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Submitted electronically to [ethics.commission@lacity.org](mailto:ethics.commission@lacity.org)

Melinda Murray, Vice-President  
Los Angeles City Ethics Commission  
200 North Spring Street  
City Hall, 24<sup>th</sup> Floor  
Los Angeles, CA 90012

**Re: Councilmember Bonin's Amending Motion Regarding Qualifying  
Thresholds Under City's Matching Funds Program**

Dear Vice-President Murray and Members of the Commission,

The Campaign Legal Center ("CLC") writes in support of the Ethics Commission's full consideration of Councilmember Bonin's Amending Motion, proposed on October 5, 2018, regarding the qualifying thresholds necessary for candidates to receive funding through the city's matching funds program. We believe adoption of the Amending Motion's qualifying thresholds would significantly improve candidate participation in the matching funds program, and, ultimately, enable more people to run for city office. New York City recently amended its matching funds program to ease qualification requirements and expand the pool of individuals running for local office through its program, and we suggest the Ethics Commission examine New York City's amendments as it considers similar changes to Los Angeles's program.

CLC is a nonpartisan, nonprofit organization dedicated to protecting and strengthening campaign finance, ethics, and lobbying laws across all levels of government. Since the organization's founding in 2002, CLC has participated in every major campaign finance case before the U.S. Supreme Court, as well as numerous other federal and state court cases. Our work promotes every citizen's right to participate in the democratic process, and we strongly support public financing as a mechanism to broaden participation in U.S. elections.

On December 12, the Los Angeles City Council adopted Ordinance No. 185799, which makes significant revisions to the city's matching funds program. Among its changes to city law, the new ordinance raises the program's matching rate to 6-to-1

for qualified contributions received by participating candidates, and increases the maximum amount of public funding available to participating candidates in both the primary and general elections. These amendments will serve to augment the importance of small contributions from Los Angeles residents in city campaigns and provide participating candidates with more competitive funding through the program.

However, Ordinance No. 185799, as adopted, introduces a new hurdle for candidates seeking to qualify for matching funds. By decreasing the maximum amount of each qualified contribution that is counted toward the qualifying thresholds in L.A.M.C. § 49.7.23(C) to “one-seventh of the per-person City campaign contribution limit” applicable to each city office, the ordinance will require candidates to raise a much greater number of qualified contributions in order to receive public funding. This significant change to the qualification process could reduce the number of candidates who ultimately qualify for matching funds, and diminish the program’s overall appeal to city candidates.

Councilmember Bonin’s Amending Motion would have eliminated this new fundraising hurdle by ensuring that the new ordinance did not require candidates to collect a substantially greater number of qualified contributions to satisfy the program’s qualifying thresholds.<sup>1</sup> Effectively, the Amending Motion would have aligned the number of maximum qualified contributions needed to satisfy the thresholds in § 49.7.23(C), as amended by Ordinance No. 185799, with existing requirements under the city’s public financing law.<sup>2</sup> While the City Council did not approve the Amending Motion prior to adopting Ordinance No. 185799, it has requested that the Ethics Commission review the motion and make comprehensive recommendations on its proposed thresholds.

The recent amendments to New York City’s matching funds program may be helpful as the Commission develops its recommendations. Earlier this year, New York City voters overwhelmingly approved a package of charter amendments intended to increase candidates’ participation in that city’s matching funds program by easing qualification requirements for citywide office candidates.<sup>3</sup> The amendments, which were referred to city voters by a charter revision commission, allow citywide office

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<sup>1</sup> Under the Amending Motion, city candidates would have to raise an aggregate amount of qualified contributions exceeding: (i) 100 times the maximum amount of a qualified contribution eligible for matching funds for city council candidates (i.e., \$11,500); (ii) 150 times the maximum amount of a qualified contribution eligible for matching funds for city attorney and comptroller candidates (i.e., \$32,250); or (iii) 300 times the maximum amount of a qualified contribution eligible for matching funds for mayoral candidates (i.e., \$64,500).

<sup>2</sup> For example, prior to enactment of Ordinance No. 185799, a city council candidate could count only the first \$250 of a qualified contribution toward the program’s qualifying threshold of \$25,000. Thus, a city council candidate would have to collect over 100 maximum qualified contributions of \$250 to exceed the \$25,000 threshold. *See* L.A.M.C. § 49.7.23(C), *amended by* Ordinance No. 185799.

<sup>3</sup> *See* NEW YORK CITY CAMPAIGN FIN. BD., ABSTRACT, QUESTION #1: CAMPAIGN FINANCE 3, [https://www1.nyc.gov/assets/charter/downloads/pdf/2018\\_charter\\_revision\\_commission\\_abstract\\_s\\_1.pdf.PDF](https://www1.nyc.gov/assets/charter/downloads/pdf/2018_charter_revision_commission_abstract_s_1.pdf.PDF); *New York Election Results*, N.Y. TIMES, Dec. 17, 2018, <https://www.nytimes.com/interactive/2018/11/06/us/elections/results-new-york-elections.html>.

candidates to count a higher portion of each “matchable contribution”—up to \$250 per contributor—toward the thresholds necessary to qualify for public funding.<sup>4</sup> The charter revision commission recommended the easing of qualification requirements as part of a comprehensive effort to “[s]trengthen small dollar public matching for candidates who participate in the City’s public financing program.”<sup>5</sup> We hope the Ethics Commission will review New York City’s charter amendments, along with the charter review commission’s findings, during its evaluation of the Amending Motion.

In conclusion, CLC asks the Ethics Commission to carefully consider the qualifying thresholds in Councilmember Bonin’s Amending Motion. The adoption of these qualifying thresholds would comport with other changes in Ordinance No. 185799 by helping to expand, rather than diminish, candidate participation in Los Angeles’s public financing program. As the Ethics Commission considers the Amending Motion, we would be happy to answer questions or provide additional information to assist your review.

Respectfully submitted,

/s/

Catherine Hinckley Kelley  
Director, Policy & State  
Programs

/s/

Austin Graham  
Legal Counsel

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<sup>4</sup> 2018 CHARTER REVISION COMM’N, FINAL REPORT OF THE 2018 NEW YORK CITY CHARTER REVISION COMMISSION 25, Sept. 6, 2018, <https://www1.nyc.gov/assets/charter/downloads/pdf/final-report-20180904.pdf>.

<sup>5</sup> *Id.* at 3.