

COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEE ON LAW AND GOVERNMENT

Room 400, City Hall
Philadelphia, Pennsylvania
Wednesday, November 2, 2016
10:25 a.m.

PRESENT:

COUNCILMAN WILLIAM K. GREENLEE, CHAIR
COUNCILMAN DEREK S. GREEN
COUNCILMAN BOBBY HENON
COUNCILMAN CURTIS JONES, JR.
COUNCILMAN BRIAN J. O'NEILL

RESOLUTION 160851 - Resolution authorizing the
Council Committee on Law & Government to hold
hearings regarding campaign finance reform and
public financing of municipal elections.

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2 COUNCILMAN GREENLEE: Good
3 morning, everyone. This is the Committee
4 on Law and Government. Together here we
5 have Councilman Green, the Vice Chair of
6 the Committee and the main sponsor of the
7 resolution, also Councilman Jones, and
8 myself.

9 Ms. Marconi, will you please
10 read the title of the resolution before
11 us today.

12 THE CLERK: Resolution No.
13 160851, resolution authorizing the
14 Council Committee on Law and Government
15 to hold hearings regarding campaign
16 finance reform and public financing of
17 municipal elections.

18 COUNCILMAN GREENLEE: Thank
19 you. Will you please call the name of
20 the first witness.

21 THE CLERK: Ellen Kaplan.

22 COUNCILMAN GREENLEE: And while
23 Ms. Kaplan is approaching, just one
24 general rule. I think I've talked to a
25 few people in here about this.

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2 Ms. Kaplan, this really doesn't
3 affect you because yours is pretty short,
4 but those who have written testimony and
5 have submitted it, it will be made part
6 of the record and we just ask that people
7 summarize their statements so we can keep
8 moving, get in the questions and get into
9 a discussion.

10 (Witnesses approached witness
11 table.)

12 COUNCILMAN GREENLEE: With
13 that, Ms. Kaplan, please identify
14 yourself and proceed.

15 MS. KAPLAN: Good morning,
16 Chairman Greenlee and Councilman Jones
17 and Councilman Green. I am Ellen
18 Mattleman Kaplan. I am the Chief
19 Integrity Officer of the City of
20 Philadelphia, and I am here with the
21 Deputy Chief Integrity Officer, Stephanie
22 Tipton.

23 We have submitted written
24 testimony, so I won't read it, but I do
25 want to commend Councilman Green and

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2 Councilman Henon for this resolution.
3 And I'm very proud to live in a city that
4 has a campaign finance ordinance, and
5 City Council has taken a number of very
6 important steps over the last few years
7 to strengthen that campaign finance
8 ordinance, but I think we can always use
9 a conversation of how we can do the best
10 possible job in administering and
11 financing municipal elections.

12 So I'm delighted to have this
13 conversation here today and also very
14 pleased to see so many people who are
15 coming from other cities that have
16 enacted public financing programs so that
17 we can hear best practices from them.

18 On behalf of the Kenney
19 Administration, we're very interested in
20 the conversation today and interested in
21 being a part of any conversations with
22 City Council, with the Board of Ethics to
23 talk about whether a public financing
24 program would work for the City of
25 Philadelphia. There are very strong

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2 reasons, which we'll hear today, in favor
3 of public financing programs. At the
4 same time, public financing programs
5 don't come without a cost, and we're
6 anxious to hear what that cost is going
7 to be in terms of matching funds and
8 administrative costs.

9 And really, again, there's
10 nothing more for me to say than we said
11 in the testimony, and I know you folks
12 like short testimony, so I'm happy to
13 cede the floor to other people who know
14 more about campaign financing -- public
15 financing because they're on the ground
16 floor of doing it in other cities.

17 So thank you for the
18 opportunity to testify here today.

19 COUNCILMAN GREENLEE: Okay.
20 Thank you, Ms. Kaplan.

21 You're just here as a back-up?

22 MS. TIPTON: Yes.

23 COUNCILMAN GREENLEE: Okay.

24 Very good.

25 Just one question, and I know

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2 Councilman Green and Councilman Jones
3 have questions. This is more of a
4 comment and more just to steer the
5 conversation as we go on. I know you
6 mentioned and you've mentioned it in your
7 verbal testimony, Ms. Kaplan, other
8 projects competing for General Fund
9 dollars must be considered as well, and I
10 think that's something that I'd like to
11 hear from other people, because obviously
12 the money available is not infinite. You
13 know, it's not a bottomless pit, and we
14 go through every year in the budget
15 process of competing good interests of
16 trying to figure out how to provide money
17 for worthy causes, worthy issues, and
18 obviously this would add, at least in
19 some way, a significant addition to those
20 considerations.

21 So I don't know if you have any
22 comment on that. I just throw that out
23 there so for other people that are
24 listening or may be listening in the
25 future, if that could be melded into the

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2 conversation, I'd like to hear what some
3 of these other cities did. So I don't
4 know if you have anything on that.

5 MS. KAPLAN: I'm fine.

6 COUNCILMAN GREENLEE: Very
7 good.

8 Councilman Green.

9 COUNCILMAN GREEN: Thank you,
10 Mr. Chair. That was actually some of the
11 commentary I was going to raise. A few
12 years ago when Councilwoman Tasco was a
13 member of this body and Chair of the
14 Finance Committee, we had hearings
15 regarding the concept of public financing
16 of elections. At that time, Arizona was
17 kind of the leading state in the country
18 regarding public financing of elections.
19 And so the biggest challenge was how do
20 we come up with a system of doing so and
21 how do we find a way to provide this as
22 an opportunity possibly going forward.
23 And when you look at the number of
24 challenges we have as a city and when the
25 General Fund is already stretched, as

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2 Councilman Greenlee stated, we have this
3 amount of needs and this amount of
4 resources.

5 So I'm curious -- I know,
6 Ms. Kaplan, you've been not only with the
7 City Administration for a short period of
8 time, but also with the Committee of
9 Seventy. So I'm curious from your
10 perspective any thoughts you may have,
11 not necessarily speaking on behalf of the
12 Administration, just any thoughts you may
13 have on ideas from a funding source,
14 either you or Ms. Tipton, regarding this
15 idea based on your conversations or
16 insights from other cities or
17 jurisdictions.

18 MS. KAPLAN: I'm going to ask
19 my colleague to translate. I have
20 hearing issues, and I must tell you that
21 City Council Chambers are really not
22 friendly to people that have hearing
23 issues.

24 (Brief Pause.)

25 There are a number of options

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2 for funding something like this, and the
3 question is does it come from the General
4 Fund dollars and also how do taxpayers
5 feel about that. There are other
6 thoughts that I have seen from other
7 jurisdictions that it could be raised
8 from fees on lobbyists. Now, as you all
9 know, the Board of Ethics, which
10 administers and enforces the campaign
11 finance ordinance, does charge \$100 at
12 the moment in lobbyist fees, but
13 Philadelphia doesn't have that many
14 lobbyists as compared to certainly other
15 cities, and the money generated from
16 lobbyist fees I don't think would go a
17 very long way in supporting a campaign
18 finance program. And there also may be
19 perhaps -- and, again, I know Michael
20 Cooke is going to be testifying from the
21 Board of Ethics today -- fees that could
22 come in for violations of the campaign
23 finance ordinance.

24 So I think it would be -- this
25 is going to be a question that City

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2 Council members if they're interested in
3 pursuing this program and, again, the
4 Kenney Administration fully supports
5 continued exploration of a public
6 financing program to see where the money
7 would come from and also how we're going
8 to be talking about a public financing
9 program to the voters if the money is
10 coming out of the General Fund.

11 COUNCILMAN GREEN: I mean,
12 that's kind of really the challenge, how
13 do we find a way to pay for this concept.
14 I think part of the motivation of
15 continuing this dialogue that
16 Councilwoman Tasco started is that if you
17 look at our elections, there are a number
18 of factors of why we have smaller turnout
19 participation. I would say public
20 financing is one aspect of that. There
21 are other issues in reference to civic
22 engagement.

23 If you look at the 2015
24 election, we had about 26 percent
25 turnout. When we did this resolution a

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2 few years ago, the turnout was about the
3 same number. So there's a significant
4 barrier of entry into the political
5 process for those who are interested in
6 being engaged as a person to run for
7 office, especially when you look at
8 impact we have in reference to lack of
9 participation for women and also people
10 of color who are elected officials, not
11 as much at the local level but definitely
12 at the state level.

13 So I think this is an
14 opportunity to continue the conversation,
15 but the biggest crux of the issue is how
16 do we pay for it. And I've been a
17 proponent that if we're going to come up
18 with some type of system, it needs to be
19 something that's not going to take away
20 from the General Fund, but a system that
21 we're going to provide dollars to help
22 those who may be interested in running
23 for office to reduce the high costs, and
24 the money that comes into elections, as
25 you've seen from the post Citizens United

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2 and other type of cases, the amount of
3 money that comes into our electoral
4 process and going through the electoral
5 process, as we currently are right now,
6 huge amounts of money that are coming
7 into the system and how do we lower that
8 barrier of entry so more people can be
9 engaged in the process.

10 MS. KAPLAN: I think just to
11 your point, though, I think that there
12 are a great many benefits to a public
13 financing program, and I certainly don't
14 mean my mention of finances here as in
15 any way to put a damper on the
16 conversation, because I do think public
17 financing systems in other cities have
18 proven to be an entree to the political
19 process for many people who today feel
20 that they are not part of that process.

21 So I think these are all really
22 important issues to talk about when we
23 sit down and really drill down on the
24 details of a public financing program.

25 COUNCILMAN GREEN: If we were

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2 able to come up with a system of funding,
3 would you be supportive of a system where
4 people could opt out of the system where
5 X amount of dollars were provided for
6 candidates, for those who decide to
7 self-fund could opt out of that system?

8 MS. KAPLAN: As I understand
9 public financing programs, nobody can be
10 forced to participate in a public
11 financing program, that candidates do
12 have the ability to opt out if they
13 choose to do so. So is there always a
14 possibility of a tremendously wealthy
15 candidate not accepting public financing,
16 and the answer to that is yes.

17 What I found very fascinating
18 is in the 2007 election for Mayor, there
19 was a very wealthy candidate. Of course,
20 that was not a public financing system,
21 but we had a situation where a very
22 wealthy candidate participated in that
23 election and he was not the winning
24 candidate. So I think that the fact that
25 somebody might opt out I don't think is

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2 necessarily a means that that person
3 would win the election, because we have
4 that experience here in Philadelphia
5 where it didn't turn out.

6 COUNCILMAN GREEN: And one
7 final question, because I know my
8 colleagues would like to ask some
9 questions. What's your thoughts on the
10 role of media in raising the costs of
11 people running for office, especially
12 when you're looking at citywide? It's
13 kind of a catch 22, because the business
14 side of some media interests tend to
15 increase rates during the time as you get
16 closer to an election, which benefits the
17 entity, but then you have on the
18 editorial side and more the news side who
19 are concerned about the amount of money
20 going into the political process. So
21 what do you think the role of media has
22 in reference to the cost impact in people
23 running for office?

24 MS. KAPLAN: That's an
25 interesting question, Councilman. I'd

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2 like to think about that. I guess it
3 depends on the election, the role of the
4 media. Certainly I think in recent
5 years, that question tends to be more
6 relevant actually in the primary season,
7 especially when there is an open Mayor's
8 seat and perhaps in a number of Council
9 races in the past. But in light of
10 everything that we have seen over the
11 last year on the federal front, I'd have
12 to think about that some more and
13 wondering actually how that will play out
14 in local elections, the intense glare of
15 the media.

16 COUNCILMAN GREEN: I think
17 that's part of the challenge. I think
18 when someone is running for an office,
19 especially a citywide or statewide
20 office, the easiest way to get to a voter
21 is through the media. I'm not saying
22 it's the best way, but that's the
23 quickest and easiest way, which is a
24 cost. And then I think that's part of
25 the challenge and that's part of this

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2 conversation, that there is a significant
3 aspect that the role media has in
4 reference to the cost of communicating
5 with the general public regarding issues
6 and concepts and ideas as a part of this
7 concern. I think part of what is cost --
8 raises the cost of people running for
9 office. And I think there needs to be
10 role for media in this conversation.
11 Now, granted, there's media in the First
12 Amendment, other type of dynamics, but I
13 think there is an aspect to this issue
14 that the media has a role to play as
15 well.

16 (Brief pause.)

17 MS. KAPLAN: And I apologize
18 that I have hearing issues.

19 Yes, I agree with you. The
20 media should be a part of this
21 conversation, because they certainly do
22 play a role and in some cases, arguably,
23 do drive up the cost of elections.

24 I'd like to just mention
25 something, because I heard you mention

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2 statewide elections. Again, it is
3 continuously a disappointment that there
4 are no -- there is no campaign finance
5 law for statewide elections. And, again,
6 Philadelphia has really been a model for
7 other cities in the Commonwealth, not
8 that they have all taken up that mantle,
9 but I think the City of Philadelphia
10 really has been very, very strong on
11 campaign finance reform, and while we're
12 exploring this conversation on publicly
13 financed campaigns, I hope we will
14 continue to work together to strengthen
15 the campaign finance law in any way that
16 we can.

17 COUNCILMAN GREEN: Actually,
18 that raises another point. What would be
19 the impact if the City were able to come
20 up -- assuming arguendo we were able to
21 resolve the financing issue. But if the
22 City were to come up with a public
23 financing of campaigns, what impact would
24 you think the state would have in that
25 issue considering that there's no

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2 campaign finance dynamic like you just
3 discussed a few moments ago at the state
4 level, but if we were to come up with a
5 public financing system, how do you think
6 that would impact our city-state
7 relationship?

8 COUNCILMAN GREENLEE: Thank
9 you, Councilman.

10 Please let the record reflect
11 Councilman Henon, a member of the
12 Committee, is present.

13 Councilman Jones.

14 COUNCILMAN JONES: Thank you,
15 Mr. Chairman.

16 MS. KAPLAN: Does it impact? I
17 would hope that it would impact in a very
18 positive way, but unfortunately that has
19 not happened yet. I know that there are
20 proposals continually in Harrisburg to
21 have a campaign finance law with caps on
22 contributions, but they seem to die
23 before they get a committee hearing. So
24 I would hope that we would have a
25 positive impact at some point in state

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2 government in that regard.

3 COUNCILMAN GREENLEE: Thank
4 you.

5 Councilman Jones.

6 COUNCILMAN JONES: Thank you so
7 much.

8 And good morning.

9 MS. KAPLAN: Good morning.

10 COUNCILMAN JONES: So I have a
11 high degree of regard for agencies like
12 yours and the Committee of Seventy and
13 others that give us balance, keep us from
14 being demagogues and tyrannical and all of
15 those good things, because sitting in
16 those chairs, if you'll hear the echo of
17 your own voice, you tend to get tone deaf
18 to what reason comes from the outside of
19 your own head. So I respect that
20 totally. And I've been on the bad side
21 of you guys before and I've forgiven and,
22 you know, learned from it. Experience is
23 the best teacher sometimes through pain,
24 and so you tend to get it. So I'm okay
25 with all of this.

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2 What I want to also and always
3 share with you guys is how it is for our
4 voices over here, who actually have to
5 run for office, who actually have to
6 present themselves to the public, have
7 full transparency in everything that we
8 go through. So for me, not speaking for
9 anyone else on this Committee, I ran for
10 my first office in 1979 -- actually '76,
11 delegate to the Democratic National
12 Convention. I was a young idealistic
13 guy, high school guy, and ran, and got my
14 rear end handed to me. Didn't win, but I
15 got involved and I really learned a lot
16 and became addicted to this thing called
17 government, politics, and progress in
18 public policy.

19 So I want you to know -- you
20 know, the bad term is he's a lifetime
21 government guy. Well, I wear that
22 proudly, and hopefully over the time I'm
23 here, we'll be able to point to things
24 where I've made a difference, and that's
25 my goal and that's for -- not to get

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2 rich, but to make a difference, and
3 that's why I started and that's why I do
4 it today.

5 That passion led to me
6 eventually contributing in other ways in
7 government, but then in 2007, having to
8 do a gut check -- and when I mean a gut
9 check, you know, when you take that leap
10 of faith to say I'm going to get naked
11 before the Romans, I'm going to raise
12 money, I'm going to get out there, I'm
13 going to stand and listen to the
14 hecklers, to get pointed in your face and
15 accused of all kinds of things, that is a
16 gut check.

17 Another gut check is when in
18 2007 I took 60-plus thousand dollars out
19 of my 401(k), having worked for 14 years,
20 and said, I believe in myself being a
21 value added to government enough to risk
22 my family's future for it. And, you
23 know, win, lose or draw, right, when you
24 do those kinds of things, that's when you
25 know that you are committed to this thing

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2 here, when your family -- not so much
3 with me. I'm a swashbuckler kind of guy,
4 but when I'm risking my kids' tuition and
5 I'm risking my mortgage payment, that is
6 a commitment. That is like the chicken
7 and the ham. You know, the chicken makes
8 a contribution; the ham is committed
9 because he's, you know -- I won't go into
10 the joke, but it is real. So I put up my
11 own money to do this.

12 There are unintended
13 consequences to public finance. There
14 are people -- and I don't -- I am not
15 qualified to question anyone's motivation
16 that runs for office, but some of them
17 have been professional candidates, that I
18 get into it so I can make a deal with the
19 incumbent. Anybody who hasn't heard of
20 that, raise your hand. But they get into
21 the race, they hold it down, they get
22 into the race to go to the incumbent and
23 say, You can deal me out of this if you
24 give me X, Y and maybe even Z. And some
25 people do it, some people say, Bring what

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2 you're bringing and I'll see you on the
3 campaign field. But there are those
4 kinds of people that are motivated, not
5 so much for the public interest -- and
6 I'm not trying to say I'm pure or
7 anything like that, but I've been in this
8 enough to know this is what I am
9 committed to do. But there are some
10 people that, you know, this is an
11 opportunity for a raise, a promotion, a
12 great job, and you see by the heads there
13 are those people. If you add the added
14 incentive of public financing, I could
15 raise this money to this degree and then
16 I'm going to get a match and then I can
17 do this and that, I don't know if that's
18 the kind of commitment that we are
19 looking for.

20 Let me further say --

21 MS. KAPLAN: Well,
22 Councilman --

23 COUNCILMAN JONES: No. Wait a
24 minute. I wasn't done. I listened. I
25 just want to get mine out, because I'm at

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2 the age now because all of that, I'll
3 lose my thought.

4 So in 2007, how many candidates
5 ran for at-large? About 50?

6 COUNCILMAN GREEN: Not quite
7 50.

8 COUNCILMAN JONES: There might
9 have been --

10 COUNCILMAN GREENLEE: About
11 five had dropped out.

12 COUNCILMAN JONES: Yeah, five
13 had dropped out.

14 COUNCILMAN GREEN: '91 was the
15 big year.

16 COUNCILMAN JONES: So '91 how
17 many ran?

18 COUNCILMAN GREENLEE: Like a
19 hundred.

20 COUNCILMAN JONES: A hundred.

21 And let me give you the process
22 so that you know our side of the
23 thinking.

24 They get in to go into the
25 lottery ball lotto literally, whether

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2 you're a judge -- am I right? Don't act
3 like I'm not telling truth here, right?

4 So they go into the lottery
5 ball lotto, and if I pull No. 1 -- am I
6 right, Wilson Goode? If I pull No. 10,
7 I'm out. If I pull No. 20, I'm
8 definitely out, and they go into that --

9 I remember being in the room
10 when you pulled No. 1 and walked out of
11 that place like on a cloud, right?
12 Because that meant so much by way of
13 winnability, not anyone's motivation, but
14 their ability to run as a successful
15 candidate. And not to say that hasn't
16 worked out for the betterment of this
17 body, but I don't want that to be your
18 motivation to run for office, that if I
19 win the lotto, I can be an elected
20 official. And then when they got the bad
21 news of the balls, they dropped out.

22 So that process in and of
23 itself -- and everybody has a right to
24 run, from people who aren't sincere to
25 people who are, but in that process, you

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2 better pray and hope that the folk that
3 wind up here actually want to do
4 something for this city.

5 And so I'm not convinced -- and
6 I want to hear. I still have an open
7 mind. I voted for things I wasn't sure
8 of before and giving it the benefit of
9 the doubt, but help me to understand how
10 that does not encourage that professional
11 candidate to be in this business.

12 MS. KAPLAN: I think you have
13 raised a number of issues I think that
14 are really central to how a public
15 financing system would be structured in
16 the City of Philadelphia, and I think the
17 people who are here today from other
18 cities who have already instituted those
19 programs should be able to talk to you
20 about how your points have played out in
21 their individual cities.

22 In public financing systems,
23 there is a qualifying amount and a
24 threshold amount that candidates do have
25 to raise before they are eligible for

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2 matching funds, with the idea that you
3 really do want to weed out candidates who
4 are not serious, candidates who are just
5 doing that to get publicity for other
6 reasons. And so, again, I think their
7 experience will be really instructive in
8 terms of how many candidates may have
9 said they were throwing their hat in the
10 ring and how many actually qualify for
11 the public financing.

12 COUNCILMAN JONES: That's fair.

13 MS. KAPLAN: But certainly, you
14 know, you raise a good point, that many
15 candidates in Philadelphia who are very
16 serious do make a lot of personal
17 sacrifices in order to run for office.

18 COUNCILMAN JONES: So I'll
19 leave you with this: There were
20 approximately 15 or so republican
21 candidates for President in the primary,
22 right, originally through vetting and
23 through who could get this, and it's a
24 process that our founding fathers put
25 together. We are now one week away from

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2 the possibility of one of those
3 candidates who no matter where you sit --
4 I'm non-partisan here, you know -- it's
5 funny and entertaining, I might add, when
6 jokes are told and you laugh. It is not
7 entertaining when a joke gets elected and
8 has the keys to the treasury and to
9 public policy, because all of our
10 children depend on making grownup
11 decisions.

12 So this is a solemn process
13 that I know all of these folk up here
14 have gone through. We came from
15 different parts of town and different
16 constituencies, but I do not doubt not
17 one person on this panel's sincere
18 interest in this city. I don't want it
19 left up to a lottery or if I get lucky
20 and get this match of money. I want you
21 to look in the mirror and think real hard
22 about your decision to enter this arena.
23 And it's not that I'm afraid of
24 competition, because if they outwork me,
25 then they deserve this spot, but keep up.

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2 Thank you, Mr. Chair.

3 COUNCILMAN GREENLEE: Thank
4 you.

5 Councilman Green.

6 COUNCILMAN GREEN: Just a
7 follow-up on Councilman Jones' comments,
8 and I appreciate his comments, because he
9 talked in a very eloquent way about the
10 challenges in coming up with a public
11 finance system. As an attorney, I know
12 people not necessarily in this city but
13 in another part of the Commonwealth that
14 run for judge as their business
15 development strategy. They file their
16 petition, only to get notoriety, so that
17 way, they can get more clients.

18 But then you have the other end
19 of the spectrum which Councilman Jones
20 talked about, where you have someone that
21 has infinite amount of resources at their
22 disposal and they decide, well, I want to
23 pick up being a public servant as a
24 hobby.

25 And since we're in November

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2 now, so we're in baseball season. So I'm
3 thinking about baseball. So I think of a
4 team that I despise greatly, which is the
5 Yankees. They have unlimited amount of
6 resources and they can decide they can
7 buy off or pick up players. I'm assuming
8 they're looking at both the Cubs and the
9 Indians in the way that two or three
10 years, I think I'm going to take that
11 player or that player.

12 But if you look at baseball, it
13 has a way of balancing things. And so
14 you have small-market teams, like Kansas
15 City Royals, who will be able to win, and
16 I think that's part of when I look at
17 this process, how do we make the process
18 fair so you don't have someone that just
19 jumps in for sake of jumping in a race
20 and I want to do it just for whatever
21 versus someone that decides, I'm going to
22 decide I want to run the City of
23 Philadelphia or I want to do whatever and
24 just decides to use it as a hobby. And I
25 think by having and having this

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2 conversation about public financing, it
3 allows those Oakland A's type teams or
4 candidates who have a real interest and
5 real commitment to their communities and
6 have really great ideas to offer the
7 City, but because if they decide to run,
8 they don't have the connections or the
9 resources, they don't have the ability to
10 devote seven, eight months out of the
11 year to do call time every day, and even
12 if they had the time to do call time,
13 don't have relations with people that can
14 help them raise money, to really raise
15 the money to do a citywide race or even a
16 district race.

17 So I think that the challenge
18 is having a balance to the different
19 concepts, and I think that was kind of
20 the purpose of the initial conversation
21 we had with Councilwoman Tasco and it
22 continues today.

23 MS. KAPLAN: Councilman, I'd
24 still like to believe that if there are
25 voters that do get matching funds that

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2 don't articulate policy positions and
3 don't connect to their communities will
4 be weeded out through the democratic
5 process.

6 COUNCILMAN GREENLEE: Thank
7 you.

8 Any other questions?
9 (No response.)

10 COUNCILMAN GREENLEE: Seeing
11 none, thank you both very much. Thank
12 you. Good start to the discussion here.

13 Ms. Marconi, please, our next
14 panel.

15 THE CLERK: Catie Kelley and
16 Brent Ferguson.

17 (Witnesses approached witness
18 table.)

19 COUNCILMAN GREENLEE: Good
20 morning to you both.

21 (Good morning.)

22 COUNCILMAN GREENLEE: I think
23 we talked about this earlier. Your
24 written testimony is being made part of
25 the record, so if you could just -- you

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2 see kind of the discussion, where it's
3 going, so maybe you can address some of
4 your remarks to some of the issues that
5 have been brought up already.

6 Whoever would like to go first.
7 Ms. Kelley? Please identify yourself and
8 proceed.

9 MS. KELLEY: Yes. My name is
10 Catie Kelley. I'm here on behalf --

11 COUNCILMAN GREENLEE: A little
12 closer to the microphone. Ms. Kaplan is
13 absolutely right, this is a beautiful
14 room, but you can't hear in it. So you
15 need to speak directly in it as loud as
16 you can.

17 MS. KELLEY: All right. Is
18 that better?

19 COUNCILMAN GREENLEE: There you
20 go.

21 MS. KELLEY: Okay. My name is
22 Catie Kelley. I'm here on behalf of The
23 Campaign Legal Center. I'm very pleased
24 to be here today to discuss the
25 importance of public financing as an

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2 option for campaign finance reform for
3 the City of Philadelphia. We think that
4 the City is undertaking this
5 consideration at a very important time
6 for the City and for our democracy. As
7 has already been discussed, we are less
8 than a week away from an election and the
9 conclusion of a very long presidential
10 race. In total, it's estimated that \$6.6
11 billion will be spent on this election,
12 and that's a significant increase even
13 from 2012, which shattered the records of
14 the most expensive election in our
15 history.

16 Much of the coverage of this
17 election is focused on how much money has
18 been raised in support of each candidate
19 and who they're raising their money from.
20 Perhaps the most startling aspect of the
21 6.6 billion is the amount coming from a
22 small handful of the wealthiest
23 Americans. Nearly 12 percent of all the
24 money raised so far comes from just 100
25 families.

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2 This means that the vast
3 majority of Americans are not
4 participating in the financing of our
5 campaigns. Public funding offers an
6 alternative. It elevates the voice of
7 all citizens in our political process,
8 not just those who are able to write
9 large checks. And we think that public
10 financing has the opportunity to reorient
11 our elections by facilitating the
12 dialogue between voters and elected
13 officials and to increase participation
14 in the electoral process.

15 My testimony also addresses
16 some background history on public
17 financing and the constitutionality of
18 these programs. I'm happy to address
19 specific questions that the Committee has
20 on those issues, but for the remainder of
21 my oral remarks I'd just like to
22 highlight some elements that we think are
23 key components of any public financing
24 system.

25 There's been questions about

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2 how to weed out candidates who aren't
3 serious. A good public financing
4 program, you have to qualify for it, and
5 different programs address this in
6 different ways. You need to get a
7 certain number of small dollar
8 contributions from residents of your
9 district, because we really want to be
10 able to -- the candidate has to prove
11 that they have the support of the people
12 that they're going to represent. And
13 that way, between the qualifying funds
14 and the course of the democratic process
15 through a campaign, you whittle the field
16 of candidates to the ones that are really
17 viable for office and have the support of
18 the electorate.

19 We also think that lower limits
20 on contributions to those who are
21 participating as publicly financed
22 candidates is important. The lower
23 limits creates more -- or breaks the
24 importance of small -- of large
25 contributions to candidates, and the

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2 lower limits for the candidates is offset
3 by the public funds the candidate
4 receives.

5 We think there should be a
6 prohibition on participating candidates
7 listing soft money or unregulated
8 campaign contributions, whether for a
9 super PAC or some other entity that might
10 be supporting them. This has the
11 potential for seriously undermining your
12 public financing program.

13 We think there should be a
14 limit on how the public funds can be
15 spent. We have seen programs face
16 trouble when it comes to light that the
17 funds have been used to benefit the
18 candidate in a personal capacity, and
19 this ties into really the key component
20 of getting your public financing program
21 to work, and that's good administration
22 and good enforcement. You need somebody
23 there making sure the funds are used
24 appropriately and you need an
25 administrator with the resources and the

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2 authority to do their job.

3 And, finally, these systems
4 require maintenance. The private
5 financial public financing system was
6 successful for many years. It hasn't
7 been updated since 1974, and guess what?
8 Campaigns have changed since then, and
9 the system is now horribly out of date.
10 New York City is the successful
11 counterpoint to that, and the New York
12 City Campaign Finance Board is charged
13 with reviewing the system and suggesting
14 updates. And so that system actually has
15 received the maintenance it needs to
16 maintain the longevity of the program.

17 That covers what I'd like to
18 address to the Committee, and I look
19 forward to your questions.

20 COUNCILMAN GREENLEE: Thank
21 you, Ms. Kelley.

22 Let's hear from Mr. Ferguson,
23 then we'll go from there.

24 MR. FERGUSON: Sure. My name
25 is Brent Ferguson from the Brennan Center

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2 for Justice.

3 First, I'll second Catie's
4 remarks. I think the public financing
5 programs that you're considering most
6 seriously, probably a matching program
7 like New York City's or a voucher
8 program, which is just being tried for
9 the first time in Seattle next year, I
10 think they will address the concerns that
11 you've raised earlier about serious
12 candidates, and candidates will be weeded
13 out by the threshold of small
14 contributions they have to get at the
15 beginning of the process, and it also
16 does something different than Arizona's
17 system, which provides a big block grant.
18 It means that throughout the election
19 process, candidates have to keep raising
20 money and keep meeting voters and asking
21 for that money to get a voucher or to get
22 a small contribution that's matched. If
23 they're not a serious candidate, they're
24 not going to get those small
25 contributions from voters, and I think

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2 that's a very important part of this
3 system.

4 I've been asked to explain
5 voucher systems in a little bit more
6 detail, which I'll do quickly. It's also
7 in my written testimony, but I want to
8 emphasize the promising nature of the
9 system.

10 As I said, we don't have any
11 voucher programs in the United States
12 yet. Seattle just adopted a system that
13 will first be implemented next year. The
14 way that it works is, every registered
15 voter gets four \$25 vouchers, which they
16 can then give to any candidate for city
17 office. They have to comply with low
18 contribution limits of about \$250 or \$500
19 depending on the office. They also have
20 to abide by spending limits of between
21 \$150,000 and \$800,000 per election, and
22 they have to raise those qualifying
23 contributions that we talked about, up to
24 600 contributions for a candidate for
25 mayor.

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2 So the reason that this has
3 such potential for Seattle and for other
4 cities like Philadelphia is, they can
5 really have more people involved in the
6 process. We've never had a system in
7 this country that gives essentially a
8 gift card to every voter across the city
9 and says, You give this free money to any
10 candidate that you want to support. Even
11 the matching program in New York City,
12 you have to take some money out of your
13 pocket, and that means that wealthier
14 people are going to disproportionately
15 give money.

16 The matching system has
17 certainly been successful at encouraging
18 donor diversity from different
19 neighborhoods and different levels of
20 wealth across the city, but voucher
21 programs have the potential to do that to
22 an even greater degree.

23 I will say there are a few
24 drawbacks of a voucher program. It's
25 somewhat of an experiment. We don't have

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2 any voucher system in place. So the
3 logistics may be a little bit difficult,
4 getting vouchers to everyone
5 successfully, making sure that they're
6 not sent to the wrong address, making
7 sure that people aren't coerced into
8 using their vouchers, making sure that
9 they're not subject to fraud and people
10 are collecting vouchers and submitting
11 them fraudulently.

12 And then, finally, generally
13 outside the voucher program, I want to
14 emphasize a couple points that have been
15 made. The funding, as you've discussed
16 before, is very important. The amount of
17 money you're required for a public
18 financing system is relatively small, but
19 it must be guaranteed. We've seen other
20 places like Massachusetts and Suffolk
21 County where they adopt a program like
22 this, and if they don't have money backed
23 up by the General Fund, the system can
24 fail very quickly, and it's not worth
25 passing if it's not a system that a

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2 candidate can be sure they can have
3 confidence in and get the money that they
4 signed up for.

5 And then the enforcement and
6 administration of the system are
7 important as well. We have to make a
8 flexible system with an agency that's
9 empowered to make small changes when
10 necessary.

11 And, finally, a system needs to
12 take into account the fact that outside
13 money is growing across the country
14 through entities like super PACs. As was
15 mentioned before, these systems must be
16 voluntary. So some privately financed
17 candidates may be able to spend big money
18 even in a successful system. Super PACs
19 can spend unlimited amounts of money.
20 It's important to take into account the
21 amounts of money that are being spent in
22 Philadelphia and that might be spent in
23 the future and to allow candidates to
24 raise enough money to compete with that.

25 Thank you.

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2 COUNCILMAN GREENLEE: Okay.

3 Thank you both. Let me just
4 ask, Mr. Ferguson, you brought up
5 Seattle, and I know we're going to hear
6 from somebody from Seattle, but it says
7 the city will distribute four \$25
8 vouchers. It sounds like a lot of money
9 it adds up to. And obviously we're a
10 larger city, so I guess -- and, again,
11 we're going to hear from somebody from
12 Seattle, so maybe the question is better
13 to them. But I don't know. How did the
14 general public react to that?

15 MR. FERGUSON: Well, the
16 general public was very much in favor.
17 They voted -- I don't remember the exact
18 percentage, but I think it passed with
19 almost 60 percent approval.

20 There's a couple ways to limit
21 the spending of a program like this. Any
22 program, a voucher program or a matching
23 program, can simply limit the amount of
24 funds spent even if that's less than the
25 amount of vouchers that are given. So

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2 that's what Seattle did. If every voter
3 used their vouchers, it would go over
4 that limit, so the final vouchers
5 wouldn't count. They essentially
6 wouldn't be worth anything. You could
7 consider that some problem, but at the
8 same time, it guarantees that the city is
9 not going to be in a huge hole.

10 Seattle gave \$3 million over
11 ten years for this program, and it's a
12 small property tax increase that pays for
13 that. So it's not --

14 COUNCILMAN GREENLEE: Property
15 tax increase? Okay.

16 MR. FERGUSON: Yeah.

17 COUNCILMAN GREENLEE: Okay.
18 People always push for that here in the
19 City of Philadelphia, that property tax
20 increase.

21 I have to say, when we want to
22 fund schools -- and I'm not being
23 critical. I'm just pointing something
24 out. When we want to fund schools and
25 talk about property tax increases, people

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2 bring out the pitchforks, so --

3 MR. FERGUSON: Yeah. I'm not
4 recommending that for Philadelphia.

5 COUNCILMAN GREENLEE: I'm just
6 saying that that's -- I think that gets
7 back to what I brought up earlier, that
8 we have to figure out how we balance all
9 the money that we need and don't have.

10 MR. FERGUSON: Certainly. And
11 there are publications and a lot of ideas
12 for different cities on how to create
13 that funding, but I would just emphasize
14 that whatever is most appropriate for
15 Philadelphia should be backed up by the
16 General Fund.

17 COUNCILMAN GREENLEE: And just
18 one last thing and I'll turn to the rest
19 of the panel. In your written testimony,
20 you talk about important considerations
21 and you talk about how do we ensure that
22 participating candidates are not
23 overwhelmed by high levels of spending by
24 non-participating opponents and groups
25 like PACs. I mean, you can limit and we

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2 do have campaign limits here in
3 Philadelphia, but we can't limit what an
4 individual spends, right?

5 MR. FERGUSON: Certainly.
6 Certainly. So what that consideration
7 means is, as you say, outside groups and
8 candidates can spend as much as they
9 want. So under matching programs or
10 voucher systems, there's a limited amount
11 of money most candidates can raise. They
12 can raise a certain amount of money and
13 then the public funds are spent. Systems
14 like Seattle's raise that limit in the
15 cases in which candidates face high
16 spending opponents. So if I'm a publicly
17 financed candidate and I'm facing someone
18 who gets a lot of money from the outside,
19 then my limits are raised, and that helps
20 ensure that candidates can go into the
21 program and know that they're not going
22 to be outspent to such a great degree.

23 COUNCILMAN GREENLEE: We have
24 something similar. If a person -- I
25 don't know the figures here off the top

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2 of my head, but if a person self-finances
3 to a certain level, then the limits that
4 we can --

5 MR. FERGUSON: Yeah, the
6 contribution limits go up.

7 COUNCILMAN GREENLEE: Yeah.
8 The contribution, yeah.

9 MR. FERGUSON: This is a little
10 bit of a different idea, but same --

11 COUNCILMAN GREENLEE: The
12 millionaire clause, right.

13 Okay. Thank you.

14 Councilman Green and then
15 Councilman Henon.

16 COUNCILMAN GREEN: Thank you
17 both for your testimony. In looking at
18 the various localities that have public
19 financing from -- and I'm looking
20 primarily at Miami, Dade County, Seattle,
21 which you talked about, and also we've
22 been talking about New York and LA. In
23 all of those public financing systems,
24 those dollars came from the General Fund,
25 correct?

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2 MR. FERGUSON: The Seattle
3 system is a property tax.

4 COUNCILMAN GREEN: Oh, property
5 tax. You did say property tax, right.

6 MR. FERGUSON: I don't know
7 about Miami.

8 Do you know?

9 MS. KELLEY: I don't know off
10 the top of my head.

11 MR. FERGUSON: Most of the
12 systems at least are backed up by the
13 General Fund, so if there's a shortfall
14 in something like the property tax
15 increase, then they can add a little bit
16 of money.

17 MS. KELLEY: Yeah. A lot of
18 the systems operate from a designated
19 fund and then, as Brent said, backed up
20 by the General Fund.

21 COUNCILMAN GREEN: The reason,
22 I'm just reflecting on a couple different
23 ideas. So if you look at from the
24 President's campaign 2008 as well as the
25 Sanders campaign of this year as well as

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2 also the Trump campaign the past couple
3 of months, they've been able to raise
4 small dollars by specific events that may
5 have occurred and using small dollar
6 online donations.

7 Has there been any thought --
8 and I'm thinking about like, for example,
9 when you file your federal tax returns,
10 you can mark off \$3 to the Presidential
11 Commission. I know in Delaware for their
12 state taxes, they do the same thing. We
13 can mark off or designate dollars.

14 Has there been any
15 conversations of ways municipalities,
16 either on their own or working with other
17 organizations, could try to raise funds
18 in an online way to try to get money into
19 a public financing system by voters; for
20 example, having a drive or a fund drive
21 over a period of time to kind of raise
22 some dollars to help seed a public
23 financing concept? Has there been any
24 ideas of other jurisdictions doing that,
25 trying to find another way for those

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2 people who are really interested in
3 participating and trying to raise some
4 money, outside just going to the General
5 Fund?

6 MS. KELLEY: I'm not aware of
7 any efforts like that off the top of my
8 head. Most of the public financing
9 programs, it's allowed that they can
10 accept contributions from people who just
11 want to give to generally support the
12 public financing of campaigns. So a lot
13 of these programs do include some sort of
14 provision allowing for that sort of
15 individual financing of the public
16 funding campaigns.

17 MR. FERGUSON: Yeah, I agree.
18 I don't know of any specific effort, but
19 most laws say that voluntary
20 contributions are accepted. It's
21 certainly never the case that that's
22 enough to fund the program. There are
23 also tax check-offs, like you mentioned,
24 both on the federal program and I believe
25 some state programs have it. I think

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2 that's a viable way to create some
3 funding, although, again, I don't think
4 that's going to provide enough money for
5 the whole system.

6 COUNCILMAN GREEN: Okay. Thank
7 you.

8 COUNCILMAN GREENLEE: Thank
9 you, Councilman.

10 Councilman Henon.

11 COUNCILMAN HENON: Thank you.

12 Thank you for coming here and
13 testifying. Just on the same line of the
14 Councilman's questions on funding, can
15 you explain a little more in detail the
16 different options such as the trust,
17 dedicated taxes, the General Funds, and
18 the opt in/opt out tax collections, is
19 that correct, or tax collection credit?

20 MR. FERGUSON: Sure. I can
21 talk about that a little bit. I'll
22 say -- and, Catie, feel free to jump in.
23 It's hard to talk about the funding
24 issues in that much specificity in a
25 jurisdiction like Philadelphia where I

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2 don't know it intimately. Different
3 cities and states make different choices
4 based on where they think they can raise
5 the most money, and so there is a long
6 list of ideas that various states and
7 cities have used.

8 A tax check-off is one thing
9 that's been used for decades in the
10 federal presidential public financing
11 system, and for a couple of decades it
12 worked somewhat well and people
13 participated and it provided quite a lot
14 of money, although the popularity went
15 down after a while, and because if
16 there's not a back-up or another source
17 of funding, that creates a real problem.

18 You see other states propose
19 fees on lobbying or campaign financing
20 filing. You see states consider taking
21 money from an abandoned property fund. I
22 don't know if there's something like that
23 in Philadelphia, but it was in a recent
24 New York state bill.

25 So it really -- and then the

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2 property taxes, as we discussed in
3 Seattle. I think it's a concern that's
4 specific to Philadelphia, but we're happy
5 to provide a list of methods that states
6 and cities have used in the past, if that
7 would be helpful.

8 COUNCILMAN HENON: Catherine,
9 you had mentioned about 1974, the
10 maintenance of the systems. How often
11 are the processes and systems revisited?
12 You had given a date from 1974 in one
13 particular case. In best practice, best
14 case scenario, how often do you think we
15 should be revisiting if this were to be
16 implemented in some way?

17 MS. KELLEY: I think New York
18 City really is the best model to look to
19 for that. The New York City Campaign
20 Finance Board is required to hold
21 hearings after each election to seek
22 input from officeholders, from public
23 interest groups, from citizens, from
24 campaign practitioners and get input, and
25 it's a chance for the community to say,

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2 hey, this really didn't work in the
3 system this year, we think you should
4 change this. And so they're required to
5 do it after each election, and I think
6 that that is a good approach. I think
7 that's the right approach, because
8 campaigns change a lot, as we've seen
9 over the past six years. The way money
10 is spent, the way money is raised changes
11 a lot, and these systems need to be
12 tweaked and fine-tuned in order to
13 respond to those changes and give the
14 candidates the support they need to make
15 public financing viable.

16 COUNCILMAN HENON: So from
17 either one of you in your experience and
18 expertise on the knowledge of public
19 financing across the country, for a city
20 or state to get started right from a
21 clean slate, what are some of the
22 challenges that they would experience?

23 MR. FERGUSON: We've already
24 discussed funding, which is certainly
25 one. I think that the enforcement and

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2 administration of a public financing
3 system is extremely important, and many
4 cities and states consider setting up a
5 new agency that's dedicated specifically
6 to running the program. Whether it's a
7 matching program or a voucher program, it
8 takes expertise and flexibility to review
9 candidate reports and maintain the system
10 well and update the system, as Catie
11 mentioned, and also adjudicate problems
12 and hear candidate complaints and respond
13 to those.

14 I think a third major concern
15 is looking specifically at where the big
16 money in the City is coming from. If one
17 of the goals of the public financing
18 program is to reduce reliance on the
19 bigger contributions, is the money mainly
20 coming from contributions, is super PAC
21 spending rising, and how can you create a
22 system that will attract candidates but
23 also meet the goals of the system. So
24 that's where you have to consider how
25 high you want the contribution limits to

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2 be for participating candidates.

3 Some cities like New York allow
4 their participating candidates to raise
5 the same size of contributions as
6 non-participating. Some make them abide
7 by lower contribution limits. So finding
8 that balance and responding to the
9 spending is important.

10 COUNCILMAN HENON: You had
11 mentioned -- this will be my last
12 question. You had mentioned that lack of
13 participation kind of -- there was a
14 drop-off with the voters. What do you
15 think contributed to that drop-off?
16 Because it may not just be the City of
17 Philadelphia. It may be nationwide. We
18 suffer from electile dysfunction here in
19 the City and we try to encourage people
20 to come out and vote, but there seems to
21 be a lack of enthusiasm, for whatever
22 reason. How would you keep people
23 engaged in the process and participate in
24 the program?

25 MR. FERGUSON: Sure. Well, I

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2 think drop-off in participation is a
3 problem with both candidates and with
4 voters. And so when candidates stop
5 participating in the system, it becomes a
6 real problem, and we saw that in Arizona,
7 which has a block grant system that was
8 weakened by the Supreme Court in 2011,
9 and after that, fewer candidates
10 participated. That system had been
11 really successful in making people
12 believe that big money didn't matter, and
13 I think the advantage of a matching
14 program or a voucher program is that to
15 get good public funding, a candidate must
16 go out and meet small donors, hold
17 rallies, go door to door. And that does
18 two things: It allows them to rely on
19 small donations when they run and listen
20 to the voices of more citizens and it
21 also means that the citizens are getting
22 that contact with the candidate that's
23 not necessarily going to happen if all of
24 the ads are run on TV, which is the case
25 more often if you're raising large

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2 contributions. So I think that public
3 financing by those two methods is really
4 powerful.

5 COUNCILMAN HENON: Thank you.
6 I have no further questions.

7 COUNCILMAN GREENLEE: Thank
8 you, Councilman.

9 Councilman Green.

10 COUNCILMAN GREEN: Just a quick
11 follow-up. From your experience in other
12 jurisdictions around the country, are
13 there any fees that are part of the
14 political process that would be -- could
15 possibly be used to help fund a public
16 financing system, either filing fees or
17 other type of fees you've seen in other
18 jurisdictions that could possibly be used
19 as another way of helping to augment the
20 costs of funds from the General Fund to
21 help pay for a public financing system?

22 MR. FERGUSON: Do you know?

23 MS. KELLEY: Well, in a lot of
24 the systems, if you are a candidate, a
25 committee, whoever is fined for violating

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2 the campaign finance laws, the fine
3 collected will go back into the public
4 fund system. So that's pretty common
5 practice. And then I think Brent already
6 mentioned that sometimes lobbying
7 registration fees or other types of fines
8 and fees that might be collected by your
9 the campaign finance agency could go into
10 supporting the public financing.

11 MR. FERGUSON: Right. And I've
12 certainly seen proposals that PAC
13 registration fees and things like that
14 would be used to fund the system. I
15 don't know that that's ever successfully
16 been implemented and, again, I would
17 caution that I don't think you'd be able
18 to provide a majority of the funding for
19 a program after that, but it could
20 contribute, and you can certainly look at
21 multiple sources to do things like that.

22 COUNCILMAN GREEN: That's kind
23 of -- listening to what you're saying, it
24 may be requesting contributions from the
25 public at-large, filing fees, fines. I'm

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2 just looking at an amalgamation of ideas
3 to try to come up with that source as an
4 idea.

5 MR. FERGUSON: Yeah.

6 Certainly. I think going with multiple
7 sources is a good idea and having a
8 budget analyst figure out how much that
9 can produce and then perhaps modeling the
10 system with that reality in mind is a
11 good idea.

12 COUNCILMAN GREEN: Thank you.

13 COUNCILMAN GREENLEE: Thank
14 you.

15 Councilman, maybe I can ask a
16 question of you, if I'm right. Don't we
17 have a limit on what we can -- if it's a
18 fee, isn't the money -- we have to
19 justify the money going into the
20 administration of the program? Can we
21 give it to something else? Am I making
22 sense?

23 COUNCILMAN GREEN: Well, I
24 think this -- I mean, as I opposed to --
25 my thought would be if there was some

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2 type of additional fee or existing fee
3 will be part of our public financing
4 system, so it would be paying for the
5 same source.

6 COUNCILMAN GREENLEE: So it
7 would go into the --

8 COUNCILMAN GREEN: Right. I'm
9 often trying to think of if we're going
10 to take on a new cost, have a way of
11 paying for that cost based on the type of
12 service we're trying to provide as
13 opposed to just taking money out of the
14 General Fund, because we don't have the
15 ability to do that.

16 COUNCILMAN GREENLEE: That's
17 it. Thank you.

18 Thank you both very much. I
19 appreciate your time and expertise.

20 Ms. Marconi, if you want to
21 call the next names, and I understand
22 they're going to be visiting us in
23 varying ways.

24 THE CLERK: LeeAnn Pelham, Amy
25 Loprest, and Wayne Barnett.

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2 COUNCILMAN GREENLEE: Are all
3 of them on Skype or is somebody on the
4 phone?

5 Two on Skype and one on the
6 phone.

7 See, this is real challenging
8 for me, folks, because I'm still texting.
9 I'm still learning to do that.

10 This is San Francisco.

11 Hello, Ms. Pelham. How are
12 you?

13 MS. PELHAM: I'm great. Thank
14 you.

15 COUNCILMAN GREENLEE: Oh, good.
16 You can hear us well.

17 I guess we can just have one at
18 a time. Is that the way we're doing it?

19 So, Ms. Pelham, I understand
20 you're going to give kind of a brief
21 statement and then be available for
22 questions.

23 MS. PELHAM: Yes.

24 COUNCILMAN GREENLEE: Is that
25 the way we can handle it here?

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2 And just to frame where a lot
3 of where our conversations were going, if
4 you wanted to fit that in, it has to do
5 with -- I guess a lot of it is how do we
6 fund this, how would we fund a program.
7 So maybe you could talk about San
8 Francisco and how you did it and maybe
9 what the reactions have been from the
10 public and whatever.

11 So please proceed. If you
12 could just officially say your name for
13 the record.

14 (Audio not sufficient to hear.)

15 COUNCILMAN GREENLEE: Could you
16 hold on one second. Just one second.
17 We're having a little trouble hearing in
18 here for the stenographer.

19 Ms. Pelham, could you just say
20 something to see if you're clear.

21 Okay. That's clear. I think
22 we're good now. Proceed, please.

23 MS. PELHAM: Okay. Thanks.

24 And I hear an echo.

25 COUNCILMAN GREENLEE: Now we're

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2 getting an echo.

3 Maybe we can lower it just a
4 little bit and see if we can find a
5 middle ground here.

6 MS. PELHAM: Is this any
7 better?

8 COUNCILMAN GREENLEE: Hold on
9 one second, Ms. Pelham.

10 All right. Try it again.

11 MS. PELHAM: Is this a better
12 volume?

13 COUNCILMAN GREENLEE: Okay. I
14 think we're okay. It's all challenging,
15 but we'll deal with it. Please proceed
16 again. I'm sorry for the interruption.

17 MS. PELHAM: No worries.

18 The San Francisco program, from
19 the information we've provided, you may
20 recall it was created by the voters in
21 San Francisco back in 2000, and it was
22 first implemented with the city's Board
23 of Supervisors' elections in 2002.

24 There are 11 districts,
25 supervisorial districts in the city, and

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2 then the mayoral race was added in 2006.
3 But the city's experience has been much
4 more with the supervisorial races than
5 with the mayor's race. The base of data
6 that we've got to date is primarily about
7 Board of Supervisor races.

8 But the voters created the
9 system in 2000. It was adopted by San
10 Francisco voters. It changed our
11 Charter. It added a series of program
12 requirements.

13 The funding for the program
14 came from a formula based on \$2.75 to per
15 resident into an election trust fund, and
16 that fund can only be used to pay for
17 public financing for candidates who
18 qualify for the program based on the
19 program's criteria. It's a maximum of \$7
20 million that can be in the fund at any
21 one time, and it is funded by the city's
22 General Fund.

23 My understanding has been that
24 it's been funded every year that it's
25 needed to be up to the appropriate

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2 allocation to make sure that whatever the
3 formula requires to be deposited up to
4 that 7 million has been deposited, and
5 that those funds have always been used
6 exclusively for the matching funds
7 program. There may have been one time,
8 as I understand it, that the program --
9 the city borrowed money from the trust
10 fund, but then it paid it back very
11 shortly thereafter. I'm not sure of the
12 circumstances. We can follow up if
13 that's of interest to you. But that's
14 the general basis for where the money
15 comes from. It's from the taxpayers
16 directly. And it's approved as part of
17 the regular budget process, but it is a
18 mandatory allocation that's required
19 based on the Charter requirements.

20 COUNCILMAN GREENLEE: Okay.
21 Thank you.

22 I guess because we can only
23 have one at a time, I guess we need to
24 ask the questions of each one when
25 they're finished. We can't really do a

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2 panel, right? Yeah, right.

3 So are there any questions for
4 Ms. Pelham?

5 Councilman Green.

6 COUNCILMAN GREEN: Ms. Pelham,
7 thank you for your taking the time to
8 testify via Skype.

9 It seems like what I'm hearing
10 from both your testimony and from what
11 I've read from other jurisdictions, this
12 was supported by the voters by some type
13 of citywide referenda. What was the
14 amount of people that supported, what was
15 the percentage of people that supported
16 the public financing and was there any
17 backlash or negative response to the fact
18 that people will be using public dollars
19 for public financing?

20 MS. PELHAM: Thank you for the
21 question, Councilmember Green. I would
22 have to follow up and will follow up with
23 your staff on the exact percentages. I
24 don't know offhand, I'm sorry, the
25 percent by which it passed the voters.

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2 So I don't want to misstate what that
3 number is, but I will follow up with the
4 Committee staff after the hearings to
5 make sure you have that information.

6 Here in the city, I'm not aware
7 from my conversations with staff here
8 that there has been a backlash for the
9 program. It's something where there has
10 been a varied rate of participation by
11 candidates, but San Francisco, as you
12 probably know, perhaps very much like
13 Philadelphia, it's a very engaged
14 citizenry. We have a lot of candidates
15 who run for office, and I think the sense
16 that the staff has had over time is that
17 the program is something that candidates
18 have been drawn to as a way to run in
19 city elections.

20 As you know, the program, like
21 others you're hearing from this morning,
22 requires candidates to have a base of
23 demonstrated support in their
24 communities. The funds are matched only
25 if they come from residents within the

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2 city. So it very much is encouraging
3 voters to participate as funders of
4 candidates' elections and to have those
5 contributions leveraged.

6 So my sense is that there's not
7 been a backlash and that there has been a
8 good amount of support for the program in
9 the city. As you know, of course, any
10 time there's a budget issue, that's
11 always a fair question to be asking.
12 Interestingly, we did have one of our
13 most recently appointed Commission
14 members who back in the time that the
15 Ethics Commission's proposal was on the
16 ballot had a contrary view. He has
17 changed that. He's now a member of the
18 Commission and I think eager to support
19 what the voters have enacted over time.
20 But I'm not aware of any backlash that
21 I've seen over time or that I've heard
22 from from the staff here.

23 COUNCILMAN GREEN: Has there
24 been an increase in the number of
25 candidates running for office after

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2 public financing started, as well as has
3 there been an increase in voter
4 participation after public financing?

5 MS. PELHAM: I was just looking
6 at that data this morning, and I think
7 it's a very -- if you look at the graph,
8 it goes up and it goes down, and it goes
9 up and it goes down, and it goes up and
10 it goes down. Since 1993 when the Ethics
11 Commission was created, fast forward to
12 2002 when the supervisory program was
13 first implemented, the voter turnout
14 seems to be very dependent on it being a
15 general election versus a primary, it
16 being a busy presidential election in
17 which the voters are motivated. So
18 there's been sort of a general floating
19 of candidate participation in those big
20 November presidential election years and
21 a general tapering off in years where
22 there's less enthusiasm, I would say,
23 generally.

24 But we have -- I can give you
25 the following figure that I do

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2 understand, is that other than the 2015
3 election we saw last year where there
4 were only three candidates -- it was one
5 supervisorial race on the ballot. So we
6 had 67 percent of candidates
7 participating, but there were only three
8 candidates participating in that specific
9 race. So when you look historically,
10 there's not been a Board of Supervisorial
11 election where candidates who
12 participated -- more than 50 percent of
13 candidates have participated in the
14 program. So we're trying to get a handle
15 on from candidates what it is that makes
16 the program most attractive. My own
17 opinion is that our program has some
18 challenges mechanically, that I think our
19 program is more complicated than it needs
20 to be. So we're going to be studying
21 that after this election and making some
22 recommendations to our own Commission and
23 to our own Board, because as you know,
24 the program is a voluntary program and
25 candidates are only going to participate

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2 if they see a benefit to them and if they
3 see that it's going to make it helpful to
4 them to run for office. I think
5 candidates who participated have conveyed
6 that, but our goal is to ensure that we
7 have as broad participation as possible.

8 COUNCILMAN GREEN: You raised a
9 point I was going to ask you a question
10 about, about challenges to your program,
11 and you said that your program is more
12 complicated than it needs to be. So
13 based on that analysis of your program,
14 what recommendations would you make --
15 what changes would you make and what
16 recommendations would you make for other
17 jurisdictions looking to do public
18 financing?

19 MS. PELHAM: I think that's a
20 really important point to think about.
21 For example, we know that independent
22 third-party spending is something that
23 will have an effect on candidates'
24 agreed-to spending limits, and spending
25 limits are an important contract the

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2 voters had for establishing a program
3 that said we want voters to hold
4 candidates -- to try and hold back on
5 their spending so that they can spend
6 more time with voters on issues rather
7 than on excessive fundraising.

8 That said, third-party
9 independent spending is a reality that we
10 all know and we see quite a bit of it.
11 In our system we had mechanics that
12 require us to raise the spending limit
13 for participating candidates in a way
14 that I think creates more work for our
15 agency and more work for candidates than
16 is actually necessary.

17 So we don't have a specific
18 recommendation on how to address it yet.
19 We've identified the issue and we're
20 going to be making some recommendations
21 probably this winter for streamlining
22 that, because the goal is to enable
23 candidates to have funds that help --
24 that they can use to leverage relatively
25 small individual donor contributions and

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2 be able to spend time talking to voters
3 about issues that are important to their
4 communities and have that bucket of
5 public money they qualified for and
6 demonstrated support for that enables
7 them to have a neutral pot of money that
8 doesn't come with any strings attached,
9 whether real or perceived. So part of
10 that is to make sure that candidates see
11 the program as useful, as understanding
12 as possible with the complexities of
13 running for office, but that also
14 provides accountability to the voters who
15 are funding candidates in limited ways.

16 COUNCILMAN GREEN: Thank you.

17 COUNCILMAN GREENLEE: Thank
18 you, Ms. Pelham.

19 Please let the record reflect
20 Councilman O'Neill, a member of the
21 Committee, is present.

22 If there's no other questions
23 for Ms. Pelham, thank you very much.
24 Thank you for your participation in
25 this -- oh, wait a minute. You have a

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2 question? I'm sorry. Hold on one
3 second.

4 Councilman Henon.

5 MS. PELHAM: Sure.

6 COUNCILMAN HENON: Is it true
7 it's always sunny in California?

8 MS. PELHAM: Well, except for
9 last week. We apparently have had the
10 most rain since 1895 in the Bay area in
11 the month of October.

12 COUNCILMAN HENON: Well, good
13 morning, and thank you for participating,
14 especially through Skype, in our hearing
15 process here today.

16 My one question is, you had
17 described and I know a lot of -- well,
18 some of the challenges because of the
19 complexity of the mechanics of your
20 system, and you had described, I think
21 which is true anywhere, the enthusiasm of
22 the voters, whether it's a general
23 election, it's a governor's election or
24 presidential election, but have you been
25 able to correlate the participation of

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2 candidates and voter turnout on some of
3 the off-cycle elections?

4 MS. PELHAM: I don't think we
5 have an answer for that, no. I have laid
6 over the sort of peaks and valleys of
7 voter participation. If you looked at a
8 chart, there is not a straight line. It
9 would be difficult to look at the
10 trajectory, because it really varies
11 depending on what seats are on the ballot
12 and what's going on politically that
13 year. So I would hesitate to try and
14 drive a correlation or causality between
15 one specific element versus another.

16 Clearly, I know from the
17 matching funds program that I've worked
18 with over the years very much are
19 designed in part to have voter turnout as
20 strong as possible, and I don't know who
21 looked at those numbers to see if they
22 have a direct correlation or not. There
23 are other things that we've seen that the
24 voters continue to, I think, see as a
25 reason to support the program in terms of

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2 freeing them up from fundraising and
3 having that neutral source of funds. It
4 helps in the governing process, which is
5 a piece we don't really quantify or study
6 so much, but there is -- it's just very
7 patterned -- I think the other thing I
8 should point out for your information as
9 well, as our financing of 2015 report did
10 from last April, the city's laws have
11 changed over the years, even within the
12 13 years that the program has been
13 implemented. And so there's been a
14 variety of different qualifying
15 requirements, funding levels, ways in
16 which the spending limits were lifted,
17 and I think that makes it hard for us and
18 our jurisdictions to try and study where
19 those dynamics play out. So over time,
20 that's important for us to do, because we
21 need to understand where the pinch points
22 and the strengths of the program are, but
23 laws that constantly change make that a
24 bit challenging.

25 One of the other dynamics that

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2 we have in the city here is that we have
3 a process in 2006 that was created that
4 established for ranked choice voting. So
5 that is also in the middle of this 10- or
6 12-year period of public financing. We
7 have a hard time looking just directly at
8 public financing absent that dynamic as
9 well.

10 So there are a number of
11 factors at play, and I think it's
12 important for an agency like ours or
13 yours after an election to be able to
14 really size up from candidates and
15 contributors what was the experience,
16 where do they see the challenges and
17 where do they see improvements needed.
18 So we'll be doing that in the coming
19 months.

20 COUNCILMAN HENON: And there's
21 no -- we're keenly going to be watching
22 and seeing. I saw the chart and I see
23 how it fluctuates, and I guess with all
24 the propositions and ballot questions, it
25 would be a little difficult, I guess, at

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2 times to really pinpoint an algorithm of
3 the correlation.

4 So my last question, in your
5 paperwork here, in your submittal on your
6 testimony, it's on the Ethics Commission.
7 Is that where the -- is that the
8 department that the voters chose to have
9 as its independent watch and enforcement
10 arm of the public financing?

11 MS. PELHAM: Yes. Yes, very
12 much so. We were created to administer
13 and enforce the city's and some state
14 ethics laws as well, lobbying ordinance,
15 and the campaign finance laws for the
16 City and County of San Francisco. We're
17 both a city and a county. But, yes. So
18 we have administration duties, we have
19 enforcement duties.

20 Importantly, we also audit.
21 It's mandatory as part of our public
22 financing program that we audit all
23 committees that received public financing
24 during the election so that we can ensure
25 that they in fact disclose their

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2 activities properly and that they used
3 their funds properly.

4 COUNCILMAN HENON: Great.
5 Thank you so much and thank you for your
6 time, especially so early in the morning.
7 Thank you.

8 MS. PELHAM: Happy to. Thank
9 you so much for your interest and
10 welcoming us to the conversation.

11 COUNCILMAN GREENLEE: Again,
12 thank you. Thank you very much.

13 I understand our next witness
14 is on the phone, Wayne Barnett from
15 Seattle. Do we have him?

16 Not yet? Okay.

17 MR. BARNETT: I'm here.

18 COUNCILMAN GREENLEE: You're
19 there. Mr. Barnett?

20 MR. BARNETT: Yes.

21 COUNCILMAN GREENLEE:

22 Welcome --

23 MR. BARNETT: Thank you very
24 much.

25 COUNCILMAN GREENLEE: -- to

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2 City Council of Philadelphia.

3 I understand you have -- if you
4 can make short comments and then have
5 questions, particularly talking about how
6 Seattle has taken on this program.

7 MR. BARNETT: Yes. I'll just
8 give you the overview. Is that what
9 you're looking for, kind of an overview?

10 COUNCILMAN GREENLEE: Yeah,
11 please. And just state your name
12 officially for the record, please, and
13 then proceed.

14 MR. BARNETT: Yes. It's Wayne
15 Barnett and I'm the Executive Director of
16 Seattle's Ethics and Elections
17 Commission.

18 COUNCILMAN GREENLEE: Thank
19 you.

20 MR. BARNETT: Last November
21 there was a ballot measure in the city
22 put to the voters to enact a voucher
23 program, a public financing program, and
24 it passed by a two-to-one margin. So 65
25 percent of voters chose to enact this

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2 measure.

3 And how it will work will be
4 that our municipal elections are in
5 odd-numbered years. So this January 3rd
6 we'll be mailing \$100 in vouchers, four
7 \$25 vouchers, to every registered voter
8 in the City of Seattle and also having a
9 mechanism for non-registered voters to
10 apply to receive vouchers either online
11 or through the mail. And people who have
12 vouchers can give them to any candidate
13 who agrees to abide by a \$250
14 contribution limit, spending limits, and
15 to participate in three debates. They'll
16 also have to qualify for the program by
17 submitting a number of qualifying
18 contributions of \$10 or more from City of
19 Seattle residents.

20 So that's -- let me just say a
21 little bit about our system. We have a
22 nine-member City Council. We have an
23 elected Mayor and an elected City
24 Attorney. So those are -- we only have
25 11 elective offices.

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2 In 2017, there are two at-large
3 City Councilmembers up. The City
4 Attorney stands for reelection and the
5 Mayor stands for reelection. And then in
6 2019 will be the seven District Council
7 seats will be up.

8 So, like I said, this is all
9 new. We don't have any elections under
10 our belt to report on, but we are working
11 hard to get this implemented by January
12 3rd.

13 COUNCILMAN GREENLEE: Okay.
14 Thank you. Mr. Barnett, just repeat it,
15 because it's slightly hard to hear here.
16 You said a \$250 limit. That's on what
17 now, just so I'm clear?

18 MR. BARNETT: That's the
19 contribution limit.

20 COUNCILMAN GREENLEE:
21 Contribution limit that you can take in
22 from -- a candidate can take in from
23 other sources? Is that what you mean?

24 MR. BARNETT: No. That's the
25 individual account's contribution limits

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2 for those who are participating in the
3 program.

4 COUNCILMAN GREENLEE: Okay.
5 Oh, for the contributor?

6 MR. BARNETT: Right.

7 COUNCILMAN GREENLEE: I got
8 you. Okay.

9 Councilman Green, did you have
10 questions?

11 COUNCILMAN GREEN: Yes.

12 Mr. Barnett, thank you for
13 taking the time to testify via phone
14 regarding the voucher public financing
15 system that Seattle is about to initiate.

16 I'm curious in reference to
17 what led you to look at a voucher system
18 as opposed to a lump sum or matching
19 system that you have in other
20 jurisdictions?

21 MR. BARNETT: I think this was
22 purely a citizen-led initiative, I want
23 to say. I mean, the city was not
24 involved in sponsoring this measure at
25 all. We'd actually put on a matching

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2 program on the ballot in November of
3 2014, which failed, and that's when the
4 advocates of -- public financing
5 advocates went out and drafted this
6 measure and put it to the voters.

7 I will say that I think the
8 biggest selling point for vouchers is
9 that under a matching program, you still
10 have to be able to make a campaign
11 contribution for it to be matched. And I
12 think if you're working two minimum wage
13 jobs trying to support a family, I think
14 even a \$10 campaign contribution is not
15 high on the list of spending priorities
16 for many working families here in
17 Seattle. So this is a way to give anyone
18 and everyone an opportunity to make a
19 campaign contribution above \$200.

20 COUNCILMAN GREEN: Considering
21 this is a new initiative, do you have any
22 concerns? Because listening to your
23 testimony and reading information, you'll
24 be sending out the vouchers to voters.
25 Do you have any concerns in reference to

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2 the operations of that from a fraud
3 perspective or other considerations?

4 MR. BARNETT: The fraud
5 perspective, that is something we are on
6 guard for. I believe the drafters of the
7 initiative were also keenly aware of
8 that. Each of these vouchers will have a
9 bar code and we will be -- we've got
10 systems to track them. We'll be matching
11 the signature on the vouchers against the
12 signature in the voter rolls as well as
13 for those who aren't registered voters,
14 we're going to have either a lease or
15 some other form of identification that
16 will be verifying the signatures on them.
17 And any fraud in the voucher program is
18 made a misdemeanor under the initiative,
19 so punishable by up to a year in jail or
20 financial penalty. So I do think there
21 are strong disincentives for fraud.

22 COUNCILMAN GREEN: In addition
23 to the actual cost of dollars from the
24 General Fund for vouchers, what are the
25 operational costs? Because it seems like

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2 in this program as opposed to a matching
3 or a lump sum grant program you have a
4 high operational cost with the vouchers.

5 MR. BARNETT: Yes. That is
6 very true. I think especially here in
7 the early going as we get the program up
8 and running, the implementation costs are
9 not insignificant.

10 I forget what I was going to
11 say.

12 COUNCILMAN GREEN: And when you
13 say "not insignificant," can you give us
14 like a range of what you anticipate you
15 may spend on the operations as opposed to
16 the money you anticipate you may spend on
17 the actual cost of the vouchers?

18 MR. BARNETT: Yes. Once the
19 program is up and running in 2017, we're
20 projecting approximately \$350,000 to run
21 the program. And I should say there is
22 no General Fund money here. This is all
23 a property tax levy of \$3 million per
24 year for ten years that the voters chose
25 to impose when they enacted this measure.

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2 So all of the administration of the
3 program as well as the public money that
4 goes to candidates has to come out of
5 that \$3 million per year.

6 COUNCILMAN GREEN: And if there
7 is additional -- let's say you have a
8 number of candidates that decide to run
9 based on this new initiative. What if
10 there's not enough money? Will you just
11 reduce the amount? I mean, how will that
12 work out?

13 MR. BARNETT: I believe what we
14 do is once we see that we are going to
15 run out of money or project the funds are
16 going to be insufficient, we notify all
17 the candidates who are participating to
18 get in their vouchers and we will pay out
19 on a prorated basis whatever funds are
20 available.

21 COUNCILMAN GREEN: Okay. Thank
22 you.

23 MR. BARNETT: You're welcome.

24 COUNCILMAN GREENLEE:

25 Mr. Barnett, just one other quick

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2 question. Did you need any enabling
3 legislation from the state to do this or
4 is this something you were able to do on
5 your own?

6 MR. BARNETT: We did -- about
7 ten years ago we got permission from the
8 State Legislature to enact local public
9 financing.

10 COUNCILMAN GREENLEE: Okay.

11 MR. BARNETT: The string that
12 came attached with that was the city
13 could not do it legislatively, but it had
14 to be done by a vote of the people.

15 COUNCILMAN GREENLEE: I see.
16 It had to be done by referendum. All
17 right. Got you.

18 Any other questions?

19 (No response.)

20 COUNCILMAN GREENLEE: Seeing
21 none, Mr. Barnett, thank you for checking
22 in. We appreciate it very much.

23 MR. BARNETT: You're very
24 welcome. Good luck with your efforts.

25 COUNCILMAN GREENLEE: Okay.

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2 Thank you.

3 I understand the last person of
4 this group is joining us on Skype now,
5 Amy Loprest.

6 You're with us, Ms. Loprest?

7 MS. LOPREST: Can you hear me?

8 COUNCILMAN GREENLEE: We can
9 now, I believe.

10 Let me make sure everybody else
11 in here that needs to can hear.

12 Okay. It looks like they will.

13 So if you could -- I understand
14 you've been following online here, so you
15 kind of know where the discussions are
16 going. So if you could make any kind of
17 statement, brief statement, and then
18 we'll have questions, we appreciate it.
19 If you could just officially state your
20 name for the record and then you can
21 proceed.

22 MS. LOPREST: I am Amy Loprest,
23 the Executive Director of New York City's
24 Campaign Finance Board. Thank you for
25 giving me the opportunity to testify

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2 today and talk about our program, which
3 has been in effect since 1988, which is
4 much longer than many of the other
5 programs you've been talking to.

6 I have been following along and
7 so I'm just going to -- you have my
8 written testimony. I'm just going to
9 give you some highlights of the program
10 that fit into some of the questions that
11 you've been asking the other panelists
12 this morning.

13 I want to point out one thing
14 that is interesting about the way our
15 Board is constructed is that we are a
16 non-partisan as opposed to a bipartisan
17 Board. It's a five-member Board. The
18 Mayor and the Speaker of the City Council
19 each appoint two members that have to
20 be -- cannot be of the same political
21 party, and the Mayor appoints the Chair
22 after consultation with the Speaker.

23 Our program covers 59 offices
24 in New York City: three citywide
25 offices, Mayor, Controller and Public

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2 Advocate; five borough presidents; and 51
3 City Councilmembers. And just as a
4 perspective, because it will be relevant
5 when we talk about the funding, New York
6 City is home to about 8.2 million people
7 and has an annual budget of about \$67
8 billion for the whole city.

9 As you heard from several other
10 speakers, New York City's program is a
11 multiple dollar match, and the goals of
12 our program are to increase the role of
13 small dollar contributions in city
14 elections and decrease the perception and
15 possibility of corruption associated with
16 large contributions.

17 So that being said, our program
18 matches the first \$175 contributed by New
19 York City residents with public funds at
20 a rate of \$6 to \$1, which means that a
21 \$25 contribution from a New Yorker is
22 worth \$175 to the candidate.

23 Like many of these other
24 programs, we have a fundraising threshold
25 to demonstrate that you are a significant

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2 candidate. For example, for City
3 Council, you have to raise \$5,000 in
4 matching contributions and collect 75
5 contributions of \$10 or more from
6 residents of your City Council district.

7 Candidates also have to be on
8 the ballot and have closed on the ballot
9 and have to be in compliance with our
10 law. The participants agree to spending
11 limits, and there are also -- and our
12 public funds are capped at 55 percent of
13 that spending limit.

14 So, for example, the spending
15 limit for City Council in 2017, which is
16 our next municipal elections, will be
17 \$182,000 each for the primary and general
18 election, and the maximum public funds
19 that they can receive is \$100,100 for the
20 primary and again for the general
21 election.

22 We have been incredibly
23 successful in having a very high
24 participating rate. In the 2013
25 elections, 92 percent of candidates in

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2 the primary and more than 72 percent of
3 candidates in the general election were
4 participating in the program.

5 We also have mandates to inform
6 and educate voters and we have a strong
7 disclosure system. All of the financial
8 disclosures submitted by candidates and
9 independent spenders is available online
10 in a fully searchable database on our
11 website.

12 So I just want to talk a little
13 bit about the results, because we have
14 been very successful in meeting our goal
15 of encouraging small donors. More than
16 90 percent of the funds raised by City
17 Council candidates in the 2013 election
18 came from individual contributors. Only
19 7 percent came from PACs, unions, and
20 special interests. This is a big
21 contrast to New York State Legislature,
22 where in 2012 state candidates relied on
23 both sources for more than two-thirds of
24 their total funding.

25 We also have broad

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2 participation across the entire city. A
3 report by the Campaign Finance Institute
4 in 2012 showed that fully 90 percent of
5 New York City census block had someone in
6 it that gave \$175 or less.

7 And then one of the
8 Councilmembers asked a question earlier
9 about voter turnout. We have been
10 engaging a study to look at that, and our
11 research showed that in the 2013
12 democratic primary, voters were -- you
13 were three times more likely to vote if
14 you made a contribution to a candidate
15 than if you had not come from -- had not
16 given a contribution. So while voter
17 turnout is still fairly depressingly low
18 in New York City, we're very hopeful that
19 the encouragement of contributors of
20 small dollar contributions will encourage
21 voter participation.

22 As Ms. Pelham from San
23 Francisco stated, we consider auditing a
24 very important part of making our program
25 robust. So candidates are audited

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2 before, during, and after the election to
3 ensure that they are -- funds are paid
4 appropriately on the money -- the money
5 paid is on real contributions and that
6 the money that we provide in public funds
7 is actually spent appropriately.

8 Now, I guess onto the question
9 that you have asked most of the panelists
10 is, our program is entirely and our
11 administrative budget is entirely funded
12 by the city's General Funds. We have
13 independent budget authority, so that
14 effectively since 1998, the Board has
15 been able to set its own budget every
16 single year to avoid interference with
17 that budget. Since the beginning of the
18 program in 1988, we've paid out about
19 nearly \$145 million in public funds. In
20 the most recent election in 2013, we paid
21 out \$38 million to over 200 candidates.
22 I think that we have had a marked
23 success. I think another panelist
24 mentioned that one of the marked reasons
25 we've had such great success is that the

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2 City Charter requires us after every city
3 election to review the program and make
4 recommendations for changes, which has
5 kept the program robust over the nearly
6 30 years that we've been in existence.

7 I'm happy to answer any of your
8 questions.

9 COUNCILMAN GREENLEE: Okay.

10 Thank you.

11 Well, let me just on your last
12 point, on the financing. Now, you said
13 your Board sets its own budget. Now,
14 does that mean that whatever your budget
15 is has to be approved?

16 MS. LOPREST: The way it works
17 is -- this was from Charter referendum in
18 1997. The Board submits its budget to
19 the Mayor, and the Mayor has to include
20 our budget unchanged in his or her
21 executive budget. That budget, of
22 course, then is voted on by the City
23 Council. Effectively, that has not been
24 changed in the almost 15 years that that
25 process has been in effect.

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2 COUNCILMAN GREENLEE: So it
3 goes into part of the Mayor's budget,
4 which is then deliberated by the City
5 Council? Okay.

6 MS. LOPREST: Yes.

7 COUNCILMAN GREENLEE: In order
8 to raise the money for the program, has
9 there been any specific increases, taxes,
10 fees, anything like that, particularly
11 geared towards funding the program?

12 MS. LOPREST: No. I mean, it
13 comes -- the initial Charter referendum
14 and the initial legislation passed by the
15 City Council, which happened at basically
16 the same time the law was passed in
17 February of 1988 by the City Council, and
18 then adopted by the voters in the Charter
19 referendum in the fall of that year, is
20 we have -- that the money comes from the
21 General Fund, and there really has been
22 no special appropriations over the course
23 of the year. Now, of course, our budget,
24 while it sounds like a large number, is a
25 relatively small portion of the city's

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2 overall budget.

3 COUNCILMAN GREENLEE: I
4 understand that. And has there been any,
5 over this time you say it's been
6 successful and well received, concern
7 about the money that's spent on this
8 could be spent on something else from the
9 public? I'm talking about public
10 discussion.

11 MS. LOPREST: There have been
12 some public -- I guess when -- the
13 program originally had a matching rate of
14 \$1 to -- \$1 for contributions up to 1,000
15 when it was passed initially, and in 2000
16 for the 2001 elections, there was a
17 proposal to change the matching rate to
18 \$4 for \$1 up to 250, and there was a lot
19 of discussion at that time about whether
20 that increase would break the bank, you
21 know, be a big problem for the city's
22 budget. As a matter of fact, the Board
23 was sued, but that was all resolved by
24 the City Council, and since then, we
25 really have had no -- there has been no

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2 real outcry of the public about that.

3 COUNCILMAN GREENLEE: Okay.

4 Thank you.

5 Councilman Green.

6 COUNCILMAN GREEN: Thank you,
7 Chairman Greenlee.

8 Thank you for your testimony
9 and your willingness to be involved in
10 this conversation.

11 Considering New York City has
12 had public financing for a number of
13 years, have there been any ideas and
14 thoughts in changing the system to make
15 it a different system? Seattle is
16 implementing a voucher system. Other
17 jurisdictions have other different types
18 of systems. Has there been any thought
19 in making a change to the system?

20 MS. LOPREST: We started as a
21 matching fund system, and I think that
22 it's -- well, let me go back.

23 First, the program has evolved
24 very much over the past almost 30 years,
25 because we make recommendations after

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2 each election to make changes. One of
3 the changes, very important one, was the
4 change to the multiple dollar match that
5 I described that happened for the 2001
6 elections. That really improved the
7 program especially for City Council
8 candidates. One thousand dollars is a
9 fairly large amount of money to collect
10 for a City Council campaign, and so
11 moving to a multiple match has really
12 increased the amount of public funds
13 available for City Council candidates.

14 I think the reason we think
15 that a multiple match program works best
16 is that it encourages small dollar
17 contributions. It encourages candidates
18 to seek those contributions from people
19 who are actually their constituents. A
20 dollar contribution will be worth -- is
21 worth \$6 in matching funds, worth a total
22 of \$7. You can get those small
23 contributions and still fund your
24 election.

25 There is a mix of public and

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2 private money in the campaign. So it
3 is -- contributors still have skin in the
4 game and they are involved. And as our
5 research showed in 2013, when you make a
6 contribution, even a small contribution,
7 you're almost three times more likely to
8 vote. So we think that encouraging the
9 continuation of getting contributions is
10 a better process.

11 COUNCILMAN GREEN: Have there
12 been any other ideas in reference to how
13 you fund public financing? From my
14 understanding, it's coming from your
15 General Fund, but have there been other
16 ideas of how to fund your public
17 financing system?

18 MS. LOPREST: No. We actually
19 really never had any real problems with
20 the General Fund being the source of the
21 money. So there hasn't been much
22 discussion about any other sources.

23 COUNCILMAN GREEN: And then
24 also I guess my question is, what trends
25 have you seen considering you've had

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2 public financing for about 15 years? Has
3 there been an increase in the number of
4 candidates running? Also, has there been
5 an increase in voter participation as a
6 result of the public financing system?

7 MS. LOPREST: Well, we actually
8 track the competitiveness of the
9 elections, and there's certainly -- if
10 you compare New York City elections to --
11 I guess the most relevant comparison is
12 elections in New York state, which does
13 not have a public financing program. New
14 York City elections are routinely much
15 more competitive, both at the primary and
16 general election level, than New York
17 state elections for legislative offices.

18 I'm blanking on what your
19 second question was. Oh, voter
20 participation. As I said, we did do the
21 study and it did show that contributors
22 are much more likely to vote. As I also
23 said, the voter turnout is still not
24 great in New York City, and that's
25 actually -- we actually have a separate

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2 mandate aside from running the public
3 matching funds program to encourage and
4 engage voters, and so we are -- my agency
5 in that separate mandate is very much
6 engaged in trying to encourage increased
7 voter participation.

8 COUNCILMAN GREEN: And when you
9 say "more competitive," how are you
10 defining competitive? Is that number of
11 candidates?

12 MS. LOPREST: We have a --
13 number of candidates and also whether or
14 not they're actually competitive races.
15 So if you look at our 2013 post-election
16 report, there's an analysis of how the
17 race is -- how competitive the races were
18 in 2013, separated by whether there were
19 open seats where there was no incumbent,
20 when there was an incumbent. But there
21 is a lot of data in that report, and I
22 can direct your staff to where to look
23 for that in that report.

24 COUNCILMAN GREEN: And so I'm
25 hearing you're saying there were less

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2 non-competitive races -- I mean, I'm
3 sorry, less uncontested races?

4 MS. LOPREST: There were a few
5 uncontested races completely and there
6 were actually races where it was actually
7 competitive where there was not -- that
8 the race -- the results were fairly
9 competitive and close, not an
10 overwhelming victory.

11 COUNCILMAN GREEN: And then
12 also in reference to turnout, the
13 question I had earlier was in reference
14 to the time you've had public financing,
15 has that increased turnout, and you made
16 reference to the point that when people
17 make individual small donations, they're
18 more likely to participate, but you still
19 said that turnout still has not been the
20 best. Have there been other factors in
21 reference to the cycle of elections that
22 have impacted turnout? When we're
23 talking to representatives from San
24 Francisco, they said that turnout is also
25 dependent upon the cycle and other

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2 dynamics, like a presidential election or
3 other type of election that have -- may
4 gather a larger attention span. Has that
5 also been the case in your elections post
6 public financing?

7 MS. LOPREST: Yes. I mean, I
8 think that -- I couldn't off the top of
9 my head tell you the trend from before
10 public financing to current. Also, New
11 York City's entire governmental structure
12 changed from 1988 to 1989 as a result of
13 a Supreme Court decision. So it's hard
14 to compare -- the City Council was
15 completely reorganized. So it's hard to
16 tell, you know, earlier versus later
17 trends, but I will say this, that our
18 elections are held in non-presidential
19 years. Non-statewide election years are
20 held in odd numbers. So 2013, 2017. And
21 I think that does affect voter turnout.

22 As members of a legislative
23 body on the city level, you know that
24 voters' attention is often -- they don't
25 understand how important the work of

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2 municipal elected bodies is to their
3 daily life. That's one of the things
4 that we are working on to increase voter
5 turnout. In presidential election years,
6 there's lots of media attention, lots of
7 voter -- not great voter turnout, but a
8 lot better. But we are really turning
9 our attention to try and encourage
10 particularly young people to understand
11 the importance of municipal government
12 and the importance of their vote in those
13 municipal elections.

14 COUNCILMAN GREEN: Thank you
15 for your testimony.

16 COUNCILMAN GREENLEE: Thank
17 you, Councilman.

18 Councilman Henon.

19 COUNCILMAN HENON: Good
20 morning, and thank you for participating
21 in our hearing today. We appreciate your
22 knowledge and experience that we're able
23 to discuss publicly here.

24 I have a couple of questions
25 for you. So typically the public

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2 financing sits within the Ethics
3 Commission, is that correct, in your case
4 in New York?

5 MS. LOPREST: New York has a
6 separate Campaign Finance Board that our
7 main responsibility is regulating
8 campaign finances. As I said, we do some
9 voter education and engagement. We run a
10 debate program. We produce the citywide
11 voter guide. But there is a separate
12 Conflict of Interest Board that handles
13 what are traditionally city ethics
14 issues, conflicts between appointed city
15 employees and elected officials. But we
16 have complete -- we're a separately
17 independent board that deals with just
18 campaign finance.

19 COUNCILMAN HENON: Okay. Is
20 there a separate, assuming that -- well,
21 you said it's separate. So is there a
22 separate budget? I know you had
23 mentioned that the Board sets a budget or
24 determines a budget for each year, for
25 each fiscal year, with the General Fund.

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2 Is that separate and apart from the
3 Ethics Commission or is that
4 independently budgeted?

5 MS. LOPREST: It's separate.

6 The city has what is called the city's
7 Conflict of Interest Board, and they have
8 their own separate budget and staff.
9 We're the Campaign Finance Board and we
10 have the independent budget authority and
11 set our own budget. The Conflict of
12 Interest Board does not.

13 COUNCILMAN HENON: On average,
14 what is your yearly budget for public
15 financing? I think I read somewhere -- I
16 don't know if it's an average, but 67
17 million; is that correct?

18 MS. LOPREST: Well, so
19 obviously the budget goes up for the
20 public funds, the actual money that's
21 going to go and pay out in public funds.
22 It varies by year. This fiscal year when
23 we only anticipated some special
24 elections and some post-election
25 payments, we only budgeted a million

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2 dollars for public funds, but in an
3 election year, as I said, we paid out \$38
4 million in public funds in 2013. The
5 largest year that we've ever paid out
6 funds is the 2001 elections where we paid
7 out \$42 million in public funds.

8 As far as the administrative
9 budget, not related to the public fund,
10 our budget for this year is about \$14
11 million. And we do all of our own
12 software development. We have a
13 Candidate Services Unit. We have a legal
14 unit that does enforcement. We have an
15 audit unit that does the auditing. In
16 addition, we have people who do voter
17 engagement and education on the staff.

18 COUNCILMAN HENON: And that's
19 for all five boroughs?

20 MS. LOPREST: Yes.

21 COUNCILMAN HENON: And how many
22 staff?

23 MS. LOPREST: We have currently
24 a full-time staff of 96 and seasonal
25 staff, which may be a creature of New

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2 York City government, which are positions
3 that are for 18 months only that we use
4 during -- to staff up in anticipation of
5 election years, and that we have 13
6 seasonal staff members.

7 COUNCILMAN HENON: 13?

8 MS. LOPREST: Yes.

9 COUNCILMAN HENON: That's not
10 much. We have part-time staff here to
11 help out with the election cycles. You
12 need it.

13 How have you worked out the --
14 you had mentioned about the conflicts
15 part of the Ethics Commission and the
16 public financing. How do you work out
17 the duplicity with what your independent
18 Board does and the Bureau of Elections?

19 MS. LOPREST: So to make it
20 even more complicated, the Board of
21 Elections is a completely separate entity
22 from the two that I already mentioned,
23 the Campaign Finance Board and the
24 Conflict of Interest Board. The Board of
25 Elections runs the elections and both --

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2 so the city Board of Elections runs the
3 elections. The state Board of Elections
4 maintains the voter rolls.

5 There is public disclosure of
6 your finances on the state level in New
7 York state. So the candidates for city
8 office are required to make their
9 disclosure to our office in the city and
10 to the state Board of Elections. We
11 produce software that we give to all
12 candidates for free that does all of
13 their software disclosure for both our
14 program and for the state Board of
15 Elections, and they can do it
16 simultaneously. They only have to enter
17 the information once.

18 COUNCILMAN HENON: Right.
19 Well, that certainly helps on timing and
20 resources. Thank God for technology.

21 So, I mean, you would have to
22 have -- you have a pretty good
23 relationship, I would assume, with the
24 Bureau of Elections both in the city and
25 the state?

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2 MS. LOPREST: Yes.

3 COUNCILMAN HENON: This way,
4 the effectiveness and the integrity of
5 your independent department is more
6 efficient.

7 MS. LOPREST: Yes.

8 COUNCILMAN HENON: Okay. Well,
9 thank you. I appreciate your time.

10 COUNCILMAN GREENLEE: Thank you
11 very much, Ms. Loprest.

12 MS. LOPREST: Thank you for
13 allowing me to testify by Skype instead
14 of coming.

15 COUNCILMAN GREENLEE: Okay.
16 That's fine. That's fine. Although you
17 had a much shorter distance than the
18 folks from Seattle.

19 MS. LOPREST: I know. I really
20 appreciate it. I think that was against
21 your normal rules, but thank you very
22 much for allowing me to do that.

23 COUNCILMAN GREENLEE: Okay.
24 And I don't know if you were listening at
25 the very beginning of the hearing. Did

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2 you miss Councilman Green's swipe at the
3 Yankees? I don't know if you heard that.

4 MS. LOPREST: No, no. I missed
5 that.

6 COUNCILMAN GREENLEE: Okay.
7 Well, then I won't rat him out. Have a
8 good day. Thank you very much.

9 MS. LOPREST: Thank you.

10 COUNCILMAN GREENLEE: That
11 completes this panel. Now back in person
12 we have some folks.

13 Ms. Marconi, please call our --
14 at least what we have are the last two
15 witnesses.

16 THE CLERK: Michael Cooke and
17 David Thornburgh.

18 COUNCILMAN GREENLEE: Is there
19 anyone else other than these two
20 individuals?

21 (No response.)

22 COUNCILMAN GREENLEE: Very
23 good. Thank you. These will be our last
24 two witnesses.

25 (Witnesses approached witness

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2 table.)

3 COUNCILMAN GREENLEE:

4 Mr. Cooke, I know we have your written
5 testimony.

6 Do you have anything,
7 Mr. Thornburgh? Do you have any or you
8 just were going to make comments?

9 MR. THORNBURGH: I do.

10 COUNCILMAN GREENLEE: And,
11 again, written testimony will be made
12 part of the record. You've heard me say
13 this a few times. So if you can
14 summarize, and then we'll probably have
15 some questions.

16 Please, Mr. Cooke, why don't
17 you start.

18 MR. COOKE: Thank you,
19 Mr. Chairman. My name is Michael Cooke.
20 I'm the Executive Director for the
21 Philadelphia -- sorry; the Director of
22 Enforcement for the Philadelphia Board of
23 Ethics. I'm joined by our Deputy
24 Executive Director, Nedda Massar today,
25 and I thank the members of the Committee

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2 for the opportunity to testify on this
3 resolution and Council and the Committee
4 for taking up this issue, in particular
5 Councilmembers Green and Henon.

6 You have my testimony, so I
7 won't repeat it certainly. Simply hit a
8 couple of the highlights and then answer
9 whatever questions that you may have.

10 You heard Ms. Loprest discuss
11 the approach in New York, and I think my
12 intention with my testimony today is to
13 focus on what the costs would be for
14 Philadelphia if it were to adopt a system
15 of public financing and was administered
16 by the Board of Ethics, to give some sort
17 of ball park number on the amount of
18 funding, the dollar amount for the
19 administrative end of administering such
20 a program.

21 So with that in mind, I should
22 say at the outset that, of course, this
23 is all very preliminary. There is no
24 legislation introduced at this point, so
25 we don't know what specific type of

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2 public financing system we would be
3 looking at, and that could certainly
4 change the requirements for
5 administration. But looking at other
6 jurisdictions like New York and Los
7 Angeles and San Francisco, Seattle, I
8 think we're able to draw some lessons
9 that will allow us to get some ball park
10 numbers.

11 With New York, as Ms. Loprest
12 indicated, of course, they're on a
13 different level of magnitude than pretty
14 much any other city in the country in
15 terms of their budget numbers, but I do
16 think it's important to keep in mind what
17 she was pointing out in terms of their
18 approach with staffing. They put a very
19 high premium on campaign and candidate
20 assistance. They assign a particular
21 staff member to each campaign so
22 candidates can figure out how to navigate
23 the program. Outreach and education,
24 helping them comply with the system so
25 that candidates can get the money that

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2 they're entitled to is a big part of what
3 they do. And then also the very careful
4 review and audit of all of the requests
5 from action funds in order to ensure that
6 public money is being spent on what it
7 was supposed to be spent on is another
8 big piece. And then the software end of
9 it, the technology piece, which really
10 makes all this happen in a more efficient
11 way, they have developed specific
12 software and they have people who
13 maintain that and help the candidates and
14 campaigns navigate the software program.

15 So those, I think, are similar
16 areas to what we would be looking at in
17 Philadelphia if the Board was tasked with
18 the job of administering a public
19 financing system.

20 In terms of specific dollar
21 amounts, I think Los Angeles and San
22 Francisco make good comparisons for
23 Philadelphia in terms of the size of the
24 cities, but more particularly in the size
25 of their government and the amount of

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2 candidates who could potentially be
3 participating.

4 For example, in Los Angeles,
5 their city government has a total of 18
6 elected positions that are eligible for
7 public office, and in San Francisco 12
8 elected positions are eligible for public
9 financing for their elections. In
10 comparison to Philadelphia, if every City
11 office was to participate in the program,
12 that would be 24 elected offices that
13 would be eligible to participate.

14 I note, though, that in both
15 Los Angeles and San Francisco, they
16 stagger their Council terms so that the
17 entire City Council is not up for
18 reelection at the same time, which
19 spreads out the burden somewhat in terms
20 of administering the program. So that in
21 Los Angeles in a particular election
22 year, they would have, at most, ten
23 elections going on that would be eligible
24 for public funding. In San Francisco, it
25 would be seven elections in a given year

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2 that would be eligible for public
3 funding, at the most.

4 In contrast, in Philadelphia if
5 you look at 2015 or 2019 where you have
6 all but the DA and Controller going, we
7 would be looking at 22 races to
8 administer where there would be
9 eligibility for public finance. Of
10 course, in the District Attorney and
11 Controller years, it would just be two
12 races.

13 Looking at some specific
14 numbers, the Los Angeles Ethics
15 Commission has an annual budget of
16 approximately \$3 million and a staff of
17 25. They administer the city's ethics
18 law, like conflict of interest and so on
19 as well as the lobbying law, campaign
20 finance, and public financing. The same
21 is true in San Francisco in terms of the
22 responsibilities of their Ethics
23 Commission, but they have a staff of 22
24 and an annual budget of 3.3 million.

25 I think for both agencies when

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2 they have an active election, they have
3 four to five of their full-time staff
4 members who are working on that pretty
5 much non-stop as their primary
6 responsibility. Los Angeles also uses
7 temporary seasonal workers to help pick
8 up the slack in terms of processing the
9 claims for matching funds that come in,
10 and that's certainly something to
11 consider in Philadelphia if the system
12 were to be adopted as a way to manage the
13 natural up and down of the election
14 cycles.

15 So based on looking at these
16 other jurisdictions, we can estimate.
17 Again, it's all rough at this point
18 because we don't know particularly what
19 kind of program we'd have, but our
20 estimate would be for the Board to
21 administer a public financing system an
22 additional one million to one and a half
23 million dollars per year in the annual
24 budget to cover staffing and
25 administration costs for that program,

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2 and a majority of that funding would go
3 to approximately six new staff positions,
4 again, just ball parking, who would
5 probably be supplemented by temporary
6 seasonal staff in the busiest election
7 times. No doubt the permanent staff when
8 they weren't engaged in administering the
9 public financing program would help
10 assist with other aspects of the Board
11 work. I think given the nature of what
12 those folks would be doing with public
13 financing, the area of the current work
14 where they would be most useful would be
15 in the education, outreach, and
16 compliance sections as a way to blend in
17 with what they would be doing to assist
18 candidates and campaigns in complying or
19 participating in the public financing
20 program.

21 I should note something that I
22 believe Councilman Green alluded to
23 earlier is that in addition to new
24 administrative costs when such a program
25 was up and running on a regular basis,

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2 there would be start-up costs, no doubt,
3 in particular I think in the area of
4 software development in order to have a
5 system that would allow candidates to
6 effectively process their requests for
7 matching funds. I know Seattle recently
8 just signed a contract and is beginning
9 to implement a new software program for
10 their new public financing system, and I
11 believe for them it costs about \$300,000
12 to develop the program, and such software
13 programs, of course, have ongoing
14 maintenance costs which need to be
15 covered out of the annual budget.

16 So in summary, I would say
17 that, again, just as rough estimates at
18 this point, on an annual basis when the
19 program is fully operational and fully
20 staffed for the Board to administer it,
21 it would be an additional one million to
22 one and a half million dollars annually,
23 and then there would be some start-up
24 costs, perhaps around 300,000 to 400,000,
25 maybe a little more, to develop and

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2 implement the software programs.

3 I would note going on the
4 assumption here, of course, that the
5 Board would be tasked with administering
6 this program if it was to be put into
7 place -- that, of course, depends on the
8 approach that Council wants to take on
9 it -- we note certainly that the Board is
10 up for the task and a natural fit for it
11 if that's what Council decided to do,
12 given that we already administer the
13 campaign finance law, and that would
14 create a number of efficiencies there in
15 terms of the coverage of the two
16 programs.

17 So with that, I'll conclude my
18 summary of my testimony and very happy to
19 take whatever questions you may have.

20 COUNCILMAN GREENLEE: Thank
21 you, Mr. Cooke.

22 Let's hear from Mr. Thornburgh
23 and then we'll have the questions.

24 Sir.

25 MR. THORNBURGH: Great. Thank

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2 you, Mr. Chairman. Just a short note of
3 explanation. I don't have prepared
4 testimony for this. I'm afraid you've
5 caught us up to our eyeballs in
6 responding to election fraud charges and
7 all of that sort of stuff, so --

8 COUNCILMAN GREENLEE: Real or
9 imagined?

10 MR. THORNBURGH: What's that?

11 COUNCILMAN GREENLEE: Real or
12 imagined?

13 MR. THORNBURGH: Imagined.

14 COUNCILMAN GREENLEE: Okay.

15 MR. THORNBURGH: I do want to
16 just explain what I did hand out. This
17 was actually a proposal prepared by two
18 Penn law students in response to a policy
19 competition that former Mayor Nutter
20 conducted about a year ago. That was
21 their take on what a public financing
22 proposal would look like here in the City
23 of Philadelphia. So we have no ownership
24 or endorsement of that. We did advise
25 them, I think, the Board of Ethics did as

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2 well, but I thought because that was
3 specific to this question, I just wanted
4 to share that with you.

5 I do have some commentary on
6 the general topic, and I appreciate the
7 invitation to engage in this in a
8 preliminary fashion.

9 First thing I'd say is, I
10 think you're -- I commend you for asking
11 this question at this time. I think
12 after we clear this election on November
13 8th, we need to all redouble our efforts
14 to think about how to make democracy work
15 better really in this city in a municipal
16 level. The histrionics and the
17 circus-like atmosphere of this
18 presidential campaign is like no other
19 and the money involved is extraordinary.
20 I think the number was noted earlier that
21 the presidential campaigns will spend
22 about \$6 billion. I read this morning
23 that our U.S. Senate campaign will be the
24 most expensive in U.S. history at about
25 \$140 million and climbing. And I think

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2 we have known for some time that people
3 in this country are very disillusioned
4 about the role of money and politics, and
5 that's inordinately influenced by
6 presidential and national politics, but
7 you as public servants at the local level
8 have to suffer the suspicions that comes
9 with that. So we all have the job ahead
10 of us of rebuilding this process from the
11 ground up.

12 Also noting that while it looks
13 like there will be fairly robust turnout
14 in this presidential year, not to, you
15 know, forecast in a negative fashion, but
16 it's quite likely we'll see a shadow of
17 that turnout next year, and that's not
18 good for us, and I think you would agree
19 with that. So there's a lot of work to
20 be done to knit this tattered fabric back
21 together.

22 I just wanted to make a comment
23 about our past efforts and I think
24 successes in solving some of these
25 problems, and I note Councilman Green's

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2 comments earlier that we're trying to
3 strike a balance between a lot of
4 competing objectives, and that's a wise
5 comment. But the Committee of Seventy
6 was very involved and as was Mayor Nutter
7 and then-Councilman Kenney in proposing
8 and securing campaign finance limits, the
9 independent Board of Ethics and severing
10 the ties, I think, relatively effectively
11 between contributions and City contracts.
12 I'll also note the important role of the
13 Inspector General and the Chief Integrity
14 Officer which, to his credit, Mayor
15 Kenney has upheld.

16 So that package put together I
17 think has made quite a difference, a
18 positive difference, in the City of
19 Philadelphia's campaign and election
20 climate and has gone to some measure in
21 restoring people's sense of integrity in
22 the process, and we have commended -- I
23 testified last week in front of the state
24 Senate Policy Committee and suggested
25 that as unlikely as it seems to folks in

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2 Harrisburg, that maybe learning a little
3 lesson from how we made those changes
4 here in Philadelphia would do them well.

5 So it's important to recognize
6 the steps that we have taken to date.
7 Having said that, I think this
8 presidential election has magnified, in
9 sometimes an ugly way, the loss of trust
10 that people have in government and in
11 your work, and I find that distressing,
12 and again coming back to this question of
13 campaign finances is an important step in
14 trying to rebuild that.

15 Just to note, this summer we
16 worked with a group at Temple called
17 BeHeardPhilly, which is building a survey
18 panel, cross-section of Philadelphians.
19 I think the City of Philadelphia has
20 enlisted them to take some surveys. And
21 we asked a panel of citizens their
22 opinions on trust in government at
23 various levels, federal government, state
24 government, and local level, and by and
25 large, they said that they only trust

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2 government about half the time, and that
3 was fairly consistent federal, state,
4 local. We asked them about Mayor Kenney,
5 Governor Wolf, the presidential
6 candidates, but that was the number that
7 came back as kind of a rough average.
8 And there's no benchmark comparison to
9 that nor would we want or expect that
10 number to be 100 percent.

11 You know, this country was
12 founded on a healthy suspicion I think of
13 government. But having said that, half
14 the time seems a little low and not
15 exactly where we ought to be. So, again,
16 further impetus for visiting this
17 question.

18 I talked about -- made
19 reference to Councilman Green's notion of
20 the balance that we're trying to strike
21 here and just trying to think through
22 some of those, and this also reflects on
23 Councilman Jones' comments. You know, we
24 want the process of running for office to
25 operate on a fairly level playing field.

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2 We don't want it to be the province just
3 of people who can just write themselves
4 big checks. We don't want the candidates
5 to be inordinately influenced by
6 so-called special interests and the big
7 checks of special interests. We want
8 there to be sufficient competition both
9 within particular offices and ideally, in
10 our view, between parties and different
11 approaches to this process so that people
12 have real choices.

13 We want candidates to have
14 cleared some threshold of demonstrated
15 appeal. We want them to be out speaking
16 to a broad cross-section of people and
17 encouraging not just their vote but their
18 financial support.

19 While we want competition and
20 an open process, I think we also want to
21 give folks, once elected, the chance to
22 learn how to do the job and become a
23 skillful legislator or executive branch
24 official.

25 Finally, we want a clear sense

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2 of accountability in the process, and I
3 think that comes in in the transparency
4 and the timeliness of campaign reporting.
5 I think we have further work to do there.
6 That reporting requirements that surface
7 contributions only after the fact or with
8 not enough time to absorb them really
9 don't serve the process well.

10 So that's my quick review of
11 the challenge at hand, some of the
12 successes that we've had. We have not
13 arrived at -- and, again, appreciate your
14 inviting us into this conversation early.
15 We have not arrived at sort of a
16 definitive conclusion on the merits of
17 either public financing in general or --
18 the devil is always in the details -- a
19 proposal in specific.

20 I guess I would close by saying
21 it's critically important that we try to
22 keep ahead of us the problem that we
23 think we're trying to solve, because I
24 rattled off about five or six or seven or
25 eight different objectives that we could

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2 be trying to solve through public
3 financing and that, again, we need to
4 keep in front of us exactly what is the
5 most pressing challenge or problem that
6 we have in front of us that we think that
7 thing solves.

8 One other thing I meant to
9 mention. The story of money and politics
10 ever since Citizens United, as we all
11 know, has been outside money flowing into
12 the campaign process. I think in the
13 Senate race, \$140 million, I think about
14 two-thirds or three-quarters of that was
15 super PAC money. And we share a lot of
16 folks' concern that we've kind of created
17 a monster there that leaves us with a
18 lack of transparency and a lack of
19 accountability that is harmful to the
20 process.

21 So I throw all that out, and I
22 hope that's helpful in furthering the
23 discussion. Again, appreciate the chance
24 to talk with you.

25 COUNCILMAN GREENLEE: All

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2 right. Thank you, Mr. Thornburgh.

3 Thank you both. Just a couple
4 questions. I know Councilman Green had
5 some questions.

6 Mr. Cooke, you said the
7 approximate amount that it would take to
8 administer the program is 1 million to
9 1.5, right? That's just administering.
10 We're not talking about what the City
11 might have to put out funding-wise or
12 whatever, correct?

13 MR. COOKE: That is correct.
14 That would not include the matching
15 funds.

16 COUNCILMAN GREENLEE: And I
17 know you both said you're not taking any
18 specific position on the issue, but let
19 me just throw something out. I guess
20 this is more of a comment, and if you
21 want to comment yourselves, that's fine.
22 And it gets back to the money that would
23 be spent on this program, either
24 administering it, giving out in whatever
25 way we're giving it out.

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2 Every year we go through -- and
3 you probably heard me talk about this
4 right in the beginning -- a very tough
5 budget process, and oftentimes it's what
6 we can pay for and what we can't pay for,
7 and a lot of times what we can't pay for
8 we wish we could, right? And let me give
9 you just a quick example of something
10 that a lot of us have worked on, an issue
11 over the years, is funding for domestic
12 violence victim programs. I put in this
13 year a request to have 300,000 put in the
14 budget. Through the various
15 negotiations, we got it down and finally
16 100,000 was put in. Obviously I thought
17 and the advocates thought that 300,000
18 was a better figure, but that's the way
19 the budget process works. And I think
20 there's a lot of different programs like
21 that. There was just something in the
22 paper well publicized the other day about
23 lead-based paint removal, that kind of
24 thing. Obviously that costs money. You
25 know, we could go through a myriad of

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2 things that cost money.

3 So I guess my just thought, and
4 if you have anything to say, and I'm not
5 downing this program or any kind of
6 public financing program, but like what
7 do I say to those domestic violence
8 advocates that -- say, Well, we don't
9 have all that money you need to put in,
10 but we're going to help finance our
11 campaigns. That's the concern, the main
12 concern I have about this program,
13 because everything costs money and what
14 are our priorities. You know, again, all
15 supporting good government and fair
16 elections and all that kind of -- the
17 downgrading as much as possible the
18 influence of money in elections, but
19 still there's a lot of other things we
20 have to spend money on. And we didn't
21 even mention schools, which is kind of a
22 big issue in the City of Philadelphia.

23 So anyway, I don't know if you
24 have a comment. That's just my --

25 MR. THORNBURGH: I would just

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2 offer a comment. I think you're asking
3 the question that I closed with, which
4 was what is the problem that we're trying
5 to solve and how does that rank. You
6 know, the budgeting process is nothing
7 more than trying to sort out priorities.

8 COUNCILMAN GREENLEE: Right.

9 MR. THORNBURGH: And I wasn't
10 at the Committee of Seventy at the time
11 ten years ago when the ethics and
12 campaign finance limits and so forth. I
13 suspect this came up as a possibility.
14 It feels like it would have been more
15 powerful if this had come up at that time
16 before we instituted the things that I
17 talked about earlier. But that's an
18 important question to keep asking. What
19 exactly is the problem and what kind of
20 leverage would this proposal achieve
21 towards solving that problem and how does
22 it compare to everything else.

23 COUNCILMAN GREENLEE: The
24 priorities. And, again, I'm not saying I
25 have an answer to that either, but it's

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2 something that certainly concerns me when
3 we talk about putting what I would say is
4 fair to say at least a fairly expensive
5 additional cost in our budget each year.
6 Now, I heard from the folks in the other
7 cities. It seems like people have said
8 that's okay. Whether Philadelphia will
9 feel that way, I don't know. I guess
10 that's to be determined if we go forward.

11 Enough of a speech.

12 Councilman -- oh, I'm sorry.

13 MR. THORNBURGH: If I might add
14 another comment, and I don't know this.
15 It struck me that New York has had its
16 system in place, I think, since the early
17 '70s.

18 COUNCILMAN GREENLEE: '80s or
19 something like that. '88, I think it
20 was. It was a long time.

21 MR. THORNBURGH: But there
22 aren't that many examples of these kinds
23 of proposals in. Seattle's is brand new,
24 as you know. So it might be worth asking
25 a question as to why that's so, why

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2 there's so few of them.

3 COUNCILMAN GREENLEE: Okay.

4 Thank you. Thank you very much.

5 Councilman Henon.

6 COUNCILMAN HENON: Thank you,
7 Mr. Chair, and thank you, Councilman, for
8 yielding time, because I have to take off
9 up to the district for some constituent
10 business.

11 But thank you guys for being
12 here. And it's amazing, when you hear --
13 first of all, we're actually talking
14 about this publicly in a city that we're
15 so used to doing things the way they have
16 been. I think when it comes to
17 regulations and laws and different --
18 with the ethics, we're evolving. So
19 we're trying to piecemeal things along
20 the way and adjust and make government
21 much more efficient and transparent, and
22 I think we're doing that here with this
23 hearing, because a lot of good policies
24 have come out of public hearings, and
25 this may be one of them.

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2 I was a little surprised that
3 New York has had public financing for
4 like 28 years or whatever, almost 30
5 years. So, I mean, that was a bit of a
6 surprise. And with their longevity and
7 the amount of people and the amount of
8 candidates and the amount of -- and their
9 budget, I mean, I think what they said,
10 they had a \$34 billion budget, which was
11 an astonishing report to me, that they
12 change every year. They reevaluate and
13 they come back and they see what works,
14 what doesn't work and what tweaks and
15 what doesn't. And I think our biggest
16 challenge here is funding. And in
17 Seattle, San Francisco, and Arizona, they
18 talking about funding, whether it's the
19 grants or vouchers or tax credits. It's
20 all about the funding. And one thing
21 I've learned in a short period of time
22 here is every good idea has a cost, but
23 where there's a will, there's a way. And
24 I think by talking about it and educating
25 people on what this actually is, because

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2 it's a little complicated, even San
3 Francisco said they had a very
4 complicated system that they're
5 constantly monitoring and adjusting along
6 the way.

7 So we're going to take back a
8 lot of the information that has been
9 provided to us, whether testimony -- and,
10 David, you did quite well for not having
11 written testimony -- and for
12 participating today.

13 As far as the Ethics Board
14 goes, and you had said that there's an
15 interest in if Council chooses to head
16 into this direction, that you would be up
17 for the challenge. I guess there would
18 be a separation just like New York has in
19 ethics. You have the separation for
20 public financing. Would that be a
21 Charter change?

22 MR. COOKE: I don't think it
23 would be necessary to create a sort of
24 new department or new entity or some sort
25 of Charter-based or even

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2 legislatively-based separation in the
3 existing Board of Ethics in order to have
4 that as part of the package. I think as
5 a practical matter, yes, that within the
6 agency itself, there would be like a unit
7 that would be devoted to working as its
8 first priority and probably for the vast
9 amount of its time in administering the
10 public financing system, because even
11 outside of the election season where
12 things are very busy, there's the upkeep
13 and education and outreach and
14 preparation for that or following the
15 election season the sort of end of or
16 post-election review and care-taking that
17 has to go on. And also as you pointed
18 out, I mean, I think that we feel as an
19 agency we always try to, as much as
20 possible, always examine what we've done,
21 how can we improve, make changes to make
22 the program better.

23 So, yes, I think that within
24 the agency, there would be a separate
25 unit that would be devoted to working on

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2 the public financing system, and when
3 they had those moments that they weren't
4 totally consumed with that, then they
5 probably would try to support other
6 aspects of the agency's work, but their
7 prime concern and most of their time
8 would be spent on the public financing.

9 COUNCILMAN HENON: Okay. Thank
10 you.

11 COUNCILMAN GREENLEE: Thank
12 you, Councilman.

13 Councilman Green.

14 COUNCILMAN GREEN: Thank you,
15 Mr. Chair.

16 Just to provide some background
17 and some historical context,
18 then-Councilman Nutter was a prime
19 sponsor of the campaign finance
20 legislation and the contract legislation
21 that we have in effect today.

22 Councilwoman Tasco was also a very prime
23 sponsor of that legislation, and in my
24 previous role, I served a lot of time
25 helping to draft that legislation and

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2 working on that about ten years ago, and
3 as an outgrowth of those hearings and
4 that legislation, that's what led to
5 Councilwoman Tasco's resolution regarding
6 public financing of campaigns, because it
7 was a continuation of that conversation
8 that we had back in 2006. And at that
9 time, the issue that Councilman Greenlee
10 raised was also the big issue of that
11 conversation, how do you balance between
12 the various interests when you talk about
13 issues like what you talked about in
14 reference to domestic violence, because
15 that was an issue that Councilwoman Tasco
16 was very active and engaged in domestic
17 violence. How do you balance all these
18 competing interests and thinking about
19 how we can engage the citizenry in a
20 better way and how we try to reduce the
21 cost of campaigning and running for
22 office here in the City of Philadelphia.
23 So I just want to provide that backdrop.

24 In addition, I want to just
25 publicly thank the staff from the Ethics

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2 Board, both Mike, Maya, and Nedda. I've
3 worked with you for a number of years on
4 a lot of different issues that I just
5 stated a few moments ago. I still feel
6 that although we're balancing a lot of
7 different interests and issues from a
8 funding perspective, I still feel that
9 your office is not funded at the level
10 that it should be considering all the
11 things that you need to do is a
12 challenge.

13 But I do want to raise a couple
14 points in reference to the testimony
15 that's been provided both from you,
16 Mr. Cooke, and you as well,
17 Mr. Thornburgh. So from the perspective
18 of funding -- and you've heard some
19 testimony from Seattle and you looked at
20 New York and other cities -- do you have
21 any thoughts on -- I know how we actually
22 get to the funding is one issue, but if
23 that was not an issue, the voucher
24 concept versus matching versus lump sum,
25 any thoughts or perspectives on those

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2 different ideas?

3 MR. COOKE: I would say that
4 just from my observations in looking at
5 these various programs, the matching fund
6 programs seem to work very well as a
7 balance of the various issues. The
8 voucher fund program, of course, is new
9 and so that's kind of the leap in the
10 dark. From talking with Wayne Barnett,
11 though, he made the point that there's
12 really not any sort of cost savings for
13 the administration. If anything, it
14 might be more using a voucher system.
15 And, of course, as you identified,
16 there's the concern about dealing with
17 fraud and just the sort of physical
18 integrity and handling of the vouchers
19 that I think raise a lot of questions,
20 that it's one thing to ponder in the
21 abstract, but if the City is going to
22 develop a program, it's a big leap to go
23 with something that hasn't been done
24 before.

25 I would say that something I

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2 observed that was interesting in terms of
3 funding, not so much as a source of funds
4 but as a mechanism for handling funding
5 of these programs is, unlike New York,
6 both Los Angeles and San Francisco use
7 sort of a trust fund system where they
8 have a separate fund that's set up and it
9 gets an appropriation of some amount of
10 money, say \$5 million, and that they
11 spend down from that fund as they need to
12 in order to provide for their matching
13 funds. I don't believe in San Francisco,
14 at any rate, their administrative costs
15 don't come out of that source, although I
16 suppose they could. But what it means is
17 that there is a protection from the
18 natural fluctuations that you see in
19 these elections that are publicly
20 financed in terms of how many people are
21 going to participate. And so sort of a
22 way to pay as you go as opposed to the
23 city having to appropriate every year and
24 guess and project on what they think the
25 full amount would be, and I think that

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2 results in a kind of cushioning the cost
3 to the City. As needed, they top off the
4 General Fund, but they're not seeing a
5 General Fund appropriation every year of
6 \$8 million or whatever the case may be.

7 So I just put that out there as
8 something. I know it wouldn't solve
9 obviously what Councilman Greenlee has
10 raised as the real compelling question
11 here, the question of priorities. And
12 the City has a lot of things it needs to
13 spend money on, but if the City did
14 decide, if Council did decide that it
15 wanted to invest in public financing,
16 that this is a way to sort of cushion and
17 control for some of that yearly
18 fluctuation in appropriation.

19 COUNCILMAN GREEN: When you
20 made reference to the trust fund concept,
21 it reminded me of some of my earlier
22 comments in reference to how we can look
23 at different ways of funding it, getting
24 small dollar donations. I made reference
25 to online donations and having that go

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2 through, as opposed to the City, through
3 some type of entity like a trust fund,
4 the question of whether some foundations
5 may be interested who are looking and
6 trying to change civic atmosphere.
7 Earlier this year I had hearings
8 regarding social impact bonds. So there
9 could be some creative ideas as one way
10 to seed fund that concept.

11 And then also, Mr. Thornburgh,
12 thank you for this RIPE proposal that you
13 presented. Looking at the title of this
14 proposal that the two Penn law students
15 put together, which they call Restoring
16 Integrity to Philadelphia's Elections, or
17 RIPE, it actually was a very detailed
18 concept in reference to how you would do
19 a public financing system here in the
20 City of Philadelphia. In particular,
21 they talked about two areas, increasing
22 lobbying fees and Board of Ethics fines,
23 to offset about 5 percent of the annual
24 cost of a public financing system here in
25 the City of Philadelphia and looking at

1 11/2/16 - LAW & GOV. - RES. 160851
2 allocating 0.1 percent of the General
3 Fund, for an estimated cost of about \$5.7
4 million annually, which they equate to
5 about a little less than \$4 per resident
6 to fund this type of public financing
7 system.

8 So I wanted to thank you for
9 providing this information, and to the
10 extent if you had their contact
11 information, is there somewhere we can
12 possibly follow up with them? Because I
13 think they clearly spent some time really
14 thinking this through --

15 MR. THORNBURGH: Yeah.

16 COUNCILMAN GREEN: -- how a
17 public financing system would occur here
18 in the City of Philadelphia, and made a
19 comparison between various Council races
20 in New York and other type of races and
21 compared that to Philadelphia. So this
22 is a good template to kind of continue
23 the conversation.

24 And then I would just close,
25 because I think what the Chair has said

1 11/2/16 - LAW & GOV. - RES. 160851
2 in reference to how we allocate resources
3 is so important and looking at what
4 happened in other cities. In other
5 cities they had some type of either
6 referenda or Charter change to get public
7 buy-in for whether this is something that
8 people may be interested in, and I would
9 think before we can really get into the
10 details of moving forward with some type
11 of concept, we will probably need that
12 similar type of process here by some type
13 of Charter change legislation.

14 COUNCILMAN GREENLEE: Thank
15 you, Councilman.

16 No other questions. Thank you
17 both very much. Thank you for hanging in
18 there. I know it was a long morning
19 there.

20 (Thank you.)

21 COUNCILMAN GREENLEE: No else
22 here to testify?

23 (No response.)

24 COUNCILMAN GREENLEE: Seeing
25 none, first of all, I want to recognize

1 11/2/16 - LAW & GOV. - RES. 160851
2 Councilman Green and his staff,
3 Councilman Henon and his staff for the
4 work they did on this. I know this is a
5 discussion that will keep going for a
6 little while.

7 So with that, the hearing on
8 Resolution 160851 by the Committee on Law
9 and Government will stand in recess to
10 the call of the Chair.

11 Thank you.

12 (Committee on Law and
13 Government concluded at 12:50 p.m.)

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CERTIFICATE

I HEREBY CERTIFY that the
proceedings, evidence and objections are
contained fully and accurately in the
stenographic notes taken by me upon the
foregoing matter, and that this is a true and
correct transcript of same.

MICHELE L. MURPHY
RPR-Notary Public

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