

Memo

To: Commission

From: Wayne Barnett

Date: April 1, 2013

Re: Policing campaign activity relating to public financing

The Commission polices compliance with the City's elections code, ensuring that committees timely report the money that they raise and spend in support of or in opposition to ballot measures or candidates. The Executive Director can assess late-filing penalties against committees, which have the ability to appeal those fines to the Commission. For substantive violations of the Elections Code, the Executive Director can enter into settlements that are submitted to the Commission for its approval, or can charge a party with a campaign law violation and schedule a hearing before the Commission.

On a routine basis, Commission staff monitors campaign reports to ensure their accuracy. If, for example, a committee reports cash on hand at the start of February that does not match the reported cash on hand at the end of January, the committee can expect to hear from Commission staff that there is an error in their reports that needs fixed. Similarly, if a committee fails to include the occupation and employer of someone who contributes in excess of \$100, the committee can expect to hear from staff that their report needs to be amended.

The Commission and the State Public Disclosure Commission (PDC) have concurrent jurisdiction over most Elections Code violations.

The Commission also produces the City's portion of the Local Voters' Pamphlet. Under SMC 2.14.030.B, the Commission is the final arbiter of appeals of the City Attorney's explanatory statements, prepared to describe in clear and concise language ballot measures put to a public vote.

I would like guidance from the Commission on what role it believes it is appropriate for the Commission and staff to play in matters relating to a potential ballot measure on public financing, in light of the Commission's role in the formulation of a proposal for public financing. There is already a committee supporting public financing that is organized and filing reports with the Commission.

I recommend that the Commission give serious consideration to yielding to the PDC on those matters where the Commission and the PDC have concurrent jurisdiction. Questions

related to the voters' pamphlet are more complicated, because the municipal code empowers the Commission alone to hear appeals of the wording of the explanatory statement.