkeley	Cash	08/10/2022	08/17/2022	-	10.00
31.	Sanders	Caroline	2615 Milvia St. Berkeley	94704	Policy Director	CPEHN	Check	08/10/2022	08/17/2022	=	60.00
32.	Katz	Andy	2001 Addison St., 300 Berkeley	94704	Director	EBMUD	Cash	08/10/2022	08/17/2022	-	20.00
33.	Olivenbaum	Linda	1901 Alcatraz Ave Berkeley	94703	Retired	N/A	Check	08/10/2022	08/17/2022	-	60.00
34.	Anderson	Maxwell	1901 Alcatraz Ave Berkeley	947-3	Retired	N/A	Check	08/10/2022	08/17/2022	-	60.00
35.	Saginer	Kitt	1915 Oregon Street, Unit C Berkeley	94703	Retired	N?A	Check	08/09/2022	08/17/2022	-	40.00
36.	Chang	James	1601 Allen Way Berkeley	94703	Commissioner	City of Berkeley	Check	08/09/2022	08/17/2022	-	60.00
										Subtotals	640.00

ITEM 12

	Last Name	First Name	Address	Zip Code, City	Occupation	Employer	Payment Method	Date Received	Date Deposited	Deposit Batch #	Amount of Contribution
37.	Selawsky	John	1912 Blake St	94704 Berkeley	Rent Board Commissioner	City of Berkeley	Check	08/09/2022	08/17/2022	-	60.00
38.	Polatnick	Margaret Rivka	1509 Le Roy Ave	94708 Berkeley	Retired	N/A	Check	08/09/2022	08/17/2022	-	20.00
										Subtotals	80.00
										Grand Totals	1,070.00

1,070
X6
6,420



DATE: August 30, 2022

TO: FAIR CAMPAIGN PRACTICES COMMISSION

FROM: *MMN* Mark Numainville, City Clerk

SUBJECT: Certification of Public Financing Program Participant

Pursuant to the Fair Elections Act of 2016, the City is required to certify candidates as participants in the City's public financing program.

In order to participate, a candidate must submit an application for participation and complete all required administrative paperwork to process payments. The candidate must also qualify by submitting 30 contributions of at least \$10 from 30 unique contributors totaling at least \$580.

As of August 30, 2022 the following candidate has submitted the required filings as well as a compliant Initial Qualifying Request and their participation in the program has been approved by City staff:

Application for Participation and Initial Qualifying Request for Funds	
Submitted By:	Negeene Mosaed for Rent Board 2022
Qualified Contributions:	\$1,790
Eligible Matching Funds:	\$8,000
Action	Certified candidate to participate in the program. Approved 6:1 matching public funds in an amount not to exceed \$8,000. Please note: Candidate's Public Finance matching funds disbursement was calculated to \$10,740 however, per Public Finance matching funds disbursement limits the candidate only qualifies for the \$8,000 maximum for Rent Board candidates.

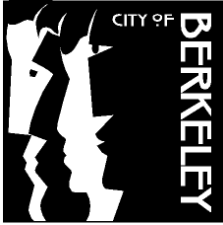
Basic glossary of terms:

Application for Participation	Required form for participating candidates that certifies they will follow the regulations and requirements of the program.
Qualifying Request	In order to qualify to receive public matching funds, a candidate must collect at least 30 contributions (from 30 unique contributors) of at least \$10 totaling \$580.

Matching Request	Campaign committees participating in the Public Financing Program submit a Matching Request with all required documentation in order to receive Public Matching Funds.
Qualified Contribution	A contribution that is eligible for the 6-to-1 match from the Fair Elections Fund. A Qualified Contribution is a contribution of \$60 or less from a natural person resident of Berkeley.

Attachments

1. Negeen Mosaed: Application for Participation and Initial Qualifying Request for Funds.



City Clerk Department
 2180 Milvia Street
 Berkeley, CA 94704
 (510) 981-6900
www.cityofberkeley.info | elections@cityofberkeley.info

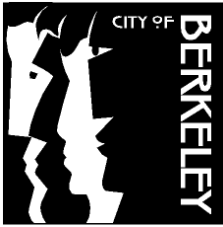
E-Filed
 08/09/2022
 16:45:42
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 204398174

FAIR ELECTIONS ACT FORM

APPLICATION FOR PARTICIPATION IN PUBLIC FINANCING PROGRAM

(Berkeley Municipal Code Chapter 2.12 – Election Reform Act)

OFFICE SOUGHT		
OFFICE Rent Stabilization Board	COUNCIL DISTRICT (IF APPLICABLE)	
ELECTION CYCLE 11/08/2022		
CANDIDATE INFORMATION		
LAST Mosaed	FIRST Negeene	M.I.
COMMITTEE INFORMATION		
NAME OF CAMPAIGN COMMITTEE Negeene Mosaed for Rent Board 2022	FPPC I.D. No. pending	
CANDIDATE CERTIFICATION		
<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>		
Negeene Mosaed CANDIDATE SIGNATURE	08/09/2022 DATE SIGNED	



City Clerk Department
2180 Milvia Street
Berkeley, CA 94704
(510) 981-6900

www.cityofberkeley.info | elections@cityofberkeley.info

E-Filed
08/19/2022
10:15:37

Filing ID:
204474591

**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**

OFFICE SOUGHT			
OFFICE Rent Stabilization Board		COUNCIL DISTRICT (IF APPLICABLE)	
ELECTION CYCLE 11/08/2022			
COMMITTEE INFORMATION			
NAME OF CAMPAIGN COMMITTEE Negeene Mosaed for Rent Board 2022		FPPC I.D. No. pending	
STREET ADDRESS 1178 colusa ave.		APARTMENT/SUITE/FLOOR	
CITY Berkeley	STATE CA	ZIP CODE 94707	
TELEPHONE (760) 217-6001	EMAIL ADDRESS ngmosaed@gmail.com		
CANDIDATE DECLARATION			
<p>I hereby declare that the following information is true and correct:</p> <ul style="list-style-type: none"> All information on the attached Qualified Contribution Receipts is complete and accurate to the best of my knowledge. I understand that the City shall verify that the qualified contributions meet all of the requirements and restrictions prior to the disbursement of funds. 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. 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. I understand that all campaign filings must be current in order for a disbursement of Fair Election funds to be released. 			
Negeene Mosaed		08/19/2022	
CANDIDATE SIGNATURE		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.	Kramer	Liza	1940 Los Angeles Ave	94707 Berkeley	Professor	Evergreen Valley College	Check	08/13/2022	08/16/2022	1	60.00
2.	Larsen	Neil	61 Fairlawn Drive	94708 Berkeley	Retired	Retired	Check	08/13/2022	08/16/2022	1	60.00
3.	Finch	Steven	2010 5th Street, 478	94710 Berkeley	Teacher	Contra Costa County Office of Ed	Cash	08/11/2022	08/16/2022	1	10.00
4.	Cato	Julia	2431 Jefferson, E	94703 Berkeley	Retired	Retired	Check	08/11/2022	08/16/2022	1	10.00
5.	Schwartz	Yvonne	1626 Dwight Way, B	94703 Berkeley	Retired	Retired	Check	08/11/2022	08/16/2022	1	10.00
6.	Schwartz	Yvonne	1626 Dwight Way, B	94703 Berkeley	Retired	Retired	Check	08/11/2022	08/16/2022	1	10.00
7.	Schwartz	Yvonne	1626 Dwight Way, B	94703 Berkeley	Retired	Retired	Check	08/11/2022	08/16/2022	1	10.00
8.	Hess	Kathleen	2610 Regent St, 201	94704 Berkeley	Retired	Retired	Check	08/11/2022	08/16/2022	1	10.00
9.	Garcia-Paredes	Alejandro	1427 Ninth St, 4	94710 Berkeley	Senior QE	Pear Therapeutics	Check	08/11/2022	08/16/2022	1	10.00
10.	Alberti	Judy Ann	2232 Derby Street	94705 Berkeley	Retired	Retired	Check	08/11/2022	08/16/2022	1	20.00
11.	MacLean	Judith	2610 Regent St, 201	94704 Berkeley	Retired	Retired	Check	08/11/2022	08/16/2022	1	10.00
12.	Bogert	William	2022 Virginia St, 8	94709 Berkeley	Technical Specialist	Kaiser Foundation Health Plan	Check	08/11/2022	08/16/2022	1	40.00
13.	Kandarian	May	1918 Grant Street	94703 Berkeley	Retired	Retired	Check	08/11/2022	08/16/2022	1	10.00
14.	Baumann	MaryJo	1501 Walnut St	94709 Berkeley	NP	Retired	Check	08/11/2022	08/16/2022	1	60.00
15.	Martinac	Ida	2838 Milvia St	94703 Berkeley	Legal Secretary	State of CA Department of Justice	Check	08/11/2022	08/16/2022	1	20.00
										Subtotals	350.00 330.00

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Last Name	First Name	Address	Zip Code, City	Occupation	Employer	Payment Method	Date Received	Date Deposited	Deposit Batch #	Amount of Contribution	
16.	Carter	Jeffrey	170 Southhampton Berkeley	94707	Attorney	Self	Check	08/11/2022	08/16/2022	1	60.00
17.	Press	William	1636 Bonita Ave Berkeley	94709	Executive	Iterable	Check	08/11/2022	08/16/2022	1	60.00
18.	Tregub	Igor	1043 Virginia Street Berkeley	94710	CALSSA	Senior Policy Advisor	Cash	08/11/2022	08/16/2022	1	20.00
19.	Brown	Michael	1425 Orgeon St Berkeley	94702	Legal Assistant	SF Public Defender's Office	Check	08/11/2022	08/16/2022	1	10.00
20.	Auerbach	Elana	1636 Bonita Ave Berkeley	94709	Priestess	Self	Check	08/11/2022	08/16/2022	1	60.00
21.	Thomsen	Alan	2633 Benvenue Ave, 7 Berkeley	94704	Office Worker	Center fpr Swedenborgian Studies	Check	08/11/2022	08/16/2022	1	15.00
22.	Fink	Rebecca	1617 Berkeley Way Berkeley	94703	Professional Organizer	Self	Check	08/10/2022	08/16/2022	1	60.00
23.	Ranny	Nancy	990 Regal Road Berkeley	94708	Retired	Retired	Check	08/10/2022	08/16/2022	1	50.00
24.	Hammargren	Ruth	1709 Bancroft Way Berkeley	94703	Retired	Retired	Check	08/10/2022	08/16/2022	1	20.00
25.	Thomas-Sorgen	Phoebe Anne	1053 Cragmont Berkeley	94708	Self	Teacher	Check	08/10/2022	08/16/2022	1	10.00
26.	Olivenbaum	Linda	1901 Alcatraz Ave Berkeley	94703	Retired	Retired	Check	08/10/2022	08/16/2022	1	60.00
27.	Anderson	Maxwell	1901 Alcatraz Ave Berkeley	94703	Retired	Retired	Check	08/10/2022	08/16/2022	1	60.00
28.	Smith	Margot	1300 Shattuck Ave, A Berkeley	94709	Retired	Retired	Check	08/10/2022	08/16/2022	1	10.00
29.	Harrison	Kathryn	2043 Lincoln St Berkeley	94709	City Council Member of Berkeley	City of Berkeley	Cash	08/10/2022	08/16/2022	1	25.00
30.	Adair	Donise	1214 Francisco St, 4 Berkeley	94702	Office Manager	Berkeley CPT	Cash	08/10/2022	08/16/2022	1	10.00
31.	Lippman	Jeremy	2615 Milvia St Berkeley	94704	Retired	Retired	Check	08/10/2022	08/16/2022	1	10.00
32.	Salari Namin	Sahand	1178 Colusa Ave Berkeley	94707	Student	Student	Check	08/10/2022	08/16/2022	1	20.00
33.	Sophiea	Dale	1267 Berkeley Way Berkeley	94702	Retired	Retired	Cash	08/09/2022	08/16/2022	1	20.00
34.	Rosenkrantz	Louise	2124 Derby St Berkeley	94705-1053	Retired	Retired	Check	08/09/2022	08/16/2022	1	60.00
35.	Mendonca	Mari	2166 Ashby Ave Berkeley	94708	Rent Board Commissioner	City of Berkeley Rent Board	Cash	08/09/2022	08/16/2022	1	20.00
36.	Turitz	Eugene	2124 Derby St Berkeley	94705	Retired	Retired	Check	08/09/2022	08/16/2022	1	60.00
										Subtotals	720.00

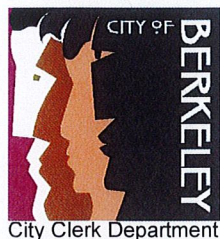
Last Name	First Name	Address	Zip Code, City	Occupation	Employer	Payment Method	Date Received	Date Deposited	Deposit Batch #	Amount of Contribution	
37.	Chang	James	1601 Allston Way Berkeley	94703	Commissioner	City of Berkeley	Check	08/09/2022	08/16/2022	1	60.00
38.	Nanopoulos	Elania	1267 Berkeley Way Berkeley	94702	Retired	Retired	Cash	08/09/2022	08/16/2022	1	20.00
39.	Alpert	Solomon	2120 Delaware St, 3 Berkeley	94709	Legislative Assistant	City of Berkeley	Check	08/08/2022	08/16/2022	1	60.00
40.	Laverde	Paola	1533 MLK way, #4 Berkeley	94707	Bilingual Public information officer	Dept. of Industrial Relations	Check	08/08/2022	08/16/2022	1	60.00
41.	Gray	Charlotte	195 Fairlawn Drive Berkeley	94708	Retired	Retired	Cash	08/08/2022	08/16/2022	1	50.00
42.	Atilano	Gail	2226 Stuart St Berkeley	94705	Retired	Retired	Check	08/08/2022	08/16/2022	1	10.00
43.	Kronfeld	Chana	2001 Lincoln St Berkeley	94709	Professor	UC Berkeley	Check	08/08/2022	08/16/2022	1	60.00
44.	Corman	Anthony	1519 Virginia St Berkeley	94703	Musician	Self	Cash	08/07/2022	08/16/2022	1	20.00
45.	Marrero	Vanessa	1819 Addison St, 4 Berkeley	94703	Executive Director	Parents for Public Schools of SF	Cash	08/07/2022	08/16/2022	1	20.00
46.	Mann	Thomas	2001 5th Street Berkeley	94710	Retired	Retired	Check	08/07/2022	08/16/2022	1	50.00
47.	Romanski	Catherine	1321 Grizzly Peak Berkeley	94708	Retired	Retired	Check	08/07/2022	08/16/2022	1	60.00
48.	Grant	John	1173 Colusa Ave Berkeley	94707	State of CA	Physician	Check	08/07/2022	08/16/2022	1	50.00
49.	Huchting	Catherine	3013 Ellis St Berkeley	94703	Director of Business Development	Chronicle Books SF CA	Check	08/07/2022	08/16/2022	1	60.00
50.	Woolf	Sara	1173 Colusa Ave Berkeley	94707	Doctor	Lifelong Medical	Check	08/07/2022	08/16/2022	1	40.00
51.	Romanski	Jacek	1321 Grizzly Peak Berkeley	94708	Retired	Retired	Check	08/07/2022	08/16/2022	1	60.00
52.	Schildt	Christine	1829 63rd Berkeley	94703	Policy Advocate	Urban Habitat	Check	08/06/2022	08/16/2022	1	60.00

Subtotals	740.00
Grand Totals	1,810.00 1,790

Please note: Candidate's Public Finance matching funds disbursement was calculated to \$10,740 however, per Public Finance matching funds disbursement limits the candidate only qualifies for the \$8,000 maximum for Rent Board candidates.

**\$1,790
X6
10,740**

Please make a payment of only \$8,000.



DATE: August 11, 2022
TO: FAIR CAMPAIGN PRACTICES COMMISSION
FROM: *MNV* Mark Numainville, City Clerk
SUBJECT: Certification of Public Financing Program Participant

Pursuant to the Fair Elections Act of 2016, the City is required to certify candidates as participants in the City's public financing program.

In order to participate, a candidate must submit an application for participation and complete all required administrative paperwork to process payments.

The candidate must also qualify by submitting 30 contributions of at least \$10 from 30 unique contributors totaling at least \$580.

As of August 11, 2022, the following candidate has submitted the required filings as well as a compliant Initial Qualifying Request and their participation in the program has been approved by City staff:

Application for Participation/Qualifying Request for Funds/Matching Request for Funds	
Submitted By:	Rigel Robinson (District 7)
Qualified Contributions:	\$2,064.23
Eligible Matching Funds:	\$12,385.38
Action	Certified candidate to participate in the program. Approved 6:1 matching public funds in an amount not to exceed \$12,385.38.

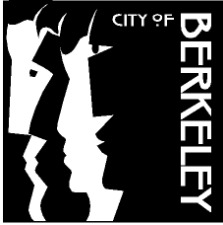
Basic glossary of terms:

Application for Participation	Required form for participating candidates that certifies they will follow the regulations and requirements of the program.
Qualifying Request	In order to qualify to receive public matching funds, a candidate must collect at least 30 contributions (from 30 unique contributors) of at least \$10 totaling \$580.
Matching Request	Campaign committees participating in the Public Financing Program submit a Matching Request with all required documentation in order to receive Public Matching Funds.

Qualified Contribution	A contribution that is eligible for the 6-to-1 match from the Fair Elections Fund. A Qualified Contribution is a contribution of \$60 or less from a natural person resident of Berkeley.
------------------------	---

Attachments

1. Rigel Robinson: Application, Qualifying and Matching Request.



City Clerk Department
 2180 Milvia Street
 Berkeley, CA 94704
 (510) 981-6900
www.cityofberkeley.info | elections@cityofberkeley.info

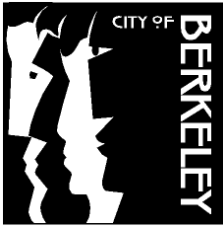
E-Filed
 07/26/2022
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 Filing ID:
 204224128

FAIR ELECTIONS ACT FORM

APPLICATION FOR PARTICIPATION IN PUBLIC FINANCING PROGRAM

(Berkeley Municipal Code Chapter 2.12 – Election Reform Act)

OFFICE SOUGHT		
OFFICE City Council Member	COUNCIL DISTRICT (IF APPLICABLE)	
ELECTION CYCLE 11/08/2022		
CANDIDATE INFORMATION		
LAST Robinson	FIRST Rigel	M.I.
COMMITTEE INFORMATION		
NAME OF CAMPAIGN COMMITTEE Rigel Robinson for Berkeley City Council 2022		FPPC I.D. No. 1446686
CANDIDATE CERTIFICATION		
<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>		
Rigel Robinson CANDIDATE SIGNATURE		07/19/2022 DATE SIGNED



City Clerk Department
2180 Milvia Street
Berkeley, CA 94704
(510) 981-6900

www.cityofberkeley.info | elections@cityofberkeley.info

E-Filed
08/09/2022
19:18:22

Filing ID:
204399457

**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**

OFFICE SOUGHT			
OFFICE City Council Member		COUNCIL DISTRICT (IF APPLICABLE) District 7	
ELECTION CYCLE 11/08/2022			
COMMITTEE INFORMATION			
NAME OF CAMPAIGN COMMITTEE Rigel Robinson for Berkeley City Council 2022		FPPC I.D. No. 1446686	
STREET ADDRESS 333 W San Carlos Street, Suite 600		APARTMENT/SUITE/FLOOR	
CITY San Jose	STATE CA	ZIP CODE 95110	
TELEPHONE (408) 766-3761	EMAIL ADDRESS jordan@eldridgepolitical.com		
CANDIDATE DECLARATION			
<p>I hereby declare that the following information is true and correct:</p> <ul style="list-style-type: none"> • All information on the attached Qualified Contribution Receipts is complete and accurate to the best of my knowledge. • I understand that the City shall verify that the qualified contributions meet all of the requirements and restrictions prior to the disbursement of funds. • 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. • 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. • I understand that all campaign filings must be current in order for a disbursement of Fair Election funds to be released. 			
Rigel Robinson		08/09/2022	
CANDIDATE SIGNATURE		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.	Alameldin	Muhammad	1416 OXFORD ST	94709 Berkeley	Policy Associate	Terner Center for Housing Innovation	Electronic	05/31/2022	05/31/2022	.	60.00
2.	Arreguin	Jesse	1528 Henry Street	94709 Berkeley	Mayor	City of Berkeley	Electronic	05/16/2022	05/31/2022	.	60.00
3.	Bjerkholt	Eric	1130 Shattuck Avenue	94707 Berkeley	Chief Financial Officer	Chinook Therapeutics	Electronic	06/21/2022	06/30/2022	.	60.00
4.	Blumstein	Anna	464 Boynton Ave	94707 Berkeley	Not employed	Not employed	Electronic	06/30/2022	06/30/2022	.	60.00
5.	Bruhns	Larissa	1223 Josephine St	94703 Berkeley	Not Employed	Not Employed	Electronic	05/15/2022	05/31/2022	.	60.00
6.	Campana	Anthony	2316 Haste St #103C	94704 Berkeley	Construction Project Management	Charles Pankow Builders LTD	Electronic	05/15/2022	05/31/2022	.	60.00
7.	Chapple	Karen	934 Delaware Street	94710 Berkeley	Professor	University of Toronto	Electronic	05/26/2022	05/31/2022	.	60.00
8.	Chatterjee	Anirvan	1404 Henry Street #4	94709 Berkeley	Data Strategist	University of California San Francisco	Electronic	05/24/2022	05/31/2022	.	60.00
9.	Chen	Angie	2740 college avenue 103	94705 berkeley	Legislative Assistant	City of Berkeley	Electronic	05/15/2022	05/31/2022	.	60.00
10.	Covarrubias	Modesto	1004 Delaware Street	94710 Berkeley	Professor	California College of the Arts	Electronic	06/21/2022	06/30/2022	.	60.00
11.	Droste	Lora	2951 Pine Ave.	94705 Berkeley	Councilmember	City of Berkeley	Electronic	05/11/2022	05/31/2022	.	60.00
12.	Gonzalez	Eduardo	771 W Belmont St	91762 Ontario	Student Assistant	UC Berkeley	Electronic	06/28/2022	06/30/2022	.	15.00
13.	Gould	Ben	1950 Addison St Apt 723	94704 Berkeley	President	EcoDataLab Berkeley CA	Electronic	05/11/2022	05/31/2022	.	60.00
14.	Gray	Carrie	2951 Pine Ave	94705 Berkeley	Psychotherapist	Carrie Gray Psychotherapy	Electronic	05/31/2022	05/31/2022	.	60.00
15.	Hahn	Sophie	1130 Shattuck Avenue	94707 Berkeley	Councilmember	City of Berkeley	Electronic	06/21/2022	06/30/2022	.	60.00
										Subtotals	855.00

ITEM 12

Last Name	First Name	Address	Zip Code, City	Occupation	Employer	Payment Method	Date Received	Date Deposited	Deposit Batch #	Amount of Contribution
16.	Howe	Keoleihi	3454 Standish Dr 91436 Encino	Not Employed	Not Employed	Electronic	05/12/2022	05/31/2022	.	60.00
17.	Humbert	Charles Mark	2928 Linden Avenue 94705 Berkeley	Attorney	Humbert Law Office SF, CA	Electronic	05/15/2022	05/31/2022	.	60.00
18.	Kesarwani	Rashi	1619 Edith St. 94703 Berkeley	Councilmember	City of Berkeley	Electronic	06/05/2022	06/30/2022	.	60.00
19.	Kim	Dohee	2420 Fulton Street 94704 Berkeley	Legal Assistant	Berkeley Law	Electronic	05/15/2022	05/31/2022	.	60.00
20.	Lee	Alice	2035 Channing Way Apt 305 94704 Berkeley	Director	Berkeley Research Group LLC	Electronic	05/26/2022	05/31/2022	.	50.00
21.	Lee-Egan	Christopher	1130 Hopkins St 94702 Berkeley	Software Engineer	Google	Electronic	05/17/2022	05/31/2022	.	60.00
22.	Lunaparra	Cecilia	1121 Clovelly Ln 94010 Burlingame	Not Employed	Not Employed	Electronic	05/03/2022	05/31/2022	.	60.00
23.	Marion	Mark	3162 Plymouth Road 94549 Lafayette	Not Employed	Not Employed	Electronic	05/03/2022	05/31/2022	.	60.00
24.	Moore	Don	2425 Roosevelt Ave 94703 Berkeley	Professor	University of California	Electronic	07/01/2022	07/07/2022	.	60.00
25.	Robinson	Rigel	2214 Durant Ave #1 94704 Berkeley	City Councilmember	City of Berkeley	Electronic	05/03/2022	05/31/2022	.	60.00
26.	Rodriguez	Alexander	2520 Hillegass Avenue 112 94704 Berkeley	Fundraiser	University of California Berkeley	Electronic	06/03/2022	06/30/2022	.	20.00
27.	Shanoski	Jennifer	1335 Ashby Ave 94702 Berkeley	Chemistry Instructor	Peralta Community College District	Electronic	05/12/2022	05/31/2022	.	60.00
28.	Sherman	Julia	921 Regal Rd 94708 Berkeley	Lab Manager	University of California Berkeley	Electronic	05/16/2022	05/31/2022	.	40.00
29.	Shimono	Taylor	2520 College Ave. 209 94704 Berkeley	Research Associate	ZestBio Inc.	Electronic	07/19/2022	07/25/2022	.	60.00
30.	Sinai	Julie	1661 Tacoma Avenue 94707 Berkeley	Chief Strategy Officer	LifeLong Medical Care	Electronic	05/31/2022	05/31/2022	.	60.00
31.	Srioudom	Bryant	33209 Via Chapparo 92592 Temecula	Not Employed	Not Employed	Electronic	05/12/2022	05/31/2022	.	60.00
32.	Srioudom	Davina	2732 Haste Street Apt 3 94704 Berkeley	Student Assistant	University of California Berkeley	Electronic	05/03/2022	05/31/2022	.	60.00
33.	Terlaak Poot	Luke	931 Channing Way 94710 Berkeley	Senior UX Writer	Google	Electronic	07/01/2022	07/07/2022	.	60.00
34.	Thorne-Lyman	Abigail	1429 Hopkins St 94702 Berkeley	City Planner	BART	Electronic	07/02/2022	07/07/2022	.	60.00
35.	Twu	Alfred	2415 Prospect Street 94704 Berkeley	Architect	MWA Architects	Electronic	05/15/2022	05/31/2022	.	29.23
36.	Warren	Samantha	2313 Warring St 94704 Berkeley	Business Immigration Analyst	Fragomen	Electronic	06/21/2022	06/30/2022	.	20.00
									Subtotals	1,119.23 1,059.23

ITEM 12

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	94710 Berkeley	In Home Supportive Services Worker	Alameda County	Electronic	05/17/2022	05/31/2022	.	30.00
38. Yep	Ray	557 Neilson Street	94707 Berkeley	Not Employed	Not Employed	Electronic	05/15/2022	05/31/2022	.	60.00
39. Yurish	Avalon	2422 Ridge Rd	94709 Berkeley	Library Staff	University of California Berkeley	Electronic	05/03/2022	05/31/2022	.	60.00
									Subtotals	150.00
									Grand Totals	2,124.23

2064.23
x6
 12,385.38

2,064.23

DATE: April 19, 2022

TO: FAIR CAMPAIGN PRACTICES COMMISSION

FROM: Mark Numainville, City Clerk

SUBJECT: Certification of Public Financing Program Participant

Pursuant to the Fair Elections Act of 2016, the City is required to certify candidates as participants in the City's public financing program.

In order to participate, a candidate must submit an application for participation and complete all required administrative paperwork to process payments. The candidate must also qualify by submitting 30 contributions of at least \$10 from 30 unique contributors totaling at least \$580.

As of April 15, 2022 the following candidate has submitted the required filings as well as a compliant Initial Qualifying Request and their participation in the program has been approved by City staff:

Application for Participation/Qualifying Request for Funds/Matching Request for Funds	
Submitted By:	Jennifer Shanoski (School Board)
Qualified Contributions:	\$1,740.00
Eligible Matching Funds:	\$10,440.00
Action	Certified candidate to participate in the program. Approved 6:1 matching public funds in an amount not to exceed \$10,440.00.

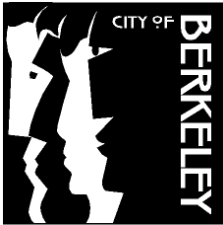
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Matching Request	Campaign committees participating in the Public Financing Program submit a Matching Request with all required documentation in order to receive Public Matching Funds.

Qualified Contribution	A contribution that is eligible for the 6-to-1 match from the Fair Elections Fund. A Qualified Contribution is a contribution of \$60 or less from a natural person resident of Berkeley.
------------------------	---

Attachments

1. Jennifer Shanoski: Application, Qualifying and Matching Request.



City Clerk Department
 2180 Milvia Street
 Berkeley, CA 94704
 (510) 981-6900
www.cityofberkeley.info | elections@cityofberkeley.info

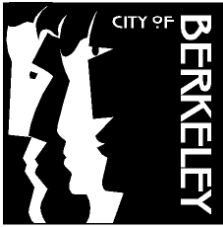
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 04/13/2022
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 Filing ID:
 203482034

FAIR ELECTIONS ACT FORM

APPLICATION FOR PARTICIPATION IN PUBLIC FINANCING PROGRAM

(Berkeley Municipal Code Chapter 2.12 – Election Reform Act)

OFFICE SOUGHT		
OFFICE School Board Trustee	COUNCIL DISTRICT (IF APPLICABLE)	
ELECTION CYCLE 11/08/2022		
CANDIDATE INFORMATION		
LAST Shanoski	FIRST Jennifer	M.I.
COMMITTEE INFORMATION		
NAME OF CAMPAIGN COMMITTEE Shanoski for Berkeley School Board 2022	FPPC I.D. No. 1445073	
CANDIDATE CERTIFICATION		
<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>		
Jennifer Shanoski CANDIDATE SIGNATURE	04/13/2022 DATE SIGNED	



City Clerk Department
 2180 Milvia Street
 Berkeley, CA 94704
 (510) 981-6900
www.cityofberkeley.info | elections@cityofberkeley.info

E-Filed
 04/13/2022
 15:07:21
 Filing ID:
 203482009

**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**

OFFICE SOUGHT			
OFFICE School Board Trustee		COUNCIL DISTRICT (IF APPLICABLE)	
ELECTION CYCLE 11/08/2022			
COMMITTEE INFORMATION			
NAME OF CAMPAIGN COMMITTEE Shanoski for Berkeley School Board 2022		FPPC I.D. No. 1445073	
STREET ADDRESS		APARTMENT/SUITE/FLOOR	
CITY Berkeley	STATE CA	ZIP CODE 94702	
TELEPHONE (510) 499-0495	EMAIL ADDRESS shanoski@gmail.com		
CANDIDATE DECLARATION			
<p>I hereby declare that the following information is true and correct:</p> <ul style="list-style-type: none"> All information on the attached Qualified Contribution Receipts is complete and accurate to the best of my knowledge. I understand that the City shall verify that the qualified contributions meet all of the requirements and restrictions prior to the disbursement of funds. 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. 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. I understand that all campaign filings must be current in order for a disbursement of Fair Election funds to be released. 			
Jennifer Shanoski CANDIDATE SIGNATURE		04/13/2022 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.

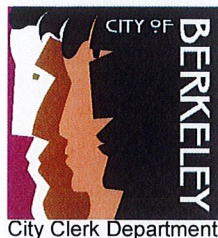
All approved Qualified Contributions are matched at a 6:1 ratio. For all public matching funds requests, a candidate must submit the following documentation:

- 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.	Fischer	Kerstin		94709 Berkeley	Architect	Self	Electronic	03/30/2022	04/01/2022	16	60.00
2.	Fischer	Andrew		94709 Berkeley	Architect	Self	Electronic	03/30/2022	04/01/2022	16	60.00
3.	Glass	Fred		94707 Berkeley	Instructor	CCSF	Electronic	03/30/2022	04/01/2022	16	60.00
4.	Rieger	Katherine		94704 Berkeley	Teacher	BUSD	Electronic	03/30/2022	04/01/2022	16	60.00
5.	Rieger	Jeffrey		94704 Berkeley	Attorney	ACERA	Electronic	03/30/2022	04/01/2022	16	60.00
6.	Malinis	Arabelle		94710 Berkeley	Attorney	Self	Electronic	03/26/2022	03/30/2022	14	60.00
7.	Kurzweil	Jack		94703 Berkeley	retired	retired	Electronic	03/23/2022	03/25/2022	10	50.00
8.	Appel	Judy		94703 Berkeley	Attorney	self-employed	Check	03/21/2022	03/28/2022	11	60.00
9.	Trego	William		94702 Berkeley	Instructor	Peralta Community Colleges	Electronic	03/19/2022	03/23/2022	8	60.00
10.	Elliott	Ann		94703 Berkeley	Retired	None	Electronic	03/18/2022	03/22/2022	7	40.00
11.	Hallinan	Shane		94702 Berkeley	Property management	Ballyhallinan Properties	Electronic	03/16/2022	03/25/2022	10	10.00
12.	Kaufmyn	Wynd		94705 Berkeley	Instructor	SFCCD	Electronic	03/16/2022	03/25/2022	10	60.00
13.	Arreguin	Jesse		94709 Berkeley	Mayor	City of Berkeley	Electronic	03/13/2022	03/23/2022	8	60.00
14.	Shourd	Patricia		94705 Berkeley	Retired	N/A	Electronic	03/13/2022	03/23/2022	8	10.00
15.	Sinai	Julie		94707 Berkeley	Chief Strategy Officer	LifeLong Medical Care	Electronic	03/13/2022	03/23/2022	8	60.00
										Subtotals	770.00

Last Name	First Name	Address	Zip Code, City	Occupation	Employer	Payment Method	Date Received	Date Deposited	Deposit Batch #	Amount of Contribution
16.	Wong	Jennifer	94710 Berkeley	City Auditor	City of Berkeley	Electronic	03/13/2022	03/23/2022	8	60.00
17.	Kardel	Quintana	94708 Berkeley	Director	David Thorne Landscape Architect	Electronic	03/13/2022	03/23/2022	8	20.00
18.	Riley	Eric	94707 Berkeley	Manager	WCIRB	Electronic	03/13/2022	03/23/2022	8	60.00
19.	Chang	Michael	94708 Berkeley	Attorney	US ED	Electronic	03/11/2022	03/23/2022	8	60.00
20.	Gamer-fong	Jane	94603 Berkeley	Academic support	Merritt college	Electronic	03/09/2022	03/18/2022	5	60.00
21.	Harrison	Kate	94709 Berkeley	Consultant	Self	Electronic	03/09/2022	03/18/2022	5	60.00
22.	Weinstein	Karen	94708 Berkeley	education advocate	N/A	Electronic	03/09/2022	03/18/2022	5	60.00
23.	Tom	Lili	94702 Berkeley	Advanced Practice Registered Nurse/Nurse Practitioner	Kaiser Permanente	Electronic	03/09/2022	03/21/2022	6	50.00
24.	Bloom	Wendy	94703 Berkeley	Registered Nurse	UCSF Benioff Children's Hospital Oakland	Electronic	03/08/2022	03/18/2022	5	60.00
25.	Pacquing	Rafael	94703 Berkeley	Attorney	Self	Electronic	03/08/2022	03/18/2022	5	60.00
26.	Majda	Marcin	94704 Berkeley	Professor Emeritus	University of California, Berkeley	Electronic	03/08/2022	03/18/2022	5	60.00
27.	Gillis	Jennifer	94707 Berkeley	teacher	BUSD	Electronic	03/04/2022	03/15/2022	3	60.00
28.	Silvan	Gail	94702-2717 Berkeley	Law Professor	UC Hastings College of the Law	Electronic	03/03/2022	03/15/2022	3	60.00
29.	Downey	Brett	94703 Berkeley	Maintenance	N.A.S.	Check	03/03/2022	03/10/2022	2	60.00
30.	Allan	Stephanie	94703 Berkeley	Retired	N/A	Check	03/01/2022	03/10/2022	2	60.00
31.	Park	Byung Kyu	94704 Berkeley	community college instructor	Peralta Community College District	Check	02/23/2022	02/24/2022	1	60.00
32.	Sanceri	Jeffrey	94703 Berkeley	community college instructor	Peralta Community College District	Check	02/18/2022	02/24/2022	1	60.00
									Subtotals	970.00
									Grand Totals	1,740.00

$$\begin{aligned}
 & \$1,740.00 \\
 & \quad \times 6 \\
 & = \$10,440.00
 \end{aligned}$$



DATE: July 21, 2022

TO: FAIR CAMPAIGN PRACTICES COMMISSION

FROM: *MM* Mark Numainville, City Clerk

SUBJECT: Certification of Public Financing Program Participant

Pursuant to the Fair Elections Act of 2016, the City is required to certify candidates as participants in the City's public financing program.

In order to participate, a candidate must submit an application for participation and complete all required administrative paperwork to process payments. The candidate must also qualify by submitting 30 contributions of at least \$10 from 30 unique contributors totaling at least \$580.

As of July 21, 2022, the following candidate has submitted the required filings as well as a compliant Initial Qualifying Request and their participation in the program has been approved by City staff:

Application for Participation and Initial Qualifying Request for Funds	
Submitted By:	Mary-Lee Smith (District 8)
Qualified Contributions:	\$1,750
Eligible Matching Funds:	\$10,500
Action	Certified candidate to participate in the program. Approved 6:1 matching public funds in an amount not to exceed \$10,500.

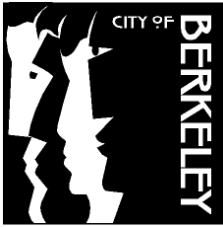
Basic glossary of terms:

Application for Participation	Required form for participating candidates that certifies they will follow the regulations and requirements of the program.
Qualifying Request	In order to qualify to receive public matching funds, a candidate must collect at least 30 contributions (from 30 unique contributors) of at least \$10 totaling \$580.
Matching Request	Campaign committees participating in the Public Financing Program submit a Matching Request with all required documentation in order to receive Public Matching Funds.

Qualified Contribution	A contribution that is eligible for the 6-to-1 match from the Fair Elections Fund. A Qualified Contribution is a contribution of \$60 or less from a natural person resident of Berkeley.
------------------------	---

Attachments

1. Mary-Lee Smith: Application for Participation and Initial Qualifying Request for Funds.



City Clerk Department
 2180 Milvia Street
 Berkeley, CA 94704
 (510) 981-6900
www.cityofberkeley.info | elections@cityofberkeley.info

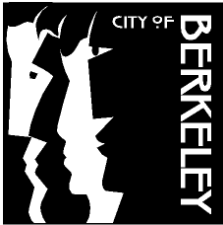
E-Filed
 07/06/2022
 17:08:09
 Filing ID:
 204114899

FAIR ELECTIONS ACT FORM

APPLICATION FOR PARTICIPATION IN PUBLIC FINANCING PROGRAM

(Berkeley Municipal Code Chapter 2.12 – Election Reform Act)

OFFICE SOUGHT		
OFFICE City Council Member	COUNCIL DISTRICT (IF APPLICABLE) 8	
ELECTION CYCLE 11/08/2022		
CANDIDATE INFORMATION		
LAST Smith	FIRST Mary-Lee	M.I.
COMMITTEE INFORMATION		
NAME OF CAMPAIGN COMMITTEE Mary-Lee Smith for Berkeley City Council 2022		FPPC I.D. No. 1449372
CANDIDATE CERTIFICATION		
<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>		
Mary-Lee Smith CANDIDATE SIGNATURE		07/01/2022 DATE SIGNED



City Clerk Department
2180 Milvia Street
Berkeley, CA 94704
(510) 981-6900

www.cityofberkeley.info | elections@cityofberkeley.info

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07/13/2022
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Filing ID:
204148428

**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**

OFFICE SOUGHT			
OFFICE City Council Member		COUNCIL DISTRICT (IF APPLICABLE) District 8	
ELECTION CYCLE 11/08/2022			
COMMITTEE INFORMATION			
NAME OF CAMPAIGN COMMITTEE Mary-Lee Smith for Berkeley City Council 2022		FPPC I.D. No. 1449372	
STREET ADDRESS 2475 Prince Street		APARTMENT/SUITE/FLOOR	
CITY Berkeley	STATE CA	ZIP CODE 94705	
TELEPHONE (510) 982-1393	EMAIL ADDRESS maryleeforcitycouncil@gmail.com		
CANDIDATE DECLARATION			
<p>I hereby declare that the following information is true and correct:</p> <ul style="list-style-type: none"> • All information on the attached Qualified Contribution Receipts is complete and accurate to the best of my knowledge. • I understand that the City shall verify that the qualified contributions meet all of the requirements and restrictions prior to the disbursement of funds. • 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. • 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. • I understand that all campaign filings must be current in order for a disbursement of Fair Election funds to be released. 			
Mary-Lee Smith		07/13/2022	
CANDIDATE SIGNATURE		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:

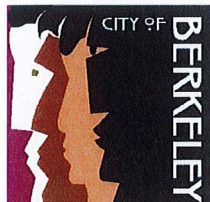
- Qualified Contributions List (below).
- Receipt for Qualified Contribution for Fair Elections Funds.
- Evidence of each contribution received, such as electronic copies of contributor checks, credit card authorizations, or online payment receipts.
- Electronic copies of itemized deposit slips.
- Complete 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.	SARGENT	SUSAN	2927 FOREST AVE	94705 BERKELEY	attorney	unemployed	Check	07/13/2022	07/13/2022	10181016	30.00
2.	Bloom	Wendy	2206 Roosevelt Ave	94703 Berkeley	Not Employed	Not Employed	Electronic	07/12/2022	07/13/2022	11R201E8Y404	60.00
3.	Simon-weisberg	Leah	2003 Stuart St	94703 Berkeley	attorney	Alliance of Californians for Community Empowerment	Electronic	07/12/2022	07/13/2022	11R201E8Y404	60.00
4.	KATZ	MICHAEL	2117 Rose St Apt 9	94709 Berkeley	Technical writer	Cribl inc.	Electronic	07/12/2022	07/13/2022	11R201E8Y404	60.00
5.	Casalaina	Vincent	2619 Benvneue Ave. Apt. A	94704 Berkeley	Not Employed	Not Employed	Electronic	07/11/2022	07/11/2022	11R201E8Y404	60.00
6.	Harrison	Kate	2043 Lincoln Street	94709 Berkeley	Consultant	Self	Electronic	07/11/2022	07/11/2022	11R201E8Y404	60.00
7.	Reid	Annie	1523 Prince Street Apt. 1	94703 Berkeley	USWNT Players Association	Partnerships Director	Electronic	07/11/2022	07/11/2022	11R201E8Y404	60.00
8.	Williams	Lew	1959 Napa Ave	94707 Berkeley	Not Employed	Not Employed	Electronic	07/11/2022	07/11/2022	11R201E8Y404	60.00
9.	Brotsky	Ellen	1959 Napa Ave	94707 Berkeley	Not Employed	Not Employed	Electronic	07/11/2022	07/11/2022	11R201E8Y404	60.00
10.	Smith	Alexander	2475 PRINCE ST	94705 Berkeley	Transit Planner	US Department of Transportation	Electronic	07/11/2022	07/12/2022	G6Z6Q215A512	60.00
11.	SILVERMAN	RANDY	2335 Parker St Apt 2	94704 BERKELEY	Tax Preparer	Self employed, Randy Silverman	Check	07/11/2022	07/13/2022	10181016	60.00
12.	SHANOSKI	JENNIFER	1335 Ashby Ave	94702 Berkeley	chemistry instructor	Peralta Community College District	Electronic	07/11/2022	07/13/2022	11R201E8Y404	60.00
13.	Smith	Margot	1300 A Shattuck Ave	94709 Berkeley	Not Employed	Not Employed	Electronic	07/10/2022	07/11/2022	B4L2C6Y17603	60.00
14.	Bruce	Lisa	3027 Claremont Avenue	94705 Berkeley	Electrologist, permanent cosmetic artist	Lisa Bruce Studios, Albany	Check	07/10/2022	07/13/2022	10181016	60.00
15.	Fine	Margaret	747 San Diego Road	94707 Berkeley	Reference Law Librarian	Alameda County Law Library	Electronic	07/10/2022	07/11/2022	B4L2C6Y17603	30.00
										Subtotals	840.00

ITEM 12

Last Name	First Name	Address	Zip Code, City	Occupation	Employer	Payment Method	Date Received	Date Deposited	Deposit Batch #	Amount of Contribution
16. Davis	Vicki	1231 Ward st	94702 Berkeley	Not Employed	Not Employed	Electronic	07/09/2022	07/11/2022	B4L2C6Y17603	10.00
17. Hassan	Fouda	608 San Luis Rd	94707 Berkeley	Not employed	Not employed	Electronic	07/09/2022	07/11/2022	B4L2C6Y17603	60.00
18. SCHNIDER	FREDERICK	2804 BENVENU AVE	94705 BERKELEY	Lawyer	Self	Check	07/09/2022	07/13/2022	10181016	60.00
19. Lowe	Mark	2643 Hillegass Ave	94704 Berkeley	Not Employed	Not Employed	Electronic	07/09/2022	07/13/2022	AB228267037	60.00
20. Aue	Elana	1636 bonita ave	94709 berkeley	self	Priestess	Electronic	07/08/2022	07/11/2022	B4L2C6Y17603	60.00
21. Choy	Ron	2615 woolsey street	94705 Berkeley	Not Employed	Not Employed	Electronic	07/04/2022	07/07/2022	T9Y7A7Q4E4R4	60.00
22. Metzger	Ann	1 Hazel Rd	94705 Berkeley	Retired	Retired	Check	06/30/2022	07/01/2022	165379367	60.00
23. Metzger	Dean	1 Hazel Rd	94705 Berkeley	Retired	Retired	Check	06/30/2022	07/01/2022	165379367	60.00
24. Bokovoy	Phillip	2601 Piedmont Avenue	94704 Berkeley	Retired	Retired	Check	06/30/2022	07/13/2022	10181016	60.00
25. Henry	stephen	3047 Benvenue Ave	94705 Berkeley	Attorney	Self	Check	06/30/2022	07/13/2022	10181016	60.00
26. Lacey	Mary Kay	3047 BENVENUE AVE	947052 BERKELEY	self	Attorney	Check	06/30/2022	07/13/2022	10181016	60.00
27. Yap	Suzanna	2510 Prince St	94705 Berkeley	Retired	Retired	Check	06/29/2022	07/01/2022	165379367	60.00
28. Johnson	Andrew	3073 Nateman Street	94705 Berkeley	Engineer	WireWorks West Inc	Check	06/29/2022	07/01/2022	165379367	60.00
29. Woodworth	Carla	2335 Parker St #2	94704 Berkeley	Retired	Retired	Check	06/29/2022	07/01/2022	165379367	60.00
30. Shelton	Peter	2462 Prince St	94705 Berkeley	Attorney	Peter Shelton law	Check	06/29/2022	07/01/2022	165379367	60.00
31. Shippey	Elizabeth	3073 Bateman St	94590 Berkeley	Library Assistant	UC Berkeley	Check	06/29/2022	07/01/2022	165379367	60.00
Subtotals										910.00
Grand Totals										1,750.00


\$1,750
 x 6
 \$10,500



City Clerk Department

DATE: August 5, 2022

TO: FAIR CAMPAIGN PRACTICES COMMISSION

FROM:  Mark Numainville, City Clerk

SUBJECT: Certification of Public Financing Program Participant

Pursuant to the Fair Elections Act of 2016, the City is required to certify candidates as participants in the City's public financing program.

In order to participate, a candidate must submit an application for participation and complete all required administrative paperwork to process payments.

The candidate must also qualify by submitting 30 contributions of at least \$10 from 30 unique contributors totaling at least \$580.

As of August 5, 2022, the following candidate has submitted the required filings as well as a compliant Initial Qualifying Request and their participation in the program has been approved by City staff:

Application for Participation and Initial Qualifying Request for Funds

Submitted By:	Jenny Wong (City Auditor)
Qualified Contributions:	\$1,980
Eligible Matching Funds:	\$11,880
Action	Certified candidate to participate in the program. Approved 6:1 matching public funds in an amount not to exceed \$11,880.

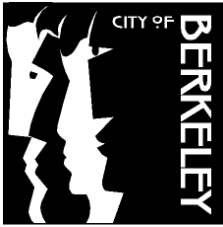
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Matching Request	Campaign committees participating in the Public Financing Program submit a Matching Request with all required documentation in order to receive Public Matching Funds.

Qualified Contribution	A contribution that is eligible for the 6-to-1 match from the Fair Elections Fund. A Qualified Contribution is a contribution of \$60 or less from a natural person resident of Berkeley.
------------------------	---

Attachments

1. Jenny Wong: Application for Participation and Initial Qualifying Request for Funds.



City Clerk Department
 2180 Milvia Street
 Berkeley, CA 94704
 (510) 981-6900
www.cityofberkeley.info | elections@cityofberkeley.info

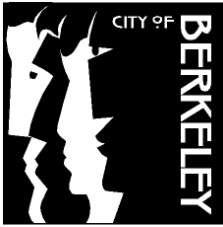
E-Filed
 05/16/2022
 11:40:19
 Filing ID:
 203782591

FAIR ELECTIONS ACT FORM

APPLICATION FOR PARTICIPATION IN PUBLIC FINANCING PROGRAM

(Berkeley Municipal Code Chapter 2.12 – Election Reform Act)

OFFICE SOUGHT		
OFFICE City Auditor	COUNCIL DISTRICT (IF APPLICABLE)	
ELECTION CYCLE 11/08/2022		
CANDIDATE INFORMATION		
LAST Wong	FIRST Jennifer	M.I.
COMMITTEE INFORMATION		
NAME OF CAMPAIGN COMMITTEE Re-Elect Jenny Wong for City Auditor 2022		FPPC I.D. No. 1446156
CANDIDATE CERTIFICATION		
<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>		
Jennifer Wong CANDIDATE SIGNATURE		05/16/2022 DATE SIGNED



City Clerk Department
2180 Milvia Street
Berkeley, CA 94704
(510) 981-6900

www.cityofberkeley.info | elections@cityofberkeley.info

E-Filed
08/01/2022
13:31:30

Filing ID:
204306838

**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**

OFFICE SOUGHT			
OFFICE City Auditor		COUNCIL DISTRICT (IF APPLICABLE)	
ELECTION CYCLE 11/08/2022			
COMMITTEE INFORMATION			
NAME OF CAMPAIGN COMMITTEE Re-Elect Jenny Wong for City Auditor 2022		FPPC I.D. No. 1446156	
STREET ADDRESS 2026 9th Street		APARTMENT/SUITE/FLOOR	
CITY Berkeley	STATE CA	ZIP CODE 94710	
TELEPHONE (510) 541-2663	EMAIL ADDRESS jwonga@hotmail.com		
CANDIDATE DECLARATION			
<p>I hereby declare that the following information is true and correct:</p> <ul style="list-style-type: none"> All information on the attached Qualified Contribution Receipts is complete and accurate to the best of my knowledge. I understand that the City shall verify that the qualified contributions meet all of the requirements and restrictions prior to the disbursement of funds. 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. 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. I understand that all campaign filings must be current in order for a disbursement of Fair Election funds to be released. 			
Jennifer Wong		08/01/2022	
CANDIDATE SIGNATURE		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.	Windchy	Elizabeth	1949 Yosemite Rd.	94707 Berkeley	Consultant	Elsevier	Electronic	07/16/2022	07/16/2022	July 2022	60.00
2.	Hancock	Lori	2225 Ward St.	94705 Berkeley	Retired	Retired	Check	07/11/2022	07/13/2022	July 2022	50.00
3.	Kaswan	Alice	1410 Holly St.	94703 Berkeley	Professor	University of San Francisco	Electronic	07/10/2022	07/10/2022	July 2022	60.00
4.	Ellis	Jane	2209 C 5th St.	94710 Berkeley	Retired	Retired	Electronic	07/10/2022	07/10/2022	July 2022	60.00
5.	Hanley	Kathleen	1400 Hearst	94702 Berkeley	ADR Specialist	JAMS	Electronic	07/10/2022	07/10/2022	July 2022	60.00
6.	Fine	Margaret (Mary)	747 San Diego Rd.	94707 Berkeley	Reference Law Librarian	Alameda County Law Library	Electronic	07/10/2022	07/10/2022	July 2022	30.00
7.	Chen	Alice	2627 Hillegass Ave., Apt 404	94704 Berkeley	LCSW	Kaiser Permanente	Electronic	07/09/2022	07/09/2022	July 2022	60.00
8.	Friedman	Ednah Beth	1205 Spruce St	94709 Berkeley	Retired	Retired	Electronic	07/09/2022	07/09/2022	July 2022	60.00
9.	Hammond	Jacqueline	1530 Virginia St	94703 Berkeley	Bookkeeper	Self-Employed, Berkeley	Electronic	07/08/2022	07/08/2022	July 2022	60.00
10.	Kurzweil	Jack	1737 Allston Way	94703 Berkeley	Retired	Retired	Electronic	07/07/2022	07/07/2022	July 2022	60.00
11.	White	Lonnie	1400 Hearst	94702 Berkeley	Fire Crew	East Bay Regional Parks	Electronic	07/07/2022	07/07/2022	July 2022	60.00
12.	Sheridan	Bhima	1937 Carleton St.	94704 Berkeley	Realtor	District Homes	Electronic	07/06/2022	07/06/2022	July 2022	60.00
13.	Chapman	Karen	1858 San Lorenzo Ave.	94707 Berkeley	Retired	Retired	Electronic	07/05/2022	07/05/2022	July 2022	60.00
14.	Conrad	Fred	2817 Piedmont Ave.	94705 Berkeley	Dentist	Self-Employed, Berkeley	Electronic	07/05/2022	07/05/2022	July 2022	60.00
15.	Braufman	Arthur	926 Shattuck Ave.	94707 Berkeley	Retired	Retired	Electronic	07/05/2022	07/05/2022	July 2022	50.00
										Subtotals	850.00

Last Name	First Name	Address	Zip Code, City	Occupation	Employer	Payment Method	Date Received	Date Deposited	Deposit Batch #	Amount of Contribution	
16.	Saxe-Taller	Julie	2435 California St. Berkeley	94703	Rabbi	Union for Reform Judaism	Electronic	07/03/2022	07/03/2022	July 2022	25.00
17.	Wong	Kelly	1734 MLK Jr Way Berkeley	94709	Senior Planner	City & County of San Francisco	Electronic	06/30/2022	06/30/2022	June 2022	60.00
18.	Brass	Esther	522 Colusa Berkeley	94707	Psychologist	Self-Employed	Electronic	06/29/2022	06/29/2022	June 2022	25.00
19.	Bloom	Wendy	2206 Roosevelt Ave Berkeley	94703	Retired	N/A	Electronic	06/29/2022	06/29/2022	June 2022	60.00
20.	Goldstein	Zachary	3033 Harper St, Unit A Berkeley	94703	Communications Specialist	SEIU Local 1021	Electronic	06/28/2022	06/28/2022	June 2022	60.00
21.	Weinberg	Joanna	40 Oakvale Ave Berkeley	94705	Retired	N/A	Electronic	06/28/2022	06/28/2022	June 2022	60.00
22.	Cooper	David	1629 Ward St Berkeley	94703	Retired	N/A	Electronic	06/28/2022	06/28/2022	June 2022	60.00
23.	Yep	Nancy	557 Neilson St Berkeley	94707	Retired	N/A	Electronic	06/21/2022	06/21/2022	June 2022	60.00
24.	Hamilton	Jill	1708 Buena Ave. Berkeley	94703	Project Manager	Environmental Science Associates	Electronic	06/20/2022	06/20/2022	June 2022	60.00
25.	Wehling	Jeff	1708 Buena Ave. Berkeley	94703	Attorney	US Environmental Protection Agency	Electronic	06/20/2022	06/20/2022	June 2022	60.00
26.	Hammond	Paul	1530 Virginia St Berkeley	94703	Certified Public Accountant	BREGANTE + COMPANY LLP	Electronic	06/03/2022	06/03/2022	June 2022	60.00
27.	Levine	David	40 Oakvale Ave Berkeley	94705	Professor	University of California	Electronic	06/03/2022	06/03/2022	June 2022	60.00
28.	Allan	Stephanie	1712 Channing Way, Berkeley	94703	Retired	N/A	Electronic	06/03/2022	06/03/2022	June 2022	60.00
29.	Wozniak	Gordon	141 Parkside Dr Berkeley	94705	Retired	Retired	Electronic	06/03/2022	06/03/2022	June 2022	60.00
30.	Dixon	Bob	2020 Bancroft Way, Apt. 321 Berkeley	94704	Retired	Retired	Electronic	06/02/2022	06/02/2022	June 2022	60.00
31.	Yep	Ray	557 Neilson St Berkeley	94707	Retired	Retired	Electronic	06/02/2022	06/02/2022	June 2022	60.00
32.	Anderson	Rachel	900 Arlington Ave Berkeley	94707	Chaplain	Self-Employed	Electronic	06/02/2022	06/02/2022	June 2022	60.00
33.	Pakravan	Rudabeh	1321 Ordway St. Berkeley	94702	Architect	Sidell Pakravan Inc	Check	03/03/2022	03/14/2022	March 2022	60.00
34.	Mountain	Kate	1436 Martin Luther King Jr. Way Berkeley	94709	Psychologist	Kaiser Permanente	Check	02/25/2022	02/25/2022	February 2022	60.00
35.	Lu	Kong	1436 Martin Luther King Jr. Way Berkeley	94709	Retired	N/A	Check	02/25/2022	02/25/2022	February 2022	60.00
										Subtotals	1,130.00
										Grand Totals	1,980.00

1,980
x6
11,880