



## AGENDA ITEM SUMMARY

Election Code Committee

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### STAFF

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Cecilia Good, Senior Deputy City Clerk

### SUBJECT

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**Enforcement of Local Campaign Regulations**

### EXECUTIVE SUMMARY

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The Election Code Committee requested that staff research examples of an independent process for campaign compliance oversight, to support a Committee discussion of ways to reduce reliance on citizen complaints for enforcement.

### BACKGROUND / DISCUSSION

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#### **Proactive Oversight and Enforcement**

In discussion, the Committee has expressed concern about the existing campaign finance oversight mechanism and the extent to which it relies on members of the public identifying alleged violations and filing complaints to initiate review. The Committee has expressed interest in exploring ways to increase proactive oversight to reduce the dependence on private complaints for enforcement. Currently, the City Clerk's office performs only basic verification of submission timing and balance matching. Limited resources are available for candidate education and public inquiry response. In addition, reliance on City staff to review campaign submittals and compliance for candidates can put staff in a difficult position and potentially creates at least an appearance of a conflict of interest.

Staff has evaluated ways to address these limitations and recommends that the City contract with an outside service provider to independently carry out increased monitoring, review, oversight and investigation of campaign activities, including:

- Regular review of campaign finance submissions
- Investigation of potential violations
- Response to public inquiries
- Documentation of complaint resolutions

The third-party reviewer would carry out the steps necessary to inform committees and others involved in campaign activities of observed violations, work with them to facilitate cure of violations and work with a prosecutor (a special prosecutor in the case of a candidate issue) to take enforcement action for uncured violations.

Funds have not been allocated to this function and further assessment and estimation of the costs for an outside reviewer are needed.

During our review of comparable Colorado cities, two municipalities reported using specialized software for campaign finance submission to streamline the process and increase transparency. While this represents a potential operational improvement, it does not address the fundamental oversight needs identified. However, if the Committee is interested in further exploration of this as an avenue for improvement, staff can develop estimates and additional information about technology options.

### **Independent Bodies for Oversight**

The Committee and public commenters have inquired about what models other local governments use to provide oversight of election activities by an independent appointed body. While we were unable to identify many bodies of this sort, we did identify two local government jurisdictions with established oversight processes: Santa Fe, New Mexico, and Alameda County, California.

Santa Fe has implemented an Ethics and Campaign Review Board that provides comprehensive oversight of campaign finance matters as well as ethics matters. We do not have any feedback at this time about the effectiveness of the Board and the impact it has had. We have learned that in addition to independent review authority, the Board receives and investigates complaints, carries out regular audits and provides educational resources for candidates and committees.

Alameda County maintains an Elections Commission that provides systematic review of campaign finance reports, compliance monitoring and enforcement. Again, we do not have feedback related to the efficacy of this body compared to a professional staff-driven model.

### **CITY FINANCIAL IMPACTS**

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Staff has not assessed the cost associated with resourcing an outside reviewer/investigator model. Funds are not currently provided for that function, and additional appropriation would be required. Similarly, the costs associated with forming and staffing an independent commission or board for oversight of campaign compliance have not been determined.

### **PUBLIC OUTREACH**

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The League of Women Voters was consulted for the research of this topic.

### **ATTACHMENTS**

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1. Presentation