

COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEE ON LAW AND GOVERNMENT

Room 400, City Hall
Philadelphia, Pennsylvania
Tuesday, October 24, 2017
10:25 a.m.

PRESENT:

COUNCILMAN WILLIAM K. GREENLEE, CHAIR
COUNCIL PRESIDENT DARRELL L. CLARKE
COUNCILWOMAN CINDY BASS
COUNCILMAN DEREK S. GREEN
COUNCILWOMAN HELEN GYM
COUNCILMAN BOBBY HENON
COUNCILMAN CURTIS JONES, JR.
COUNCILMAN DAVID OH
COUNCILMAN BRIAN J. O'NEILL
COUNCILWOMAN MARIA D. QUINONES-SANCHEZ

BILLS 170680, 170681, and 170682
RESOLUTION 170696

- - -

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2 COUNCILMAN GREENLEE: Good
3 morning, everybody. This is the
4 Committee on Law and Government. I
5 apologize for the delay.

6 We have attained a quorum with
7 Councilman Green, the Vice Chair of the
8 Committee, Council President Clarke,
9 Councilman Jones, and myself, Bill
10 Greenlee.

11 Ms. Marconi, will you please
12 read the title of the bills and the
13 resolution before us today.

14 THE CLERK: Bill No. 170680, an
15 ordinance amending Title 20 of The
16 Philadelphia Code, entitled "Officers and
17 Employees," to add a Chapter establishing
18 a system for public financing of
19 political campaigns; all under certain
20 terms and conditions.

21 Bill No. 170681, an ordinance
22 amending Chapter 20-1000 of The
23 Philadelphia Code, entitled "Political
24 Contributions and Expenditures," to add
25 and make changes to provisions regarding

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2 campaign contributions; contributions to
3 transition and inauguration committees;
4 and campaign finance disclosures; and
5 making technical changes; all under
6 certain terms and conditions.

7 Bill No. 170682, an ordinance
8 providing for the submission to the
9 qualified electors of the City of
10 Philadelphia of the proposal set forth in
11 a Resolution approved by Council
12 proposing an amendment to the
13 Philadelphia Home Rule Charter providing
14 for public matching funding for campaigns
15 for City office; and authorizing the
16 appropriate officers to publish notice
17 and to make arrangements for the special
18 election.

19 Resolution 170696, resolution
20 proposing an amendment to The
21 Philadelphia Home Rule Charter regarding
22 appropriations and expenditures for, and
23 implementation of, public financing of
24 political campaigns pursuant to a system
25 as may be established by Council by

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2 ordinance; and providing for the
3 submission of the amendment to the
4 electors of Philadelphia.

5 COUNCILMAN GREENLEE: Thank
6 you.

7 Before we have our first
8 witness, I want to recognize Councilman
9 Green.

10 COUNCILMAN GREEN: Thank you,
11 Mr. Chair. I want to thank the members
12 of Council here and those of the public
13 here to testify regarding this package of
14 legislation.

15 This is a continuation of work
16 that started back in 2006 during my
17 tenure working with Councilwoman Marian
18 Tasco where we had hearings in the
19 Finance Committee regarding this concept
20 of public financing of elections where we
21 had various individuals both throughout
22 the country testify regarding the concept
23 of public financing of elections.

24 We have come a long way since
25 that time in 2006. We've had amendments

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2 to our own local legislation in reference
3 to campaign finance and ethics laws. I
4 want to thank the staff of Councilman
5 Henon for all of their work in getting us
6 to this point, as well as my staff and as
7 well as the staff of Councilwoman
8 Sanchez.

9 This is the beginning of a
10 conversation regarding this concept of
11 public finance of our local elections.
12 In addition, this package of bills
13 provides some other opportunities to make
14 some other changes to our campaign
15 finance laws to continue the work that we
16 started in 2006 and also provide greater
17 opportunities for people to be engaged in
18 the public process that we call
19 elections.

20 So this is the beginning of a
21 conversation. I anticipate there will be
22 much more conversations regarding this
23 package of bills in this Committee. We
24 look forward to engaging in the dialogue
25 between members of the public, those who

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2 are advocates, as well as members of this
3 Committee and Council as a whole as well
4 as the Administration.

5 So thank you.

6 COUNCILMAN GREENLEE: Thank
7 you, Councilman.

8 Ms. Marconi, you want to call
9 the first witness, please.

10 THE CLERK: Rob Dubow, Finance
11 Director.

12 (Witnesses approached witness
13 table.)

14 COUNCILMAN GREENLEE: And while
15 Mr. Dubow is approaching, for those of
16 you who are waiting to testify, for those
17 of you who have put in written testimony,
18 that will all be in its entirety made
19 part of the record. Some of that
20 testimony is kind of long. So I would
21 respectfully ask that when you come up,
22 you don't have to read the whole
23 testimony. Again, it will be put into
24 the record; that you summarize your
25 statements, and then we'll have questions

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2 and discussions.

3 So with that, Mr. Dubow,
4 Ms. Adams, good morning.

5 MS. ADAMS: Good morning.

6 COUNCILMAN GREENLEE: Ms. Adams
7 moved out of my neighborhood, but I'm
8 going to let that go. I'm not even going
9 to mention it.

10 Please.

11 MR. DUBOW: You're not going to
12 mention it again.

13 Good morning, Councilman Green
14 and members of the Committee. I'm Rob
15 Dubow, Finance Director. Joining me is
16 Anna Adams, Budget Director. We are here
17 to testify on Resolution 170696 and Bills
18 170680, 81, and 82. They propose
19 amendments to the Charter and The
20 Philadelphia Code to establish a system
21 of public funding for political
22 campaigns.

23 As Councilman Green mentioned,
24 these proposals are part of an ongoing
25 discussion about the City's election

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2 system. Given the significant, recurring
3 investment the legislation package would
4 mandate, it's especially important to
5 consider the City's current financial
6 condition. As you know, the City will
7 face significant structural financial
8 challenges over the course of the
9 upcoming Five Year Plan. They include
10 low reserves, high fixed costs, and a
11 relatively weak tax base. Additionally,
12 we face some immediate financial burdens,
13 including uncertainty over state and
14 federal funding, a potential slowdown in
15 the national economy, and a looming
16 School District deficit. In response to
17 this combination of structural and
18 immediate threats, we've asked
19 departments to reduce their spending
20 plans by 2 percent in the current fiscal
21 year. We will likely face even more
22 difficult funding decisions in next
23 year's budget and the upcoming Five Year
24 Plan.

25 Estimates from the Campaign

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2 Finance Institute and the Board of Ethics
3 suggest the proposal before the Committee
4 today would require approximately \$6.2
5 million in FY19 in order to fund primary
6 and general election candidates in the
7 2020 cycle. This includes about 5 and a
8 half million for public campaign finance
9 funding and to cover the costs associated
10 with funding political campaigns, as well
11 as approximately 700,000 in operating
12 costs for the Board of Ethics.

13 While the costs of future
14 elections could be spread more evenly
15 over the course of the four-year election
16 cycle, diversion of revenues into the
17 proposal's special-purpose fund, along
18 with its mandatory appropriations for the
19 public financing system, could directly
20 reduce Council and the Administration's
21 ability to make new investments. The
22 requirement that this funding be
23 segregated puts a particular constraint
24 on the City's ability to make spending
25 allocation decisions.

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2 In light of these constraints,
3 we agree with the sponsors' decision to
4 hold the bill, but remain open to
5 continuing a dialogue on the issue.

6 This concludes my testimony,
7 and we're happy to answer any questions
8 you may have.

9 COUNCILMAN GREENLEE: Thank
10 you, Mr. Dubow. Let me just drill down a
11 little bit more on the finances, if I
12 could. I guess one of the issues if this
13 was implemented, it would be mandatory
14 recurring every year, correct?

15 MR. DUBOW: That's correct.

16 COUNCILMAN GREENLEE: So it
17 will have a continuing effect on the
18 budget from then on, in a sense?

19 MR. DUBOW: Yes, it would.

20 COUNCILMAN GREENLEE: You've
21 both been around a little while.
22 Mr. Dubow, you a lot longer because
23 you're a lot older, but given our
24 financial situation, would you say this
25 is a particularly bad time for such

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2 legislation?

3 MR. DUBOW: Yeah. We're due --

4 COUNCILMAN GREENLEE: Or
5 challenging. Let me not use the word
6 "bad." Challenging.

7 MR. DUBOW: It is a very
8 challenging time, and as we mentioned in
9 the testimony, just in kind of the
10 long-term structural problems that we
11 face, there are some real significant
12 short-term or immediate concerns that
13 make this a really challenging time for
14 our finances.

15 COUNCILMAN GREENLEE: Okay.
16 And I know there's already plans to have
17 to cut certain departments because of our
18 budget issues, the School District budget
19 coming up and that kind of thing, but as
20 far as some other departments or other
21 issues, how would you say this could
22 affect, because with having this much
23 money added to the budget, things like
24 police, housing? Could you comment on
25 that a little bit?

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2 MR. DUBOW: So I think any time
3 you make a funding decision, you're
4 deciding that you're allocating money a
5 certain way and then you won't have it
6 available for other things. And then
7 it's particularly hard if there's a
8 requirement that it be put in a
9 segregated fund. Then it's clearly not
10 available. And obviously in the peak
11 years when you're talking about \$7
12 million, that can fund a lot.

13 COUNCILMAN GREENLEE: I'm
14 sorry. What was the last part you said?

15 MR. DUBOW: That that can fund
16 a lot.

17 COUNCILMAN GREENLEE: That can
18 fund a lot, yeah. Okay. All right.

19 Could you give some specific
20 examples of departments that may -- like
21 the kind of decisions we here in Council
22 would have to make if --

23 MR. DUBOW: So, for example --
24 and I'm not -- obviously the decisions
25 don't kind of become this stark, but I'll

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2 give you examples of what 7 million could
3 fund. So a police officer starts at,
4 what, 50,000? So for 7 million, you
5 could get 60, 70 police officers. So, I
6 mean, that's the kind of -- that's the
7 scale you're talking about.

8 COUNCILMAN GREENLEE: That's an
9 example. I got you.

10 And the last question, is there
11 again from your experience looking into
12 the future, as much as we can these days,
13 is there any reason to think financially
14 that things will drastically change? I
15 mean, some of these challenges you're
16 talking about likely, between schools and
17 the opioid crisis and all that kind of
18 thing, is it likely that that kind of
19 situation would continue?

20 MR. DUBOW: I don't think -- so
21 I don't think that we'll -- for example,
22 our internal policy is to have a fund
23 balance of around 7 percent. The
24 Government Finance Office Association
25 thinks it should be more like 17 percent.

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2 We're not close to that, and we're
3 unlikely to get close to that any time
4 soon. Our Pension Fund issue, we're
5 going to face pension funding issues at
6 least for a decade. So the really big
7 issues that we're facing aren't going to
8 go away soon.

9 COUNCILMAN GREENLEE: And I'll
10 just end by saying, I understand
11 certainly the argument for this, but I
12 think when we're talking about public
13 financing, I think we have to obviously
14 talk a lot about financing, because
15 that's how we're going to have to do it.
16 So with that, I appreciate that.

17 Before I recognize Councilman
18 Green, I just wanted to put on the record
19 Councilman Henon, Majority Leader, is
20 present, as is Councilman O'Neill, a
21 member of the Committee.

22 Councilman Green and then
23 Councilman Jones.

24 COUNCILMAN GREEN: Thank you,
25 Mr. Chair.

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2 Mr. Dubow, I just want to
3 follow up on your testimony. And I'm
4 trying to remember. You started with the
5 Street Administration as Budget Director,
6 correct?

7 MR. DUBOW: I actually started
8 with the Rendell Administration as an
9 Assistant Budget Director.

10 COUNCILMAN GREEN: Assistant
11 Budget Director. And then you were
12 Assistant Budget Director for how long
13 with the Rendell Administration?

14 MR. DUBOW: Maybe three years,
15 two or three years.

16 COUNCILMAN GREEN: And then you
17 were Budget Director --

18 MR. DUBOW: Then I was Deputy
19 Budget Director in the Rendell
20 Administration. Then I became Budget
21 Director right at the end of the Rendell
22 Administration.

23 COUNCILMAN GREEN: And then you
24 were Budget Director for how many years
25 under the Street Administration?

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2 MR. DUBOW: I think four.

3 COUNCILMAN GREEN: Four, okay.

4 And then Finance Director?

5 MR. DUBOW: Starting in the
6 Nutter Administration.

7 COUNCILMAN GREEN: Nutter
8 Administration, correct. And then moving
9 forward into this Administration. And
10 during that time period, what has been
11 our average fund balance?

12 MR. DUBOW: So I don't -- I
13 can't give you the average. I can tell
14 you the highest --

15 COUNCILMAN GREEN: Whatever
16 percentage range. I mean, I'm not trying
17 to keep it to a specific amount, but the
18 average amount our fund balance has been.

19 MR. DUBOW: We've ranged from
20 almost 300,000 to negative 100 million --
21 300 million to negative 100 million. And
22 generally what you'll see is, we'll have
23 low periods where fund balance will go up
24 and kind of get into the 200's and then
25 will come right back down.

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2 COUNCILMAN GREEN: So it's gone
3 up and down during a time period, but
4 really we have not had a fund balance at
5 a level that we should be having?

6 MR. DUBOW: That's correct.

7 COUNCILMAN GREEN: And that's
8 been going back through not only this
9 Administration, but through the Nutter
10 Administration and also the Street
11 Administration. So we've always had a
12 kind of precarious fund balance for some
13 time?

14 MR. DUBOW: We have, yes. And
15 that's limited our ability to make
16 investments over time.

17 COUNCILMAN GREEN: Right. It's
18 limited our ability to make some
19 investments, but we have made some
20 investments when we've had the desire to
21 do so?

22 MR. DUBOW: Right, and it
23 always involves choices of things that we
24 can and can't do.

25 COUNCILMAN GREEN: Right,

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2 choices. Exactly.

3 And so the School District has
4 also been challenging for a number of
5 years even before the School Reform
6 Commission in reference to the finances
7 of the School District?

8 MR. DUBOW: Right, and that's
9 what led to the School Reform Commission.

10 COUNCILMAN GREEN: Which led to
11 the School Reform Commission. And I know
12 we're going to have a conversation about
13 the School Reform Commission going
14 forward, but the School District has also
15 been a challenging financial perspective
16 in reference to the City for a number of
17 years?

18 MR. DUBOW: Yeah. And their
19 challenge over the next five years is
20 particularly big because it gets to about
21 a billion dollars.

22 COUNCILMAN GREEN: And then
23 during your time period in the various
24 positions, we've had time periods like we
25 do now where we have not had a state

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2 budget. Like during the Rendell
3 Administration, it was a long period of
4 time where the state budget, I think, was
5 passed in January when it should have
6 been passed the prior June, which was the
7 end of the fiscal year. So we've had
8 some challenging, uncertain financial
9 times at the state level various times
10 through your tenure in those various
11 positions with the City?

12 MR. DUBOW: Yes.

13 COUNCILMAN GREEN: And then you
14 also look at the federal government. You
15 know, we've had, from my understanding
16 and recollection, a continuing resolution
17 that's been passed every year for a
18 number of years, but actually not a real
19 budget being passed. Would that also be
20 correct?

21 MR. DUBOW: Yes. I think one
22 of the differences at the federal level
23 now is republicans in charge of the White
24 House and both houses of Congress.

25 COUNCILMAN GREEN: But even

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2 during when we've had democratic
3 administrations, I know during the Obama
4 Administration, we had sequestration,
5 which also caused uncertainty from a
6 financial perspective for both states
7 around the nation and also at a local
8 level being the City of Philadelphia.

9 MR. DUBOW: Yes.

10 COUNCILMAN GREEN: So when you
11 look at your testimony that you made
12 reference to face immediate financial
13 burdens regarding uncertainty of the
14 state and federal funding, potential
15 slowdown in the national economy, and
16 looming School District deficits, we've
17 had that over a number of years during
18 your tenure as Assistant Budget Director,
19 Deputy Budget Director, Budget Director,
20 Finance Director. So that's nothing new.

21 MR. DUBOW: Well --

22 COUNCILMAN GREEN: As you said,
23 it's about choices and making decisions
24 how we're going to make --

25 MR. DUBOW: It's definitely

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2 about choices. I think the combination
3 of things that we're facing now is
4 particularly challenging. It's a hard --
5 we're coming into a hard time.

6 COUNCILMAN GREEN: Well, I
7 mean, it's always been a hard time. If
8 you look at various other jurisdictions
9 that have decided to go into public
10 financing, they've also had similar
11 perspectives of some of the same
12 uncertainties regarding challenges in the
13 economy. We had a recession in 2008.
14 We've had uncertainty in reference to
15 federal funding. So just like the times
16 we're facing now, we've faced these times
17 in the past, as well as other
18 jurisdictions have faced these times and
19 they've also had public financing of
20 campaigns as well.

21 MR. DUBOW: Yeah. We've
22 definitely --

23 COUNCILMAN GREEN: I mean, you
24 can't deny that, correct?

25 MR. DUBOW: I'm sorry?

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2 COUNCILMAN GREEN: You can't
3 deny that, correct?

4 MR. DUBOW: No. We definitely
5 have had challenging times before and so
6 have other jurisdictions.

7 COUNCILMAN GREEN: Right. And
8 those jurisdictions still decided, based
9 on the will of the executive and
10 legislative branch and the people, to
11 move forward with the public financing of
12 campaigns, correct?

13 MR. DUBOW: Yeah. I think your
14 key bottom line here is it's about
15 choices, and I think we agree on that.

16 COUNCILMAN GREEN: And you
17 estimate the cost about 6.2 million.
18 I've heard smaller numbers, about half of
19 that. I mean, you can argue one way or
20 the other, but let's be very conservative
21 and say 6.2 million. Our annual budget
22 is about how much?

23 MR. DUBOW: So our annual
24 budget is about 4 billion.

25 COUNCILMAN GREEN: Right. And

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2 so what percentage of 4 billion is \$6.2
3 million, roughly?

4 MR. DUBOW: I'll answer that in
5 two ways. It's probably about --

6 COUNCILMAN GREEN: How about
7 just give me the number.

8 MR. DUBOW: Well, because I
9 want to give you --

10 COUNCILMAN GREEN: Give it for
11 the stenographer because --

12 MR. DUBOW: I'll give you the
13 number and then I'll give you some
14 context.

15 So of the total budget, it's
16 obviously a very small percent, maybe
17 like .01, a little more than .01 percent.

18 COUNCILMAN GREEN: So a little
19 more than .01 percent.

20 MR. DUBOW: But --

21 COUNCILMAN GREEN: Hold on. I
22 just want to follow up on that point.

23 So when you say a little bit
24 more than about .01 percent and you
25 talked about new investments, do you make

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2 decisions based on new investments about
3 that small amount of dollars?

4 MR. DUBOW: We make decisions
5 all the time on those type of
6 investments, and every one of them
7 involves kind of choices about what we
8 can and can't do, and that's because
9 while our budget is 4 billion, our fixed
10 costs are really high. Our fixed costs
11 are actually probably more than half of
12 our budget, and then what's left, kind of
13 the biggest area is public safety, and we
14 don't really have a lot of discretionary
15 money, and in the end when we kind of
16 finish up the budget and go through the
17 process with Council, we're usually
18 talking about 10 million maybe in total
19 in the decisions that we're making in
20 terms of kind of the investments that we
21 add at the end of the process.

22 COUNCILMAN GREEN: You said
23 about 10 million?

24 MR. DUBOW: Yeah. So typically
25 when you look at kind of at the end of

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2 the Council process what changes, it's
3 usually about a \$10 million number.

4 COUNCILMAN GREEN: Yeah, but
5 that's what changes based on a
6 negotiation between Council and the
7 Administration. You're not saying
8 that --

9 MR. DUBOW: That's right.

10 COUNCILMAN GREEN: -- there's
11 only about \$10 million that we have
12 discretionary decisions to make with?

13 MR. DUBOW: No. I'm just
14 trying to say that 6 million is a big
15 number kind of in that world where we're
16 kind of in the end arguing over \$10
17 million each year.

18 COUNCILMAN GREEN: Right, but
19 that's \$10 million based on a mutual
20 decision based between the executive
21 branch and legislative branch. And so if
22 the legislative branch, which is the
23 entity that has the responsibility for
24 passing the budget, makes a decision on
25 how dollars should be allocated that's

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2 somewhat different than the executive
3 branch, unless the Mayor decides to veto,
4 that is a decision made by the
5 legislative branch to make that decision
6 regarding allocating the funds, and when
7 you say \$10 million is somewhat
8 discretionary, if this body as a whole
9 decides to make that choice, that's still
10 less than the conservative amount that
11 you said of \$6.2 million, which is less
12 than .01 percent of the entire City
13 budget.

14 MR. DUBOW: Yeah, and that's
15 definitely a choice. It just then takes
16 away the discretion to do other things.
17 I think we're saying the same thing.

18 COUNCILMAN GREEN: Exactly. So
19 ultimately it's the decision and choices
20 that need to be made by not only this
21 body but also the people, because I would
22 envision this legislation, if it were to
23 be passed at some time in the future,
24 ultimately would provide an opportunity
25 for citizens of the City of Philadelphia

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2 to make a decision on whether they want
3 to engage in the public financing of
4 campaigns. And then if the will of the
5 people vote for it, it's something that
6 we as a body and we as the Administration
7 will need to implement, correct?

8 MR. DUBOW: Correct.

9 COUNCILMAN GREEN: Thank you.

10 COUNCILMAN GREENLEE: Thank
11 you, Councilman.

12 First, let the record reflect
13 that Councilman Oh and Councilwoman Bass,
14 members of the Committee, are present.

15 Councilman Jones and then
16 Councilman Henon.

17 COUNCILMAN JONES: Good
18 morning.

19 MR. DUBOW: Good morning.

20 COUNCILMAN JONES: That was a
21 rough interrogation there. You did well.

22 MR. DUBOW: It was a friendly
23 conversation.

24 COUNCILMAN JONES: Yes, it was.
25 You responded well.

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2 Much lighter. I want to focus
3 on a couple of things. We have two
4 elections a year in Philadelphia; is that
5 correct?

6 MR. DUBOW: Yes.

7 COUNCILMAN JONES: Barring a
8 special --

9 MR. DUBOW: Primary and
10 general, yes.

11 COUNCILMAN JONES: How much
12 does an election day cost in the City of
13 Philadelphia?

14 MR. DUBOW: I don't know. I'd
15 have to get back to you on that.

16 COUNCILMAN JONES: That's an
17 important number. And we have, as I
18 remember, 1,786 divisions.

19 MR. DUBOW: You know what we
20 can give you actually, we can give you
21 the Commissioners budget, which probably
22 answers that question of what -- we can
23 tell you what we spend a year on the
24 Commissioners, and probably half of that
25 is each election, roughly.

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2 COUNCILMAN JONES: All right.

3 And we have approximately, depending on
4 the next census, about 1,786 divisions in
5 the City of Philadelphia; is that
6 correct?

7 MR. DUBOW: Sounds about right.

8 COUNCILMAN JONES: Sounds about
9 right.

10 And in order to operate one of
11 those polling places, you need several
12 judges of election and you need a machine
13 operator. And so it's about times five
14 at least folk who work on the polls.

15 Are there any ward leaders that
16 can answer that? Is it five people to
17 run a poll?

18 COUNCILMAN GREENLEE: You're
19 correct. Most of the time it's five. It
20 could be six depending on the size of the
21 division.

22 COUNCILMAN JONES: Okay. And
23 so what's their remuneration every
24 election day? Does anybody know that?

25 MS. ADAMS: This is Anna Adams,

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2 Budget Director.

3 The City Commissioners budget,
4 which they run elections, are between --
5 somewhere between 10 and 11 million
6 depending on the year, depending on
7 whether there's a big national election.
8 So I'd say that's the amount that we --
9 and that's not including their benefits,
10 but that's just the direct amount that we
11 spend for the City Commissioners budget.

12 COUNCILMAN JONES: So it takes
13 five people per polling place to operate
14 a fair election, and that's the
15 fundamental reason why we have
16 Commissioners, that's the fundamental
17 reason why in the Charter, to assure that
18 that process of democracy is carried out,
19 correct?

20 MR. DUBOW: Correct.

21 COUNCILMAN JONES: You can just
22 go with me.

23 Of those five people times
24 1,700, they receive a remuneration of
25 what per election day?

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2 I have a ward leader in the
3 room.

4 COUNCILMAN GREENLEE: It varies
5 depending on whether they go to classes
6 or not, but it's somewhere between \$90
7 and \$110 per person, somewhere in there.

8 COUNCILMAN JONES: We're going
9 to say 100. I'm going to say 100. And
10 how many hours, my expert witness, the
11 ward leader, do they work at those
12 polling places?

13 COUNCILMAN GREENLEE: At least
14 13 hours.

15 COUNCILMAN JONES: So it's
16 probably more like 14 if you --

17 COUNCILMAN GREENLEE: Before
18 and after, preparation and closing, yes.

19 MR. DUBOW: And that's all
20 captured in the \$10 to \$11 million number
21 that we gave you.

22 COUNCILMAN JONES: Okay. So if
23 you go by an hourly rate of what those
24 operators, those judges of election, they
25 make, it comes out to approximately

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2 \$7-plus an hour. So let's be sure, they
3 ain't doing it for the money. And we
4 have not given them a raise in how long?

5 MS. ADAMS: I'm not sure. It's
6 been a few years, I believe.

7 COUNCILMAN JONES: So there's
8 voter participation going down. It's my
9 understanding -- let me ask the ward
10 leader expert -- that the number of these
11 election operators are going down, and we
12 just really need to focus on how to get
13 more people to participate in the
14 democratic process. So that's another
15 priority that we have other than campaign
16 financing. We better take a look at that
17 or whether you're a republican -- and I
18 have some on the Committee, right? I
19 have my -- do I have two? Two
20 republicans and democrats. So this is a
21 bipartisan kind of thing. We better
22 start to take a look at this whole
23 process to make sure that in ten years
24 that we actually have people willing to
25 participate in the democratic process,

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2 whether as a custodian of democracy in
3 those election booths or as participants
4 even going to the polls. So I think
5 we're averaging like 20 percent turnout.
6 Do I have a ward leader expert that can
7 verify that?

8 COUNCILMAN GREENLEE: It's
9 probably, when you put them all together,
10 somewhere in that world.

11 COUNCILMAN JONES: Twenty
12 percent.

13 So we need to take a whole look
14 at the whole department and figure out
15 during the budget process how we
16 encourage more people to be involved,
17 whether it's electronic voting or those
18 kinds of things that can actually
19 stimulate more participation of the
20 electorate, as well as the infrastructure
21 of people who actually count our votes.
22 And that was a statement, not a question.

23 COUNCILMAN GREENLEE: Okay.

24 Thank you, Councilman.

25 Councilman Henon.

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2 COUNCILMAN HENON: Thank you,
3 Mr. Chair.

4 Good morning.

5 MR. DUBOW: Good morning.

6 COUNCILMAN HENON: First, I
7 want to thank the lead sponsor of this
8 legislation, Councilman Green, for really
9 being forward-thinking in the direction
10 in how we operate as an electoral and how
11 we use our resources in a priority way.
12 I think it's kind of appropriate that we
13 have these public discussions, and in
14 lieu of a lot of the testimony, a lot of
15 stakeholders, a lot of people on the
16 streets -- I mean, Councilman Jones has
17 just hit the nail on the head. You have
18 a lot of people who have been operating,
19 conducting fair elections for a long,
20 long time, and they don't do it for the
21 money.

22 COUNCILMAN JONES: That's for
23 sure.

24 COUNCILMAN HENON: They don't
25 do it for the money. They do it because

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2 it's the right thing to do as part of our
3 civic duty and responsibility. And I'm
4 glad that Councilman Green had pointed
5 out that in the overall budget, the cost
6 is always going to be a factor, but .01
7 percent of our overall budget would be
8 allocated if the voters -- and that's a
9 big if, because the voters should decide
10 whether they want to have fair elections,
11 more participation into our process.

12 Because when you're getting 8 and 9
13 percent voter participation, I mean, it's
14 disheartening to see why there's such a
15 lack of disconnect between government and
16 the voters. And we're trying to change
17 that, and this is a vehicle from a policy
18 perspective to really engage people in
19 our communities to be a part of their
20 neighborhood, to be a part of government,
21 to have their voices be heard in more of
22 a structured way.

23 So a couple things. I wanted
24 to point out that this is a very
25 minuscule part of our overall budget.

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2 What is our operating budget?

3 4.4 billion?

4 MR. DUBOW: Yeah, a little over
5 4 billion. But then as we talked about,
6 a lot of that is fixed costs. A lot of
7 it we really don't have discretion over.

8 COUNCILMAN HENON: What is our
9 capital budget?

10 MR. DUBOW: Capital budget,
11 we're probably going to spend about 160,
12 170, in that range.

13 MS. ADAMS: That's on the
14 general obligation.

15 COUNCILMAN HENON: So our
16 capital budget is a couple billion as
17 well, though, right?

18 MS. ADAMS: Well, that includes
19 things like the Airport and the Water.
20 If it's just -- are you talking about
21 just the general obligation? It's about
22 160.

23 COUNCILMAN HENON: So about \$8
24 billion City budget combined.

25 MS. ADAMS: That's all funds.

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2 So that would include all grant funds,
3 everything.

4 COUNCILMAN HENON: So we're
5 talking about \$8 billion and we're having
6 a public conversation over .01 percent of
7 engaging our public in good civic
8 responsibility and a different way of
9 seeing things. Change is difficult.

10 A question on the policy. I
11 know you're finance and I'm not sure if
12 you've taken a position on the policy,
13 but as a policy in trying to get people
14 engaged, does the Administration feel
15 that it is the right conversation to have
16 on the policy itself?

17 MR. DUBOW: We think it's a
18 good conversation to have. I mean, we
19 still have the concern about the cost.

20 COUNCILMAN HENON: I mean, I
21 understand that. I understand that. And
22 I think what's great about having public
23 hearings and having people who have
24 experiences as best practices across the
25 country is that we should discuss a

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2 policy then leading into any kind of
3 finances, because everything we do -- our
4 tax delinquencies, our rate in which we
5 have conversations about our recovery and
6 our tax delinquencies, our property
7 assessments, whether we have the
8 infrastructures in place to really
9 capture the increase of our property
10 values, I'm not sure if we're missing an
11 opportunity to do that. There was talks
12 about a 2 percent cut across the board in
13 our departments.

14 Are the -- I'm going to ask you
15 a couple questions. The Police
16 Department, they're recruiting currently
17 for new police officers? So that's
18 already been budgeted. Same thing with
19 our Fire Department, already budgeted?

20 MS. ADAMS: Yeah, but both
21 departments are also seeing pretty strong
22 challenges.

23 COUNCILMAN HENON: So we're
24 still looking for public servants in our
25 first responders; is that correct?

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2 MS. ADAMS: Yes. We are
3 looking to hire paramedics particularly
4 and firefighters, as well as police
5 officers.

6 COUNCILMAN HENON: Our IT
7 department, we're looking to recruit
8 people on our IT department?

9 MS. ADAMS: Yeah. We have a
10 lot of positions that we want to fill
11 throughout, which we budget for, but it
12 still doesn't mean that we're necessarily
13 at the point where we'd like to be with
14 some of these departments.

15 COUNCILMAN HENON: But we've
16 appropriated and passed a budget for
17 those positions; is that correct?

18 MS. ADAMS: For some of those
19 positions.

20 MR. DUBOW: We have, but --

21 COUNCILMAN HENON: But we're
22 still trying to fill them?

23 MR. DUBOW: We are still trying
24 to fill them, although we've asked --
25 each of those departments is going

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2 through the process with us of looking
3 for cuts within their departments, the
4 three that you mentioned.

5 COUNCILMAN HENON: Including
6 the pension. We made some drastic
7 changes in our pension, I think, over the
8 last year with Council's support and the
9 Administration's cooperation. So I think
10 we should be funding -- have our funding
11 in place for an acceptable range, I think
12 within seven, eight years, with the
13 increase; is that correct?

14 MR. DUBOW: So our --

15 COUNCILMAN HENON: Not 30 years
16 as it was. So I think we made
17 progressive changes in our pensions?

18 MR. DUBOW: So our plan would
19 get us to 80 percent funded in 13 years.
20 In terms of what's going on with
21 employees, there have been changes so far
22 for DC33 and the FOP. We're still in the
23 process with firefighters and with DC47.
24 So we've gotten part of what we were
25 hoping to get, but we're not through that

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2 process.

3 COUNCILMAN HENON: Right. But
4 the point is that we do a lot of things
5 at once. I'm proud that the
6 Administration and this body and
7 Philadelphians are having the opportunity
8 to discuss a policy like this that is
9 similar to what we had with sick pay and
10 21st century wage. It was a little bit
11 outside the box, but it was good for
12 people, and I think that's what makes
13 Philadelphia better than most and that's
14 why we're a city of the first class.

15 So I appreciate the dialogue
16 and the conversation. I look forward to
17 dealing with the finances of this in .01
18 percent of our overall budget in the
19 future, but I think agreeing on a policy
20 is really important, and if we can get
21 there on the policy, then we'll continue
22 to have financial discussions.

23 So thank you.

24 COUNCILMAN GREENLEE: Thank
25 you.

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2 Any other questions?

3 (No response.)

4 COUNCILMAN GREENLEE: Seeing
5 none, Mr. Dubow, Ms. Adams, thank you
6 very much.

7 Ms. Marconi, will you call our
8 next panel, please.

9 Rob, one second.

10 COUNCIL PRESIDENT CLARKE:

11 Sorry, Rob. I saw you getting excited.
12 One quick question. I chair the budget
13 hearings, so I'm always interested in --
14 so with respect, and I know you can't
15 guarantee this, but we've got the two
16 municipal contracts that we've resolved
17 of both 10 percent increases across the
18 board, thereabout. Are they 10?

19 MR. DUBOW: Over multiple
20 years.

21 COUNCIL PRESIDENT CLARKE: Over
22 the life of the contract.

23 MR. DUBOW: Roughly, that's
24 right. I think the 33 was more like in
25 the 8 range and police were more like 10.

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2 COUNCIL PRESIDENT CLARKE: All
3 right. And I know you can't answer this
4 question. I know because how savvy you
5 are, you won't answer this question, but
6 the likelihood is that the two
7 remaining -- and this is me saying
8 this -- remaining contracts will be
9 approximately 8 to 10 over the life of
10 the plan. That's normally -- and I know
11 you're not going to answer it.

12 MR. DUBOW: Each negotiation
13 has its own dynamic.

14 COUNCIL PRESIDENT CLARKE: I
15 just had to put it out there.

16 COUNCILMAN GREENLEE: He's been
17 around a while, Councilman.

18 COUNCIL PRESIDENT CLARKE:
19 You're so impressive, Rob.

20 And the School District
21 contract, in their Five Year Plan, is
22 there money budgeted from the City's side
23 to fund that contract?

24 MR. DUBOW: No. So I'll have
25 to answer that in a couple of ways.

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2 They're projecting a billion dollar
3 deficit over five years. They don't
4 assume that there's additional City money
5 beyond what we already give them to help
6 fund that.

7 COUNCIL PRESIDENT CLARKE: You
8 said they don't assume it?

9 MR. DUBOW: Yeah.

10 COUNCIL PRESIDENT CLARKE: So
11 there would not be any tax increases
12 for --

13 MR. DUBOW: Well, but also they
14 project a billion dollar problem, so...

15 COUNCIL PRESIDENT CLARKE: So
16 one doesn't jive with the other. Okay.
17 All right. Thank you.

18 COUNCILMAN GREENLEE: Hold on.
19 One more.

20 Councilman Green.

21 COUNCILMAN GREEN: Thank you,
22 Mr. Chair.

23 I just wanted to follow up,
24 Mr. Dubow. You talked quite a bit in
25 reference to the public financing

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2 legislation. What is your opinion on the
3 other bill regarding the changes to the
4 campaign finance laws?

5 MR. DUBOW: Really my
6 testimony, I'm focused on kind of the
7 cost of the public financing changes.

8 COUNCILMAN GREEN: Right, but
9 your testimony included both that as well
10 as the other bill, which deals with the
11 cycle changes. So I wanted to get your
12 perspective on that bill as well.

13 MR. DUBOW: I don't really have
14 a perspective on that.

15 COUNCILMAN GREEN: You don't
16 have an opinion one way or the other?

17 MR. DUBOW: Right.

18 COUNCILMAN GREEN: And although
19 as I reflect on Council President
20 Clarke's commentary, I'm still going to
21 ask this question. If money was not a
22 concern, what would be your position?

23 MR. DUBOW: My job would be so
24 easy if money wasn't a concern.

25 COUNCILMAN GREEN: So I'll

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2 answer this for you. Your job is to
3 focus on the numbers. You don't have a
4 position for the bill.

5 MR. DUBOW: I said in response
6 to Councilman Henon I think it's a good
7 conversation to have and I think there
8 are kind of issues that we'd need to talk
9 through with it.

10 COUNCILMAN GREEN: Okay. I
11 have a game on Saturdays. I need another
12 poker player, so I'll see if I can get
13 you to play.

14 COUNCILMAN GREENLEE: He's been
15 around a while now, come on.

16 Councilwoman Bass.

17 COUNCILWOMAN BASS: I just had
18 a quick question. Can you give us some
19 sort of sense of what similar cities have
20 a public financing policy, what cities
21 that are similar in size and also in this
22 region. Can you just give us some idea
23 of who else?

24 MR. DUBOW: Actually, I have
25 seen that. I don't have it with me. So

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2 we can get back to you on that.

3 COUNCILMAN GREENLEE: Maybe the
4 next witnesses could probably talk about
5 that.

6 COUNCILWOMAN BASS: Okay. Very
7 good.

8 Thank you.

9 COUNCILMAN GREENLEE: Okay.
10 Thank you.

11 Council President.

12 COUNCIL PRESIDENT CLARKE: Real
13 quick. I'm sorry. I'm sorry, Rob.

14 With respect to the School
15 District's budget, you indicated in their
16 Five Year Plan, they project having --

17 MR. DUBOW: A \$976 million
18 deficit through FY22.

19 COUNCIL PRESIDENT CLARKE: But
20 no need for additional City funding?

21 MR. DUBOW: No. So I may not
22 have answered that well. What I was
23 saying is that they have projections in
24 their budget. Those projections don't
25 include additional funding from us, but

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2 they do show a \$976 million deficit, and
3 obviously we're going to have to figure
4 out how that hole is going to be filled.

5 COUNCIL PRESIDENT CLARKE: So
6 was it a similar scenario over the last
7 school five year fiscal plan that
8 required that we raise upwards of \$470
9 million?

10 MR. DUBOW: That's right.

11 COUNCIL PRESIDENT CLARKE: So
12 it's --

13 MR. DUBOW: So we're going to
14 have to do something similar.

15 COUNCIL PRESIDENT CLARKE: A
16 similar scenario where they had a Five
17 Year Plan that was not based on reality.

18 MR. DUBOW: That's right.
19 There's something that's going to have to
20 happen.

21 COUNCIL PRESIDENT CLARKE:
22 Okay. I just want to make sure --

23 MR. DUBOW: Yeah. Okay.

24 COUNCIL PRESIDENT CLARKE: --
25 individuals understand that.

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2 Thank you.

3 COUNCILMAN GREENLEE: Thank
4 you. Thank you, Mr. President.

5 No other questions. Now you
6 can go.

7 Ms. Marconi, our next panel.

8 THE CLERK: Michael Cooke and
9 David Thornburg.

10 (Witnesses approached witness
11 table.)

12 COUNCILMAN GREENLEE: Good
13 morning. Mr. Cooke, I think we have your
14 testimony already. So, again, that will
15 be made part of the record. If you could
16 maybe summarize, because we have a lot of
17 witnesses.

18 Mr. Thornburg, I don't think we
19 have yours yet, right?

20 MR. THORNBURG: I think it was
21 passed out a little bit ago.

22 COUNCILMAN GREENLEE: You have
23 it now? Okay.

24 So, again, full testimony will
25 be made part of the record.

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2 Whoever would like to go first,
3 please identify yourself and proceed.

4 MR. COOKE: Good morning, Chair
5 Greenlee. My name is Michael Cooke, here
6 to testify on behalf of the Board of
7 Ethics. Good morning also, Vice Chair
8 Green, other members of the Committee,
9 Council President Clarke. Thank you for
10 this opportunity to speak on the proposed
11 legislation. And I would like to note,
12 of course, for the record, as you're all
13 aware, the Board has administered the
14 City's public integrity law since its
15 inception in 2008, including the
16 City's -- since its inception in 2006,
17 including the City's campaign finance
18 law, and I have myself been with the
19 Board since 2008.

20 I'd like to thank members of
21 the Committee and especially the sponsors
22 of this legislation for the opportunity
23 to address this very important
24 development for the City of Philadelphia.

25 The Board supports this

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2 proposed legislation and appreciates the
3 opportunity we've had to work with
4 members of City Council to craft it, and
5 we think that the proposed legislation
6 would offer numerous benefits to the
7 citizens of Philadelphia. Indeed, we see
8 it as the next step in the ethics and
9 campaign finance reforms that began with
10 the City's adoption through City
11 Council's action of the City's campaign
12 finance law and the creation of the
13 Ethics Board in 2006.

14 The proposed matching funds
15 program would make Philadelphia elections
16 cleaner and fairer. It would empower
17 Philadelphians by amplifying the impact
18 of small donations and would encourage
19 candidates to focus their time and
20 fundraising efforts on regular
21 constituents, thereby diversifying the
22 donor base.

23 As for the nuts and bolts of
24 the legislation itself, that's laid out
25 in my testimony. I'm sure members are

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2 familiar with it. Just briefly note, the
3 heart of the proposed legislation is
4 matching funds; that is, that candidates
5 who participated in the program would be
6 eligible to receive a five-to-one match
7 of any contributions of up to \$150 from
8 Philadelphia residents. The program
9 would apply, of course, only to City
10 elective office, Mayor, Council, District
11 Attorney, Controller, Sheriff, and City
12 Commissions, and not to the judicial or
13 state elections, even if they're based in
14 Philadelphia.

15 The legislation would have caps
16 on the amount of money that any single
17 candidate could receive, spending limits,
18 and would limit the amount of money
19 participating candidates could accept
20 from political committees.

21 The proposed legislation, of
22 course, in order to participate,
23 candidates would have to go through a
24 number of criteria in order to make sure
25 that they are actually credible

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2 candidates and that it was a worthwhile
3 and useful thing for the City to even be
4 providing them the matching funds to
5 begin with. Those criteria are laid out
6 in the legislation. I won't go over them
7 now. I will mention the one main part is
8 that any candidate who wanted to
9 participate would have to raise a certain
10 amount of money in small dollar donations
11 to demonstrate that they have that
12 ability and commitment, and it would be a
13 significant hurdle for candidates if they
14 wanted to participate in the program, but
15 reachable for those who were committed to
16 it.

17 I'd like to talk a little bit
18 about projected costs of the program.
19 That was something that the Finance
20 Director talked about, certainly very
21 important and wanted to lay that all
22 before the members of the Committee so
23 you have all the information that you
24 need.

25 Under the proposed legislation,

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2 the Board would be responsible for
3 administering the program, and we
4 appreciate Council's confidence in the
5 Board's ability to do so and recognize
6 the significant challenge of the
7 undertaking.

8 Given the scope of the proposed
9 program, of course, the Board would
10 require a notable increase in its
11 appropriation to cover the administration
12 of the program. Based on the legislation
13 as it's currently structured and after
14 examining how agencies in other
15 jurisdictions administer similar
16 programs, we estimate that the Board
17 would require up to seven new full-time
18 staff members. We would likely also make
19 use of seasonal temporary employees
20 during peak periods before elections.
21 These folks would work on processing
22 matching claims, developing the relevant
23 regulations, the guidance documents,
24 providing trainings, and helping
25 candidates with compliance and audit of

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2 their participation in the program.

3 All told, for salaries and
4 administrative costs, such as office
5 build-out and computer equipment, we
6 estimate that if the program were in
7 effect for the 2019 elections for Fiscal
8 Year 2019, the Board would need an
9 additional appropriation of approximately
10 \$685,000 to \$755,000.

11 I should note that that
12 estimate does not include the cost of
13 developing and maintaining software to
14 process matching fund requests and
15 disbursements. When Seattle recently
16 implemented a public financing program,
17 they spent approximately \$300,000 on
18 software development.

19 We have had the opportunity to
20 begin discussions with OIT and the
21 Records Department to see whether it
22 would be possible to combine development
23 of software for this program with an
24 upcoming upgrade of the software we use
25 for the filing of campaign finance

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2 reports, also exploring whether we can
3 license software from other jurisdictions
4 in order to reduce costs and streamline
5 the implementation of the program.

6 So that's the administrative
7 costs. The other big piece of the cost
8 for the program, of course, is the
9 matching funds that would have to be
10 provided to candidates, and that will
11 vary depending on how many candidates are
12 participating and will certainly be at
13 its peak in those years when there's a
14 primary election, particularly when there
15 is the election for City Council, Mayor,
16 Commissioners, and Sheriff. That's the
17 time with the heaviest election activity.

18 According to an analysis by the
19 Campaign Finance Institute, which I
20 believe members have submitted as part of
21 testimony, if the proposed program had
22 been in place in 2015, the City would
23 have disbursed between \$5 million to \$6
24 million in matching funds for the primary
25 election. Using that data point and then

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2 taking into consideration the number of
3 candidates in past City elections and
4 participation rates for public financing
5 programs in other jurisdictions, we think
6 on the high end it is reasonable to
7 estimate matching fund disbursements of
8 \$8 million to \$10 million over a
9 four-year cycle. That would, if you then
10 add in the administrative costs, average
11 out to about \$3 million per year over a
12 four-year period.

13 Most of those expenditures, of
14 course, they wouldn't be evenly spread
15 out. The heaviest expenditure periods
16 would be in the fiscal year during which
17 the primary elections for Mayor and
18 Council occur, as I mentioned earlier.

19 I'd like to note, though, that
20 that is the estimates for the program as
21 currently proposed in the legislation.
22 There are many ways to scale and manage
23 the cost of this kind of program if
24 Council were to feel that you liked the
25 policy idea but thought it would only be

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2 appropriate with a different cost
3 structure, and there are several options
4 at your disposal if you choose to do
5 that. For example, you could lower the
6 matchable amount of a contribution. So
7 currently as proposed at 150 would be
8 matched to five to one. And if that
9 stayed the same, then a participating
10 candidate would have to get at least
11 contributions from at least 133 donors in
12 order to hit the funding cap of 100,000
13 for someone who is running for Council or
14 Sheriff or Commissioner. If the amount
15 was lowered to 100, then a candidate
16 would need 200 donors to hit that funding
17 cap. At \$50, a candidate would need 400
18 donors. The more donors that are
19 required to hit the funding cap, then
20 fewer candidates will reach the cap and
21 the City would spend less money on the
22 matching funds.

23 I should note that lowering the
24 matchable amount would also enhance the
25 policy goal of encouraging candidates to

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2 diversify their donor base because they
3 would have to go to more people to raise
4 the money.

5 It would also, on the other
6 hand, of the impact of making it harder
7 for candidates to qualify for the program
8 in the first place, because in order to
9 reach the qualification special, they
10 would have to raise money from more
11 people than they do under the current
12 proposal.

13 Just to wrap up, I'll note a
14 couple of other ways to substantially
15 reduce the amount of matching funds
16 required by the program. One would be to
17 eliminate mayoral races from the program.
18 They are currently in there as having a
19 cap of a million dollars per mayoral
20 candidate. Removing them would
21 significantly lower the projections. If
22 you look at that analysis that was done
23 by the Campaign Finance Institute, I
24 believe that included about \$2 million of
25 matching funds for mayoral candidates.

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2 So that would cut that projection almost
3 in half or by a third if you're looking
4 at the higher end.

5 You could also lower the
6 funding cap for some races such as DA or
7 Controller, which are currently set at
8 \$300,000. Or Council, especially if it
9 has concerns about the financial
10 situation for Fiscal Year 2019, could
11 delay the start of the program until the
12 2021 DA and Controller elections. That
13 would require the City to spend less
14 money in the near term and also stagger
15 and spread out the implementation costs
16 for the administrative side of things as
17 well.

18 So that concludes my testimony,
19 and I would be happy to answer any
20 questions that members may have.

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

23 We're going to hear from
24 Mr. Thornburg, then we'll be open to
25 questions, but before we do that, Mr.

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2 Thornburg, I want to recognize Councilman
3 Jones who has some special guests here
4 he'd like to recognize.

5 Councilman.

6 COUNCILMAN JONES: And I'm sure
7 as we discuss democracy, I think it's
8 truly appropriate to welcome to our
9 Chambers surviving members of the
10 Tuskegee Airmen, escorted by Dr. Joi
11 Spraggins, and one you may remember, a
12 Philadelphian by the name of Wally Jones,
13 who is the young upstart escorting them,
14 because he's young. We have Nathan
15 Thomas, who is 91 years young. We have
16 Dr. Eugene Richardson, who is 92 years
17 young. We have Ms. Katherine Johnson,
18 who is 99 years young, capped off by a
19 100-year-old Tuskegee Airman -- let me
20 get the name -- Ernest Jones.

21 Can we welcome them to our
22 Chambers.

23 (Standing ovation.)

24 (Brief pause for presentations
25 and pictures.)

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2 COUNCILMAN JONES: Sorry for
3 the interruption, Mr. Chairman.

4 COUNCILMAN GREENLEE: No. It
5 was for a good cause.

6 I'm sure you understand the
7 interruption there. That was for a very
8 good reason. So, Mr. Thornburg, excuse
9 me. Please identify yourself.

10 MR. THORNBURG: Thank you.
11 It's a great honor to be preempted by the
12 Tuskegee Airmen, I must say.

13 COUNCILMAN GREENLEE:
14 Absolutely.

15 MR. THORNBURG: We're here to
16 talk about strengthening democracy, and
17 without folks like that, we wouldn't be
18 here today.

19 Thank you, Mr. Chair, Council
20 President, members of the Committee.
21 It's a pleasure to be with you today to
22 talk about this measure. Your interest
23 in -- and if it's okay, I'm just going to
24 summarize my testimony.

25 COUNCILMAN GREENLEE: We

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2 strongly prefer that, sir. Thank you.

3 MR. THORNBURG: You have it in
4 front of you.

5 These questions of how we
6 increase the engagement of our citizens
7 in our local democracy is something that
8 has motivated the Committee of Seventy
9 since we were founded over 100 years ago.
10 So I appreciate your leadership on this
11 particularly now.

12 We live in extraordinary times
13 in terms of people's attitudes about
14 politics and government, from the
15 national to the local. I was struck
16 recently -- and this is in my
17 testimony -- that probably a number of
18 you are familiar with the statewide poll
19 that Terry Madonna runs out of Franklin
20 and Marshall that asks people across
21 Pennsylvania about what's on their mind,
22 and since August of 2015, the most
23 important issue that people identify
24 facing the Commonwealth is something
25 about the state of government and

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2 politicians. Most recently that number
3 was about 30 percent people identified as
4 the most important issue facing the
5 Commonwealth. And what's particularly
6 striking is, that is about three times as
7 high as their concern about any other
8 issue, schools, crime, taxes, opioid
9 crisis, what-have-you. Now, that doesn't
10 split the numbers out for Philadelphia.
11 It could be some variation, but I think
12 we are in a time when these fundamental
13 questions of democracy and how people
14 engage in that democracy are very, very
15 important.

16 Having said that, I listened to
17 the testimony from Rob Dubow and some of
18 your questions, and I think we have to
19 approach any expenditure of dollars that
20 doesn't focus on the core ingredients of
21 growing a healthy city, we have to apply
22 an extra level of scrutiny to those
23 dollars. We're never in an environment
24 where money is not an object, and today
25 that's particularly true.

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2 If there were a way in this --
3 in pursuing this proposal where we could
4 identify some real or related cost
5 reductions in other parts of the budget
6 that would make some coherent -- sort of
7 a coherent package, I think that would
8 certainly be one way to get what we
9 wanted.

10 I was here about a year ago. I
11 think Councilman Henon and Councilman
12 Green had kind of an informational --
13 maybe Councilman Greenlee. I apologize.
14 I can't remember -- had an informational
15 hearing on this issue, and I said at the
16 time -- and this is kind of a general
17 all-purpose observation -- that it was
18 very important to try to understand the
19 goals that we were trying to achieve
20 through this legislation, and then having
21 settled on the goals, we obviously would
22 have an easier job, not an easy but an
23 easier job of matching up the solutions
24 to the problem.

25 In this case, having looked at

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2 a lot of the research that's been out
3 there, if we define the problem we're
4 trying to solve as engaging more
5 citizens, particularly citizens who have
6 not participated in financing campaigns,
7 if we identify the problem as encouraging
8 those folks through this to participate
9 in funding campaigns, I think it seems
10 clear to me that this approach of public
11 financing will achieve that. I think
12 there's ample evidence out there that
13 suggests that will happen.

14 Having said that, though, there
15 are other issues that are other potential
16 problems or challenges that I don't think
17 it is terribly clear that this will
18 address. And I will also suggest there's
19 a whole raft of issues that are of
20 concern to us as to the robust and
21 vigorous nature of our local democracy
22 that we ought to be paying a lot of
23 attention to.

24 So I will give for the time
25 being -- and I know there's, as

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2 Councilman Green said, there's much
3 discussion to be had, but I think we are
4 supportive of that piece of the intent
5 and the potential impact of this
6 legislation, but would love to join a
7 broader conversation about other issues
8 that I think head in the same direction.

9 So let me just go through kind
10 of the three main questions that we use
11 to evaluate this proposal, and I've said
12 something about them already, but just to
13 drill down a little bit first.

14 The first question is, will
15 this promote greater citizen
16 participation in the political
17 fundraising process. And I think, again,
18 the answer there, as judged by the
19 evidence that we have, is yes. I think
20 in particular -- I know you have some
21 testimony from the Campaign Finance
22 Institute in Washington. I think that is
23 a credible, balanced source of insight on
24 these. They've taken a look at every
25 city and state that has implemented

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2 programs like this, and there seems to be
3 a clear sense that if we implemented a
4 small dollar matching fund in
5 Philadelphia, that would encourage more
6 small dollars from citizens who maybe
7 historically have not participated in
8 that process. And as the research points
9 out, that is because the campaigns
10 understand the value of those \$25 or \$50
11 or \$100 contributions because they're
12 leveraged by the public dollars that are
13 budgeted for those purposes.

14 So I think, again, as best as
15 we can tell from the evidence that's out
16 there, that is a pretty unambiguous yes.
17 And that is -- that's an important goal,
18 as I said at the outset, particularly in
19 a time when a lot of people are
20 questioning the very structure of our
21 democracy and whether it's worth
22 participating at all, as judged by -- we
23 had a discussion of turnout and so forth
24 and so on.

25 So another question that is

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2 often asked of schemes like this is, will
3 it foster more competition in local
4 elections. And there I think the jury is
5 out. Maybe, but probably not. One
6 observation is that in many
7 jurisdictions, New York among them, that
8 have small dollar matching programs, they
9 also have term limits, and term limits
10 cause a natural turnover in elected
11 positions that bring about competition
12 and bring new candidates to the field.
13 And since we don't have them here, it's a
14 little hard to disentangle the effective
15 one from the other, but I think we are
16 confident in our conclusion that that
17 piece of -- that kind of goal would not
18 be addressed by this proposal.

19 The third question is, will
20 this enable a broader and more diverse
21 range of candidates to run for office.
22 So a goal that supporters bring to this
23 often is that we want to encourage more
24 people and more diverse people, more
25 people who have not maybe traditionally

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2 considered elected office to run for
3 office. I think the evidence there again
4 suggests kind of a hesitant maybe, but
5 not sure. Again, if we don't have
6 natural turnover built into the process,
7 we may end up with more candidates, but
8 we'll say not more viable candidates.

9 There was one piece of research
10 that summarized a lot of what we know in
11 this area, and they stated that as far as
12 we can tell, the public funding does not
13 dramatically alter the decision calculus
14 of quality candidates thinking about
15 entering the ring.

16 Also the fact that our
17 elections are, as they say, first past
18 the post, that there are no runoff
19 provisions in any of our elections, we
20 could end up in a situation where there
21 are more candidates divvying up the total
22 vote in such a way so that the winner
23 ends up with a smaller vote total, and we
24 don't believe that electing a
25 Councilperson or District Attorney or

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2 what-have-you with 20 percent of the vote
3 is necessarily good for our local
4 democracy.

5 There are a couple of
6 modifications that we would encourage you
7 to consider. A point has been made about
8 the potential to exclude the mayoral
9 election from the proposal both based on
10 the budget impact and, in our view, the
11 fact that that race already gets a lot of
12 attention and is a higher turnout race
13 than some of the others. We also would
14 suggest not including the Sheriff and the
15 City Commissioners. Some of you know we
16 have long called for the elimination of
17 those offices. We find that they're
18 outdated and unnecessary, and it would
19 seem disingenuous for us to support a
20 proposal that sustained them going
21 forward given our past positions.

22 You might also consider a
23 sunset provision in the legislation,
24 which would give us all the ability to
25 experience the proposal in some way,

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2 shape or form and then come back to it,
3 require us to come back to it to make
4 modifications.

5 And then seconding what Michael
6 Cooke said, we could also look at the
7 leverage, the matching formula, to reduce
8 the budgetary impact. When New York
9 first introduced a matching formula back
10 in the late '80s, I think it was just a
11 one-to-one matching, and they've changed
12 that matching formula several different
13 times.

14 So I also -- I just wanted to
15 raise a couple of issues that are of
16 great concern to us that this proposal
17 does not address. And you could say,
18 well, it wasn't intended to address that,
19 but these are issues that I think deserve
20 a great deal of our attention.

21 One is, like a lot of folks, we
22 are very concerned about the rising tide
23 of super PAC spending and independent
24 expenditures on local elections. The
25 \$1.7 million spent in the District

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2 Attorney's primary I think is the shape
3 of things to come, and it raises a great
4 deal of concern that increasingly
5 electoral outcomes in Philadelphia will
6 be determined by non-Philadelphians, by
7 the wealthy individuals and labor union
8 and corporations that contribute to super
9 PACs.

10 Building this pyramid, the base
11 of the pyramid of small dollar donors
12 helps dilute that to some extent, but
13 there may also be, if you were interested
14 in taking this up and share our concerns,
15 there may be more direct approaches to
16 that. I noted that just recently in the
17 City Council of Saint Petersburg,
18 Florida, that they passed an ordinance
19 banning super PAC contributions and
20 expenditures in those elections. Almost
21 undoubtedly we'll be challenged in court,
22 but notable that your colleagues in
23 another city have tried to attack that
24 issue head on.

25 The second issue I want to

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2 raise, because I think this is relevant
3 if we're talking about political
4 engagement, is to acknowledge that we
5 have a partisan primary system that
6 because of the way it's constructed
7 effectively disenfranchises over 100,000
8 people, voters in the City of
9 Philadelphia who don't happen to be
10 registered as democrats or republicans.
11 They literally sit on their hands on
12 primary day. They get to vote on Charter
13 change issues, but they don't have a
14 meaningful say in meaningful elections.
15 And as some of you know, most cities in
16 this country, most big cities, have
17 non-partisan or open primaries which
18 gives those folks a voice in those
19 elections. So, again, not the focus of
20 this proposal, but I think we have to
21 keep that in mind as we talk about how we
22 engage people in the political process.

23 It's worth noting that there's
24 research that suggests as many as half of
25 young voters, newly registered voters,

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2 don't register in one of the political
3 parties anymore, and if that's true in
4 Philadelphia, then we're not exactly
5 putting out the welcome wagon for them,
6 the welcome mat in our local election.

7 Finally, you all know that we
8 have had great concerns about the office
9 of City Commissioners here. We find it
10 inefficient, ineffective, and basically
11 leaderless. The office of the City
12 Commissioners, just the office of those
13 three individuals and their staff, cost
14 us about a million dollars a year.
15 That's about a million dollars more than
16 any other county in the Commonwealth, and
17 their performance does not merit that.

18 We saw anecdotally three-hour
19 lines in some North Philadelphia polling
20 places in November, and I was here about
21 a month ago. Senator Hughes had an
22 informational hearing that part of which
23 was taken up with the fact that the
24 office of City Commissioners processed
25 about 17,000 voting applications late

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2 this last go-around, which was almost 20
3 times higher rate than Allegheny County,
4 the second largest county in the
5 Commonwealth. And I believe sincerely
6 that the conduct of that office does in
7 fact discourage people from participating
8 in elections and in political engagement.

9 So I'll conclude by saying we
10 find things to like in this proposal. As
11 I said, we are convinced that it would in
12 fact broaden the base of small dollar
13 donors, because we're applying public
14 funds to leverage those dollars, and
15 would look forward to the chance to work
16 with you to make modifications to that
17 proposal as I discussed, but also in an
18 ongoing basis would love to reserve some
19 time to tackle some of these issues which
20 I think are as important, if not more
21 important, in affecting the willingness
22 of folks in Philadelphia to get involved
23 in the political process.

24 So thank you again for the
25 opportunity to testify.

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2 COUNCILMAN GREENLEE: Okay.

3 Thank you. Let me just ask a couple of
4 quick questions. I know we got people
5 waiting, and I apologize. But first let
6 me make a quick statement. And I know as
7 we talked with Mr. Dubow about finances
8 and the issue of the policy came in here,
9 and I want to be clear because I want to
10 be up front with people, and I think I
11 said this at that informational hearing
12 we had about a year ago, and I know
13 there's difference of opinion on this
14 panel about this. I don't particularly
15 agree with the policy of the public
16 paying for people -- help people run for
17 election out of the general tax base, and
18 I say this as someone who -- and I would
19 challenge anybody to abhor fundraising
20 more than me. I hate it. But I just
21 think to reach into the City budget to
22 help people pay for running for office
23 just -- I just do not agree with that
24 policy. That's my personal opinion.
25 Like I said, I know other people have

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2 opinions the other way.

3 So I just wanted to get that on
4 the record so people understand where I'm
5 coming from on this.

6 Mr. Cooke, two quick things.
7 One -- and I was going through your
8 written testimony to see if I could find
9 it. You said something about that this
10 will help elected officials sort of deal
11 with the -- I'm paraphrasing what you
12 said -- the average person or the
13 everyday person more. You said
14 something like that.

15 MR. COOKE: I wouldn't put it
16 that way, Mr. Chair. Certainly one of or
17 maybe the primary goal, policy goal, of
18 the proposed legislation is that it
19 creates powerful incentives for
20 candidates, whoever may be running for
21 office, to connect with everyday citizens
22 who can provide limited small dollar
23 contributions and that because it
24 provides the matching funds, it creates
25 that incentive. And so it encourages the

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2 candidates to focus their fundraising on
3 those smaller donor folks as opposed to
4 political committees or wealthy
5 individuals.

6 COUNCILMAN GREENLEE: Okay. So
7 you're talking about candidates, not
8 necessarily as an elected official.

9 MR. COOKE: Candidates.

10 COUNCILMAN GREENLEE: All
11 right. I will say one thing on that,
12 though, as a candidate, and I think I
13 know something about this. When I'm out
14 there, I certainly interact with the
15 general public way more than I interact
16 with whatever you would call big PACs or
17 whatever. We go to four, five meetings a
18 night, and that's usually with the
19 general public, with the average person
20 out there.

21 So I just wanted to put that on
22 record. I think right now we do interact
23 with the general public a whole lot, and
24 they are the ones that eventually do
25 vote. And I would agree, I'd like to see

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2 100 percent voter participation, but I
3 think we certainly do interact with the
4 average person right now.

5 One other issue.

6 Mr. Thornburg, I think you did say this,
7 that you did not see this as necessarily
8 increasing the amount of participation of
9 candidates in an election or the
10 diversity of such. Am I saying that
11 right?

12 MR. THORNBURG: Yeah. And I
13 actually include in my written testimony
14 a little chart that comes from the
15 Campaign Finance Institute that addresses
16 some of these questions. And they,
17 again, I think are a very balanced,
18 measured source, and I think that's their
19 conclusion, that it's -- at least many of
20 these things it's just hard to tell.
21 It's hard to disentangle one thing from
22 the next. So I didn't find that evidence
23 conclusive.

24 COUNCILMAN GREENLEE: I
25 appreciate that, because I notice I think

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2 we do have -- and obviously City Council
3 at-large candidates is something I kind
4 of pay attention to since I'm one of
5 them, and we've had just in the last
6 elections, the last election we had 23
7 candidates in '11. We also had 23 total
8 democrat and republican and 24 in 2007.

9 And as I look at the list, I know
10 something about the people that ran.
11 It's a pretty diverse list of people.

12 So I would say that I don't
13 think that -- right now I don't think
14 that's a problem. I think we have people
15 of diverse backgrounds running for office
16 and being involved in the process at
17 least in that fashion.

18 All right. I know other people
19 have questions. Let me go to -- first,
20 let the record reflect Councilwoman Gym,
21 a member of the Committee, is present.

22 First, Councilman Green,
23 Councilman Oh, and then Councilman Henon.
24 I'm sorry. Council President Clarke too.

25 COUNCIL PRESIDENT CLARKE: I'm

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2 last.

3 COUNCILMAN GREENLEE: Where
4 were you?

5 COUNCIL PRESIDENT CLARKE: They
6 were before me.

7 COUNCILMAN GREENLEE: Okay.
8 Councilman Green.

9 COUNCILMAN GREEN: Thank you,
10 Mr. Chair.

11 Thank you for your testimony.
12 There's been a lot of conversation today
13 regarding this legislation regarding the
14 cost, which is something I'm also very
15 concerned about. In both of your
16 testimonies you talked about ways to
17 reduce the cost impacts of this
18 legislation both by taking out the
19 mayoral election and also by lowering the
20 matching amount. I guess the question I
21 would have, if you made those changes, if
22 you can give an approximate idea of what
23 you think the reduction would be in means
24 of actually cost of this going forward
25 and if those changes would take away from

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2 some of the policy goals of this
3 legislation.

4 MR. COOKE: So I think
5 regarding the effect of eliminating the
6 mayoral races, that we don't know in the
7 future how many mayoral candidates would
8 participate. It may be that there would
9 be high participation. It may be that
10 there would be low participation. But no
11 matter what, mayoral candidates have by
12 far the highest amount of public funding
13 that they could receive under the
14 proposed legislation. So a mayoral
15 candidate could get up to a million
16 dollars in public funding. And so if you
17 even had two candidates in a
18 five-candidate field who hit that, that's
19 \$2 million right there, and when you
20 subtract that \$2 million, you're talking
21 about a substantial savings.

22 In terms of the policy
23 implications for removing the Mayor, I
24 think that the -- as I think
25 Mr. Thornburg might have alluded to, that

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2 that's a race that does already have a
3 fairly high level of attention and high
4 level of fundraising activity and bigger
5 campaigns and so on. So I think that the
6 impact would be less pronounced. I do
7 think that it would be a benefit to the
8 City to have this program available for
9 mayoral candidates for all the same
10 reasons of the policy being good for City
11 elections overall, but I think the impact
12 on a policy level would be much less
13 severe than removing other elected
14 offices.

15 Regarding the matchable amount,
16 I think that it is difficult to predict a
17 dollar amount of potential reductions,
18 but it is certainly the case that by
19 making it harder for candidates to hit
20 their \$100,000 or \$300,000 cap, less are
21 going to do so. The particularly good
22 thing about that proposal is while it has
23 the aspect of cost reduction, it actually
24 also forwards the policy goal of the
25 proposed legislation, because in order to

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2 hit their cap, then candidates would have
3 to raise from more individuals and at a
4 lower level, which puts it more within
5 the reach of regular, everyday citizens.
6 So that's something where you get a
7 benefit in both directions.

8 COUNCILMAN GREEN: And then one
9 last question. Do either of you have any
10 opinions on the cycle bills?

11 MR. THORNBURG: I think we both
12 do.

13 I think that is an important
14 secondary feature of this bill. It
15 brings it -- it was my understanding it
16 brings it into alignment with how
17 fundraising cycles are calculated in
18 other elections, and I think it levels
19 the playing field in an important way.

20 MR. COOKE: I would say to that
21 that from our view, the main benefits of
22 that change are to make the system
23 significantly easier for candidates to
24 comply with and particularly in the
25 context of the public funding program

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2 where candidates are going to have to do
3 a level of accounting to track their
4 small dollar contributions. Not having
5 to worry about four separate contribution
6 limit periods is going to be tremendously
7 beneficial to them. It also gives
8 candidates flexibility about when they
9 want to raise the money from donors
10 without having a, frankly, somewhat
11 arbitrary cutoff of December 31st and
12 January 1st for each particular year.

13 COUNCILMAN GREENLEE: Thank
14 you, Councilman.

15 Councilman Oh.

16 COUNCILMAN OH: Thank you very
17 much, Mr. Chairman.

18 So for Mr. Thornburg, just in
19 terms of your opinion, I'm interested
20 because my impression is that the reason
21 why people complain about government is
22 they're not happy with the results. And
23 it doesn't necessarily indicate that
24 things are not going according to the way
25 that they voted. For example, they voted

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2 for a right-wing candidate, they voted
3 for a left-wing candidate and things
4 aren't going the way they like.

5 I would think that
6 gerrymandering is a major problem as to
7 what is wrong with elections and people's
8 dissatisfaction. Gerrymandering in these
9 very odd, odd, odd, perverted shapes of
10 like three crescent moons I think is
11 going to get you a very particular set of
12 perspectives in a community that
13 otherwise is probably full of diverse
14 people, and you're going to end up with
15 very particular representatives who will
16 not compromise or budge.

17 Gerrymandering, more than
18 anything else, appears to me to be the
19 first practical problem. And I'm not
20 saying it's an easy problem based on the
21 laws, the courts and all that.

22 The second thing -- and I don't
23 want to give you too much, but I'm just
24 trying to give you like the main things
25 that I would like to get your response on

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2 from Committee of Seventy.

3 The second thing is that
4 lowering the bar for people to be able to
5 be candidates, that in fact has been done
6 to a large extent by social media where
7 people can get their message out, send
8 out their videos. Technology certainly
9 has helped a lot, and people in these
10 last two presidential elections for
11 President Obama and for President Trump
12 have given lots of money, made lots of
13 statements, have been fully engaged, and
14 we have a new problem called fake news
15 and the Russians and all that, but that's
16 another problem. But certainly the
17 engagement of people on social media as
18 candidates and otherwise is certainly
19 robust as far as what we can see and has
20 provided new avenues for people to get
21 engaged as never before, but still the
22 ability to get into -- get on the ballot
23 many times has to do with the
24 obstructions along the way that cause
25 people who are interested in running to

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2 not be able to get on the ballot. And
3 they're there many times for good
4 reasons, such as you have to make sure
5 you live in the right area, you're
6 actually a citizen, but there's also a
7 lot of obstructions along the way that
8 discourage people from participating in
9 the race.

10 So for me lowering or removing
11 obstructions that are unnecessary and
12 making it easier for people to run for
13 elections would be kind of more of a
14 focus on my part. Gerrymandering,
15 lowering the bar of obstructions, and
16 then finally one thing that is very
17 difficult to deal with, which I always
18 hear because I do a lot of speaking, as
19 you do, people say, I would run, but I
20 just don't want to get smeared. Smearing
21 seems to be to me a big reason why normal
22 people, good people don't want to run.
23 They understand that when you run for
24 office, you get horribly smeared,
25 embarrassed, your family gets attacked,

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2 that type of thing, and they just don't
3 want to do it.

4 Would you address those three
5 issues. And you may say, well, those
6 aren't very important issues or you may
7 say important, but what could we do about
8 those?

9 MR. THORNBURG: Sure. Well, I
10 guess I'd begin by saying that that poll
11 number that I suggested, that this is
12 what's on people's minds, is the state of
13 government politics. You obviously have
14 to get inside that poll and talk to a lot
15 of folks to try to make sense of that.
16 So in and of itself -- I do think that
17 not just post-last November, but building
18 up to that, there is an anger and a
19 frustration about the system, and I think
20 in the presidential campaign, that came
21 from Bernie Sanders voters and Donald
22 Trump voters, from the far right and the
23 far left, and I think this is
24 extraordinary. I do think it's more than
25 just the outcomes that are being

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2 produced.

3 I would totally agree with you
4 about the impact of gerrymandering. You
5 may have read we're very active on that
6 issue around the Commonwealth. I think
7 that is, as a colleague of mine says, one
8 of the principal bugs in the operating
9 system of democracy and we got our work
10 cut out for us to reverse that.

11 You know, there's no right
12 answer to what kind of bar you should be
13 able to clear to run for office, and
14 there are a lot of things going on in
15 there, and you may be right that people's
16 fear of being publicly attacked or
17 smeared or have their family brought into
18 it is one powerful thing.

19 I think it's important to
20 recognize in this proposal there is a
21 threshold that you would have to meet in
22 order to participate in the funding
23 process. Basically you'd have to prove
24 that you were able to attract a certain
25 number of small dollar donors before this

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2 kicked in, and that level can be adjusted
3 depending as we think it's too high or
4 too low.

5 I apologize, Councilman Oh.
6 I'm blanking on your second question.

7 COUNCILMAN OH: Smear -- I
8 think --

9 MR. THORNBURG: I got the
10 smear, I got gerrymandering.

11 COUNCILMAN OH: I think you hit
12 all three, gerrymandering, smearing, and
13 lowering the bar of obstacles. So I'll
14 make my next question for both you and
15 Mr. Cooke.

16 So I will say that me in
17 particular, I do certainly encourage
18 people to participate in elections. I am
19 generally in agreement with Councilman
20 Greenlee that we have a lot of things to
21 pay for with our taxes, and if we didn't
22 have to pay for them, by some miracle we
23 should reduce taxes and let people spend
24 their own money. If they want to run for
25 office, run for office, but the question

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2 is how to get them engaged, and for me I
3 would say that my problem with
4 understanding this proposal -- and I'm
5 open-minded, glad you're here to tell me
6 what is wrong with what I'm thinking.
7 This bill seems to raise the floor. It
8 doesn't reduce the ceiling. So if the
9 concern is increasing the cost of
10 elections, the cost of elections continue
11 to rise, because there's a couple things
12 you can't control, PACs and dark money.
13 You cannot do anything about PACs and
14 engaging PACs. And so this bill appears
15 to me to give more power to power
16 brokers, the bosses of the machine, the
17 bosses of whatever conglomerates of power
18 who tend to be the ones who broker who
19 runs and who doesn't. Because anyone who
20 participates in this generally has
21 smaller dollar amounts. If they could
22 get more money, they wouldn't
23 participate. If they were personally
24 wealthy, maybe they wouldn't, but for the
25 person you're trying to reach, if they

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2 agree to this, they get a certain level,
3 so the floor rises, but they are
4 competing against people that can have a
5 lot of money spent, a lot of non-money in
6 volunteer hours, hours, sweat equity,
7 other things, and then people who can
8 spend millions of dollars without their
9 consent, so to speak. And we see that.
10 This bill does not do anything to prevent
11 that, and so there are not that many
12 power brokers out there. And so for the
13 average person who wants to run, now they
14 have to go see a power broker or they
15 just don't know one.

16 I would think that if you're
17 going to encourage people to run, you may
18 try to assist them through a non-profit
19 fund of some sorts whereby every
20 candidate who enters is eligible for some
21 type of basic candidates kit. You get
22 some public media through our government
23 access channel or through some other type
24 of thing or some posters or whatever you
25 do to some extent.

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2 If the person just didn't have
3 enough money of a certain level, they
4 were a candidate that was unfunded, that
5 might encourage them. However, again, my
6 concern is that the process here would --
7 because everything is relative. Yes,
8 somebody may have more money at the
9 bottom who never had that money, but the
10 people at the top will have more money.
11 They will respond with more dollars to
12 address that.

13 And so the issue for me is that
14 if you want more people to participate,
15 you need to lower the overall cost of
16 elections and you need to try to level
17 the playing field as much as possible.
18 And the unfortunate thing is, we cannot
19 just cap elections, because the Supreme
20 Court has said that a corporation or
21 anyone else can throw in \$3 million to a
22 City Council race as long as they don't
23 coordinate with anybody, and then you
24 have all this stuff out there. And super
25 PACs or just PACs can do the same, and

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2 they can distribute money around to other
3 PACs and other organizations, and it's
4 not a thing this bill addresses. So it
5 still leaves the fact that the few very
6 wealthy, capable, politically astute have
7 a lot of ability to give tremendous favor
8 to their candidates. Could you address
9 that?

10 MR. COOKE: Certainly,
11 Councilman. And I would say that you
12 certainly identify concerns that many
13 people have with the way elections are
14 conducted in this country, especially in
15 the past few years with the rise of super
16 PACs and the independent spending that
17 we've seen at the federal level and to
18 some degree in Philadelphia. And I
19 think, as you pointed out, the
20 frustration for a lot of people is you
21 can't prevent it given the Constitution
22 and the First Amendment and the Supreme
23 Court. It's simply not possible to tell
24 people that they can't spend money to
25 promote the candidates of their choice

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2 independently. So no matter what, that's
3 going to continue in some form or
4 fashion. As you say, it is not possible
5 to lower the ceiling.

6 And so I think from the
7 perspective of the sponsors -- and they
8 can certainly speak to it better than I
9 can -- they look at the situation and
10 say, Well, we want to improve this
11 situation. If we can't lower the
12 ceiling, as you say, perhaps we can raise
13 the floor, and that seems to me to be an
14 excellent legislative response to the
15 particular situation and one that also
16 has the related benefit of encouraging
17 that greater engagement between
18 candidates and members of the public,
19 because not all candidates are as good as
20 that, as some of the members who are here
21 today, and so for them to have that
22 incentive is a very powerful thing.

23 And so I think that it's
24 certainly true the concerns that you
25 raise and that this bill would in fact

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2 address them in ways that are possible
3 for Council to do so, recognizing the
4 limits based on the Constitution and
5 Supreme Court rulings.

6 MR. THORNBURG: I would just
7 say it's important to remember -- well,
8 two things. One is, this program will
9 work if candidates opt in. And I think
10 the experience at the federal level with
11 the checkoff on your tax returns is that
12 increasingly -- I can't remember the last
13 major candidates who opted into that,
14 which tells you that it's not working,
15 that there are too many ways to raise
16 money alternatively. So trying to get
17 that right in Philadelphia if this were
18 to go forward is really important.

19 The second thing is that in
20 participating in the program, you have to
21 agree to, I guess, spending limits,
22 right? So that does in fact level the
23 playing field among candidates who have
24 opted in to the program. So --

25 COUNCILMAN OH: I don't want to

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2 interrupt, but while I agree with that, I
3 think the bigger picture is so you and I
4 may agree to spending limits, but, you
5 know, I've got XYZ corporation behind me
6 and they throw a million dollars into
7 this race. So you've agreed to a
8 spending limit. You're stuck, and I'm
9 happy to be stuck because I got a million
10 dollars behind me. How would you address
11 that?

12 MR. COOKE: Well, Councilman,
13 actually the participating candidate
14 would not be stuck, because if either an
15 opponent or an outside actor were to
16 spend more than the limit, then the limit
17 for all candidates, including the
18 participants, would be lifted. So that
19 would give the participating candidate
20 the opportunity to spend above what had
21 been the limit to counter that.

22 COUNCILMAN OH: So let me make
23 sure I'm clear on what you're saying.
24 David Thornburg and I are both
25 candidates. We agree to this bill. We

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2 have spending limits. Somewhere back
3 there Corporation B starts spending \$3
4 million, unrelated to me, just starting
5 out, vote for David Oh, vote for David
6 Oh, and because of that, Candidate
7 Thornburg says, Hey, look at all this
8 money being spent. We don't know exactly
9 how much. We won't know until after the
10 election. We don't know how much money
11 is being spent. We can't even predict
12 how much, because the television
13 commercials, the cable, all that may come
14 on election day and then there may be an
15 army of people out there on election day,
16 and we could maybe calculate if we find
17 some direct mail and all that. We might
18 be able to calculate, but I don't know
19 how we're going to know how much is going
20 to be spent enough for David Thornburg to
21 be able to say -- other than the fact
22 that what you're saying is he's now not
23 limited somehow to his spending limit
24 agreement. And then I guess I wouldn't
25 be either, right? So we're both not.

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2 MR. COOKE: So for
3 participating candidates, yes, the limit
4 would be lifted if an outside PAC or
5 corporation or whatever it may be were to
6 spend more than the spending limit. And
7 that's actually not that hard to
8 determine because they are in fact
9 required to file campaign finance
10 reports. The Council two years ago in
11 fact enhanced the reporting requirements
12 for those type of entities, to make them
13 have to file more regularly in the time
14 period leading up to an election. So
15 those spending amounts are in fact
16 knowable and would allow the Board to do
17 that kind of calculation and then certify
18 the lifting of the spending limits for
19 that race.

20 COUNCILMAN GREENLEE: If I
21 could, if we -- do you have any more
22 questions?

23 COUNCILMAN OH: I'm done.
24 Thank you. Thank you very much.

25 COUNCILMAN GREENLEE: Because

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2 we have a lot of people still here and I
3 know there's some members want to ask
4 questions. I didn't want to interrupt,
5 but I think we need to keep moving.

6 First, let me recognize
7 Councilwoman Sanchez is present.

8 Councilman Henon.

9 COUNCILMAN HENON: Thank you,
10 Mr. Chairman.

11 And thank you, gentlemen, both
12 for your testimony. I love having public
13 policy discussions. I'm going to say it
14 again. This is great to hear this kind
15 of dialogue, because I see some testimony
16 and I've heard some other stuff. People
17 don't even read the bill and then they're
18 just making assumptions off of politics
19 instead policies, which is a disgrace and
20 a shame for the whole process, but that's
21 besides the point.

22 One Councilman and colleague
23 had mentioned something about super PAC
24 money and disclosures. I think part of
25 the discussion that you were talking

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2 about here between the two of you was
3 First Amendment rights and some outside
4 money, like a Soros or the Koch Brothers
5 who have more money than we can spend in
6 a lifetime, but when they come in, what
7 we can do as a city is make some of the
8 tools that we have to our ability to hold
9 them a little more accountable, like
10 disclosure. So before -- and I'm just
11 using that as an example. So while we
12 can't prevent, nor should we prevent
13 First Amendment right, we are bound by
14 the Supreme Court decision in Citizens
15 United, but we have taken steps, like we
16 are having these conversations on policy
17 with public finance of elections, we have
18 taken steps to hold some of that
19 resources accountable for
20 self-disclosing. They're required to
21 disclose where it would be 30 or 60 day
22 post cycle or two after the election if
23 it was in one of those 527's that had to
24 report. So now we know before where some
25 of the money is coming; is that correct?

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2 MR. COOKE: That's absolutely
3 correct, Councilman. We spend almost
4 every day in the City of Philadelphia.
5 We don't realize that actually
6 Philadelphia leads the nation in these
7 kind of attempts to address these issues.
8 The reporting requirements and our rules
9 regarding coordination of expenditures,
10 Philadelphia has been in the vanguard of
11 trying to ensure --

12 COUNCILMAN HENON: Exactly. So
13 we have been -- and the point I'm trying
14 to make, although we cannot prevent
15 outside entities coming in from national
16 resources or wealthy individuals, there
17 are things that we have taken steps
18 progressively on, such as reporting
19 requirements and disclosures prior to the
20 election, which wasn't in the past. So I
21 think that's a good step. And what we're
22 trying to do here with public finance of
23 election is although it's on a larger
24 scale, change the paradigm on how we
25 behave and how we report and how we

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2 engage, and I think we've proven that.

3 We created the Board of Ethics. We

4 created a lot of tweaks since that.

5 So when, Mr. Thornburg, you
6 were talking about coming back and
7 sunseting and seeing what works and what
8 doesn't work, we've done that in just our
9 zoning codes. We took three years to
10 reform our zoning codes and then we took
11 a year off to see what worked and didn't
12 work and were able to tweak and modify as
13 needed, because there's going to be -- I
14 mean, there's no perfect system, right?
15 But there's no reason why we shouldn't be
16 moving towards changing behavior or
17 changing policies that make sense. And
18 when we talk about -- I think
19 disenfranchise has been mentioned, but
20 we're talking policy, and when we're
21 talking about .018 in reference to or
22 regarding disenfranchising voters and/or
23 potential candidates, I don't think that
24 there's a -- and I'm not saying they said
25 that, but I'm just saying like very

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2 little amount of public dollars should
3 not disenfranchise candidates who are
4 eligible for public funding, is what I'm
5 saying. I just -- it's just a
6 fundamental philosophy.

7 The Chairman had some questions
8 and fundamentally has some good public
9 policy concerns. My concerns are that
10 when is a good time. If we wait for a
11 good time, we're going to be retired.
12 We're going to miss the opportunity for
13 more people to get engaged and get
14 involved and be good public servants. So
15 there is no good time. Last I heard the
16 teachers were hiring and holding seminars
17 throughout the City, hiring school
18 teachers.

19 So I think we're in the right
20 steps. I do have a question for both of
21 you. Do you feel that a policy like this
22 should be up to the voters?

23 MR. THORNBURG: I do, yeah. I
24 mean, I think it has to the way you
25 framed it, but I do think -- because not

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2 only is it you're asking them to either
3 affirm or -- either approve or disapprove
4 a choice about their dollars, but this
5 also would be a reasonably significant
6 change to the rules of the game by which
7 we operate our local elections and local
8 democracy, and I think people need a
9 voice in that.

10 MR. COOKE: I would agree with
11 that. I think it's excellent that if
12 Council decides to send this to the
13 ballot question, that then the citizens
14 of Philadelphia will have the opportunity
15 to decide whether or not it's something
16 they want.

17 COUNCILMAN HENON: So the
18 purpose of -- there's several purposes of
19 the policy beside changing the system
20 that everybody complains about. This is
21 a good way to do it, because we've proven
22 to do so little at a time, which has been
23 effective. And the reason why we change
24 things is because something either needs
25 to be tweaked or something is wrong. But

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2 I remember when I was running in 2011 and
3 my best, best financial support in the
4 form of a contribution was my friend's
5 father, who was a retired World War II
6 veteran, who gave me \$20. He wrote me a
7 \$20 check. And I wasn't even going to
8 cash it. I wasn't even going to put it
9 in the bank. I was going to frame it.
10 That's how much it meant to me, but it
11 meant that much more to him, and I think
12 the purpose of this policy is for
13 low-dollar supporters, contrary to my
14 fundraising ability, so to focus in on
15 people, citizens that can't afford to
16 raise a lot of money or contribute a lot
17 of money. They can contribute \$50, \$20,
18 \$100, \$150.

19 So I think it's important to
20 take a look at the real reason why this
21 is about not to secure incumbency, not to
22 raise the ceiling or anything like that
23 and not to engage in party politics and
24 say, Well, this is what's wrong with
25 everything else, without even

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2 understanding the true purpose of the
3 policy.

4 Two things and I'll let you go,
5 Chairman. I'll stop.

6 Can you talk about, Mr. Cooke,
7 the eligibility? Because it's not -- so
8 people -- anybody can run for office and
9 anybody has that right. We fought for
10 that right independently, and it's how
11 our country was founded. So anybody can
12 run, but it's not as easy as one would
13 think to be eligible to be a candidate to
14 qualify for -- one, to qualify for
15 matching funds but, two, certainly to
16 reach its limit of allowable funds
17 possible. So that's one.

18 And the other two things, other
19 top cities. You talk about the effect on
20 other top cities and the participation
21 rate in the public financing in other
22 cities. So eligibility and other city
23 research and participation.

24 MR. COOKE: Certainly.

25 Regarding the eligibility, you're correct

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2 that there are a number of steps that a
3 candidate would have to take in order to
4 be eligible for the program. The first
5 is the candidate needs to be on the
6 ballot. You have to have an opponent.
7 There's no reason for the City to provide
8 public funding to somebody who doesn't
9 actually have an opponent.

10 The candidate would have to be
11 current on all required campaign finance
12 reports; would have to be current on any
13 debts owed to the City so that the City
14 is not providing money to someone who
15 owes it money; that the candidate would
16 have agreed to comply with the terms of
17 the program which has a number of
18 limitations and restrictions on how
19 candidates can spend money. There's the
20 spending limit and the limit on PAC money
21 and so on. And then the big piece is
22 that the candidate has to demonstrate
23 their ability to actually raise from
24 small donor contributions. So a
25 candidate for Mayor would have had to,

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2 just to be eligible, have raised at least
3 \$50,000 in contributions of 150 or less
4 from Philadelphia residents, or if for
5 any other office, it would be \$15,000 in
6 contributions of 150 or less. So those
7 are fairly robust requirements for
8 eligibility, and as we noted, if the
9 matchable amount went from 150 to 100 or
10 to some lower amount, that would actually
11 increase the number of donors that
12 somebody would need to be eligible, which
13 would make that somewhat more
14 challenging.

15 COUNCILMAN GREENLEE: Okay.

16 MR. COOKE: There was a
17 second --

18 MR. THORNBURG: Participation.

19 COUNCILMAN GREENLEE: Please,
20 if you could wrap it up. We're really
21 behind.

22 MR. COOKE: In fact, maybe this
23 would be helpful to that end. I believe
24 there's a number of witnesses who are
25 coming can speak to that. Numerous

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2 municipalities across the state have done
3 that, and the participation rate varies.
4 I'm sure those other witnesses could
5 speak to it in detail.

6 COUNCILMAN GREENLEE: Okay. I
7 was going to say, I think they could
8 probably talk about their own programs.

9 Councilwoman Bass, you had a
10 question?

11 COUNCILWOMAN BASS: Yes, I do.

12 COUNCILMAN GREENLEE: Yes.

13 And if I could ask, Mr. Wolfe,
14 you're going to be next. Why don't you
15 sit right up here, because we want to try
16 to keep moving and get these good folks
17 from New York and other places on their
18 way.

19 Please, Councilwoman.

20 COUNCILWOMAN BASS: Good
21 afternoon.

22 (Good afternoon.)

23 COUNCILWOMAN BASS: Well, thank
24 you, gentlemen, for your testimony and
25 for being here today. And as I've been

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2 sitting here listening and just digesting
3 all of the pros and cons in terms of
4 public financing and why that makes sense
5 and why it also could be a bit of an
6 issue for us, and I was wondering as a
7 District Councilperson, if you could hear
8 my concerns and possibly speak to them,
9 which really lends itself to the business
10 that we're in, which is really quite
11 reactive. And so I think as District
12 Councilmembers, we spend a lot of time
13 putting out fires, dealing with issues in
14 our districts. On any given day I could
15 be dealing with mold in a school or trash
16 that's been dumped or a crime that's
17 happened. And so there's a number of
18 different things that when I ask people
19 why are they leaving the City or why are
20 they -- why do they not live in
21 Philadelphia proper, what those reasons
22 are, and they usually are surrounded
23 around things like education, crime and
24 safety, blight, things like that that we
25 are responding to on a regular basis.

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2 But what I don't hear is that public
3 financing, the system that we have in
4 place, is a part of the reason that makes
5 Philadelphia a less desirable place.

6 And so when we talk about
7 spending money and limited resources,
8 even though it's a very small percentage
9 of the City budget, that's money that I
10 would surely take and I'm sure that any
11 other District Councilmember would be
12 happy to take and find productive ways to
13 spend, to fix, to address issues in their
14 district.

15 So I'm wondering how do you
16 balance the needs that we have as
17 District Councilmembers in our respective
18 districts, how are we to balance our
19 needs and the needs of our constituents
20 versus this particular policy, which, by
21 the way, I think is an important issue.
22 I think it's a very productive matter
23 that we should be considering and should
24 have had some conversation about. I
25 think this conversation is long overdue,

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2 but I think that the timing of it and the
3 expenditure of funds at this time when
4 everybody's belts are really, really
5 tight, how do we spend funds on this
6 particular initiative when at the same
7 time we've got so many other issues that
8 are pressing, so that every dollar that's
9 spent, every single dollar is allocated
10 for, that it's going into a place that
11 people want to see it spent in. And to
12 be quite honest, I just don't hear from
13 my constituents or from people that I'm
14 trying to get to move into Philadelphia,
15 Oh, well, if you had a public financing
16 system, then that makes a difference for
17 me. They talk about crime, they talk
18 about schools, they talk about blight,
19 they talk about trash. Those are the
20 things that are important to them. And
21 even as Councilman Oh had mentioned
22 earlier, when you talk about what's
23 important, if you narrow that down to
24 election-related matters, they would say
25 gerrymandering is an issue, not so much

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2 in Philadelphia but that's one of the
3 issues that I think people are concerned
4 about.

5 So I was wondering if you could
6 speak to that. And I know we're behind
7 time, so I won't go on.

8 MR. COOKE: Just to try to
9 briefly respond and say that I think it's
10 not surprising that your constituents
11 wouldn't say to you that this particular
12 policy piece is something that they want
13 to see. They might not have the
14 familiarity even with those types of
15 programs.

16 What I would suggest -- and,
17 again, I think other witnesses might be
18 able to speak to this even more -- is
19 that a common thread in the concerns that
20 you identify that your constituents have
21 is the responsiveness of government to
22 their concerns, and I certainly
23 appreciate, Councilwoman, that they see
24 the responsiveness from you, because
25 they're having the conversation with you,

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2 and I think that that's very powerful for
3 citizens to see that they, whether it's
4 elected officials or candidates, are out
5 there having that conversation with them.

6 And so the goal of -- the main
7 policy goal of this program is that it's
8 pushing candidates out there more often
9 and that that shows people that somebody
10 is listening to me, that their concerns
11 are being heard by numerous people,
12 candidates or whoever. And I believe
13 that the experience in other
14 jurisdictions has been that that does
15 help increase people's confidence in
16 their government and their feeling that
17 it is responsive to them.

18 COUNCILWOMAN BASS: I hear what
19 you're saying, but I also know that as
20 someone who is constantly on the hot
21 seat, that sort of shuffling the deck,
22 changing the players, it may give people
23 confidence possibly in the system. Maybe
24 it would increase their level of
25 confidence, but at the same time, it

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2 doesn't change the amount of resources.

3 The resources that we have are the

4 resources that we have. So does that

5 give a false sense of security that if

6 I'm changing from this person or that

7 person and suddenly is all the blight

8 going to be addressed, are all the

9 schools going to get fixed, all the

10 things that are important to me, are they

11 going to be addressed because this person

12 is possibly more responsive. And I just

13 think that that's something that we have

14 to be careful of, because we don't want

15 to give a false impression that public

16 financing is going to change

17 responsiveness with the same amount of

18 resources. I guess that's what I'm

19 trying to say.

20 MR. COOKE: And just say that

21 certainly, Councilwoman, that that

22 balancing the question of resources is

23 for the Council to decide that after

24 hearing the merits of the program and the

25 potential cost of it if they want to

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2 approve this and send it to the ballot
3 initiative, and that's that kind of
4 policy way that the members are engaging
5 in now. And I think that as you sort of
6 each side of the scale on that, the
7 information from what the fact and
8 experience of those programs has been in
9 other jurisdictions is very helpful,
10 because with Philadelphia, of course,
11 we're projecting, and so we can't say
12 exactly how it's going to go. But
13 there's a lot of lessons to be drawn from
14 the many, many jurisdictions or a
15 significant number, I guess, to be -- not
16 so many, around the country that have
17 used these type of programs and the
18 benefits that they've seen from it.

19 MR. THORNBURG: I'll try to
20 make a few useful comments in brief.

21 I think you put your finger on
22 it, which is ultimately -- the question
23 that would be tested at the ballot box in
24 this, is my concern about schools, crime,
25 opioid, trash on the street, whatever,

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2 greater than my concern about the system,
3 the system that represents me here.

4 I was struck with Councilman
5 Green reminding us that this proposal
6 first came up in 2006 when there was a
7 huge amount of concern about the role of
8 money and politics and what had happened
9 and things going off the rail, people
10 getting contracts and so forth and so on.
11 That's often the case around the country,
12 that a solution like this enters popular
13 acceptance after some scandal. I think
14 that was true in New York.

15 There is, I think, a great deal
16 of anger and frustration out there,
17 whether it's localized in Philadelphia,
18 out there about what's happening in our
19 democracy and our government. I think
20 there is a lot of concern about it's
21 broken, it's rigged, no one listens to
22 me, so forth and so on. Again, I'm not
23 suggesting that's localized in
24 Philadelphia or in your district, but to
25 the extent that is a concern of ours and

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2 a concern of mine.

3 Both of you pointed out the
4 gerrymandering issue, which is one aspect
5 of that, but I think if that concern is
6 out there, this is clearly one viable and
7 important response to alleviating some of
8 those frustrations.

9 COUNCILMAN GREENLEE: All
10 right. Thank you.

11 Any other --

12 (No response.)

13 COUNCILMAN GREENLEE: Okay.
14 Thank you. Thank you both. Thank you
15 for your time.

16 MR. COOKE: Thank you.

17 COUNCILMAN GREENLEE:
18 Mr. Wolfe, why don't you come up.

19 Folks, we're getting to you, I
20 promise. Before dinnertime, how about
21 that? I promise that.

22 But, again, I ask everyone,
23 please try to be as brief as possible
24 with your remarks, because we're
25 obviously running very late. And I

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2 understand we have a New York

3 Councilperson on the phone patiently

4 waiting also.

5 (Witness approached witness
6 table.)

7 COUNCILMAN GREENLEE:

8 Mr. Wolfe, please identify yourself for
9 the record and proceed.

10 MR. WOLFE: Hello, everyone.
11 My name is Ross Wolfe. I am a republican
12 ward leader here in Philadelphia. I'm
13 also the Chairman of the Philadelphia
14 Young Republicans. I'd like to start out
15 by thanking Chairman Greenlee and Vice
16 Chairman Green for having me here today,
17 as well as the entire Committee. I
18 really appreciate the opportunity to
19 speak on this important policy matter.

20 I know we're running late. I'm
21 going to try to keep this brief. I
22 submitted written testimony, so I'm going
23 to kind of run through five points that I
24 think are very important with this bill.

25 The first point is, I don't

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2 think it is government's role to be
3 funding elections. That should be done
4 by candidates. That should be done by
5 people who support the candidates.
6 Government shouldn't inject themselves,
7 but especially when we have so many other
8 financial responsibilities that we can't
9 fully fund right now.

10 So the Philadelphia Young
11 Republicans recently donated over 300
12 backpacks to 11 different public schools
13 in Philadelphia, in North, South, West,
14 and Northeast, and I can tell you, if you
15 have a few million dollars to go around,
16 those schools can use them. Because we
17 also went into a couple charter schools,
18 and the resources there compared to the
19 resources in the public schools were
20 astounding.

21 My point number two, I think
22 that the effect of this bill will be to
23 help connected and insider democrats and
24 will hurt republicans, independents or
25 third-party candidates and outsider

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2 democrats. When you look at the minimums
3 that are required to qualify for this
4 funding, \$50,000 for Mayor, \$15,000 for
5 other offices, it's not going to be easy
6 for any outsider, republican or
7 third-party candidate, to hit those
8 limits, especially if you look at the
9 mayoral limits. If you look at Melissa
10 Murray Bailey's last cycle, I think she
11 raised under \$30,000. Look at Doug
12 Oliver, under \$30,000. Now you're asking
13 them to raise \$50,000 in increments of
14 150 or less.

15 Third point, I think
16 independent PACs are going to be
17 strengthened here. I think that if
18 you -- people will give that \$150, but if
19 they want to give \$500, \$600, \$700,
20 they're going to. They're just going to
21 give it to an independent PAC so they
22 don't blow the public contribution part
23 of it.

24 Fourth point, potential misuse
25 of the funds. As many of you know, if

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2 after the election there's public funds
3 left over, it has to be returned to the
4 City. I strongly believe that no
5 politician will let a dime go back to the
6 City. They will ensure that every bit of
7 it is spent. They will use it on
8 unnecessary things. My concern would be
9 that people would get bonuses, would get
10 paid more money than they otherwise would
11 or get paid money for doing things that
12 would otherwise be volunteer work. I
13 also think that you could have a serious
14 problem with candidates going to friends
15 and saying, Hey, give me \$150 now, you
16 work for a few hours on my campaign, I'll
17 give you 500 back later. They still gain
18 a net benefit under that.

19 The fifth issue I see with it
20 is the fraud provision. The fraud
21 provision states if you submit false or
22 misleading or fraudulent information in
23 connection with an application for these
24 funds, you are subject to up to a \$2,000
25 fine. It's basically an Ethics Board

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2 violation. And in every other context if
3 you lie or give false information
4 intentionally to get money from the
5 government, that's a crime. I can't
6 think of another instance where it's not.
7 And I understand that there are many
8 campaign finance rules that if you break,
9 they are not criminal offenses, but there
10 are no campaign finance laws where the
11 City is giving candidates money. I think
12 that is a big distinction. I think that
13 if you intentionally lie to the
14 government to get money, that that is
15 fraud and you should be subject to
16 criminal penalties just like everyone
17 else in every other context.

18 That sums up my testimony, and
19 I'm happy to answer any questions that
20 you might have.

21 COUNCILMAN GREENLEE: Thank
22 you.

23 Before I recognize Councilwoman
24 Gym, just for the record, I guess I'm
25 about as an inside democrat as there is

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2 and, as I said, I have a problem with --
3 some issues with this bill. So I read
4 your opinion. I'm not sure I agree with
5 you on that one point, but I'll leave
6 that as it goes.

7 Councilwoman Gym.

8 COUNCILWOMAN GYM: Yes. Thank
9 you very much, Councilman Greenlee,
10 Chairman.

11 I just had one side point, and
12 respect your testimony and all, but I
13 think it is important to understand that
14 government does actually have a role
15 around elections. We have an entire
16 Board of Ethics that we support very
17 strongly. We established campaign
18 finance reform. All of that has an
19 incredible impact on political elections.

20 And so while I understand that
21 there may be disagreements with the bill
22 and your own perspective, I think it's
23 important to establish that government
24 has traditionally had a role around it,
25 and this bill has a lot to do with

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2 strengthening and hopefully getting
3 people who are not used to some of these
4 campaign finance laws to come closer in
5 and have more direct contact with the
6 Board of Ethics. That's actually one of
7 the benefits of the bill, that anyone who
8 runs on a publicly financed slate would
9 begin talking with the Board of Ethics
10 immediately about their responsibilities,
11 what are the terms of the publicly
12 financed slate, what are the
13 responsibilities around it and reporting
14 on it.

15 Now, obviously that doesn't
16 mean that nobody is going to go around
17 it, but one of the things that we've been
18 working hard on is helping people
19 understand campaign finance laws a lot
20 better. Being on a publicly financed
21 slate will certainly get them in touch.
22 It will be more difficult, I think, to
23 game the system. They don't get anything
24 that much out of it. No one is getting
25 rich off \$150 contributions, and people

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2 don't actually have to reach the limits.

3 It's up to those limits amounts.

4 But among those things, I
5 understand your statement, but it is
6 really important that we do have a role
7 around it.

8 Thank you.

9 COUNCILMAN GREENLEE: Thank
10 you. Thank you, Councilwoman.

11 Any other questions?

12 (No response.)

13 COUNCILMAN GREENLEE: Thank
14 you. Thank you for your testimony.

15 MR. WOLFE: Thank you.

16 COUNCILMAN GREENLEE: Ms.
17 Marconi, our next panel, please.

18 THE CLERK: Brad Lander and Amy
19 Loprest.

20 COUNCILMAN GREENLEE: I
21 understand Councilperson Lander is on the
22 phone; is that correct?

23 COUNCILMAN LANDER: Yes. I'm
24 here. Can you hear me okay?

25 COUNCILMAN GREENLEE: So far,

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2 we can hear, yes. Thank you.

3 Ms. Loprest, if you could --
4 whoever wants to go first.

5 MS. LOPREST: I'll let the
6 Councilmember go first since he's been
7 waiting.

8 COUNCILMAN GREENLEE: Okay.
9 First of all, Councilman, sorry to have
10 you waiting that long, but you've
11 probably gone through a few hearings too.

12 Please identify yourself and
13 proceed.

14 COUNCILMAN LANDER: Absolutely.
15 And I know it's not easy to listen on the
16 phone, so I'll try to be brief. Let me
17 just make sure you can hear me okay.

18 COUNCILMAN GREENLEE: Just
19 about.

20 COUNCILMAN LANDER: You know
21 what, let me call right back in from my
22 landline. I just got back into my
23 office, so I will call back from my
24 landline.

25 COUNCILMAN GREENLEE: All

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2 right. Sure thing.

3 The wonders of technology.

4 (Brief pause.)

5 COUNCILMAN LANDER: Hi. This
6 is Councilman Lander.

7 COUNCILMAN GREENLEE: That
8 sounds better. Go ahead, sir.

9 COUNCILMAN LANDER: And
10 actually since she's there in person,
11 Amy, why don't you go first and I'll
12 follow up, so they can understand the New
13 York program from someone who is in the
14 room.

15 COUNCILMAN GREENLEE: Please
16 identify yourself and proceed.

17 MS. LOPREST: Good afternoon.
18 I'm Amy Loprest, the Executive Director
19 of the New York City Campaign Finance
20 Board. Thank you for the opportunity to
21 testify. I have submitted my written
22 testimony, so I will just give some
23 highlights.

24 As has been mentioned earlier
25 today, New York City's program was

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2 started in 1988 in response to a series
3 of corruption scandals, and it has been
4 strengthened over the 26 years by the
5 Board and in partnership with our
6 partners in city government, the Mayor
7 and the City Council.

8 I just want to give a framework
9 of what the scope of the New York City
10 program. It is a non-partisan rather
11 than a bipartisan five-member board that
12 oversees the program. It covers 59
13 offices in New York City, three that are
14 citywide, Mayor, public advocate, and
15 comptroller, five borough presidents, and
16 51 City Councilmembers. All candidates
17 who run for office in New York City are
18 subject to contribution limits and
19 prohibitions and extensive disclosure
20 requirements.

21 As far as the public matching
22 funds program, the city matches the first
23 \$175 of contributions from New York City
24 residents at a rate of \$6 to \$1. So a
25 \$25 contribution is worth \$175 to a

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2 candidate.

3 In order to qualify for those
4 funds, candidates must meet a two-part
5 threshold to demonstrate support. They
6 must agree to abide by spending limits.
7 They must be on the ballot. The two-part
8 threshold, for example, for New York City
9 Councilmember is, you must raise 75
10 matchable contributions from people in
11 your district and a total of \$5,000 in
12 matchable contributions.

13 Public funds are capped at 55
14 percent of the spending limit. So, for
15 example, in 2017, the election that's
16 going on right now, candidates for City
17 Council can spend up to \$182,000 for the
18 primary and another \$182,000 for the
19 general election and are entitled to
20 qualify for up to \$100,100 in public
21 matching funds.

22 So just talking a little bit
23 about the results of the program in New
24 York City, and I'm sure Councilmember
25 Lander will have some additional comments

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2 on this. In 2017, 83 percent of the
3 primary candidates participated in the
4 program and 65 percent of the general
5 election candidates are participating in
6 the program. In 2017, 86 percent of all
7 funds raised by city candidates are
8 raised by individuals as opposed to only
9 14 percent from PACs, unions, and other
10 sources. To compare that to the state
11 elections in New York state, in 2012
12 about two-thirds of their money came from
13 these outside PACs, corporations, unions.
14 In 2013, two-thirds of the contributors
15 gave \$175 or less, and in the last three
16 election cycles, more than half of the
17 contributors from New York City were
18 people who gave for the very first time
19 to a political candidate.

20 We have done some independent
21 research with the City University of New
22 York and have discovered that people who
23 contribute to candidates are three times
24 more likely to vote in that election. So
25 there is a civic benefit in addition to

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2 all the other benefits. And just to give
3 you some facts, in all of the citywide
4 elections that have occurred in New York
5 City to date, the city has paid out about
6 \$175 million in public matching funds.
7 In the 2017 election, which is going on
8 and the final public funds payments have
9 not been made because the election has
10 not occurred yet, we have paid out
11 about -- we paid out \$15.8 million to 102
12 candidates in 2017. Our largest payout
13 in public funds was the elections in 2001
14 where we paid out \$42 million to 205
15 candidates.

16 COUNCILMAN GREENLEE: Okay.
17 All right. Thank you.

18 Before we have questions,
19 Councilman Lander, why don't you give
20 whatever statement you have and then
21 we'll -- I know some of the members have
22 questions.

23 COUNCILMAN LANDER: Great.
24 Thank you so much. It's an honor to be
25 there with you today by phone and I'd be

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2 happy to come down at some point and talk
3 with you in person. I'm a big admirer of
4 many things that have happened in the
5 Philadelphia City Council. So thank you
6 for your service and for this
7 opportunity.

8 COUNCILMAN GREENLEE: Maybe you
9 can see our football team sometime too.

10 COUNCILMAN LANDER: I believe
11 that the New York City campaign finance
12 system is an extraordinary vehicle for
13 strengthening our local democracy in New
14 York City. And while obviously there's
15 an expenditure involved and money is
16 scarce, to me it seems that expanding
17 participation and building confidence and
18 preventing corruption is really a
19 priceless expenditure for a city
20 government. So I wholeheartedly support
21 it here.

22 We have worked to keep
23 improving it, and of course the details
24 are important, but I would really urge
25 you to do it. It has made a big

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2 difference in our service.

3 First, it enables people to run
4 who simply would not otherwise. I know
5 the previous speaker spoke to the issue
6 about worrying that it would support
7 regular candidates or incumbents. It
8 puts people on a level playing field. If
9 you look at that map about where people
10 contribute to Council candidates, small
11 dollar donors, and where people
12 contribute in New York City to our state
13 elected officials, it's just night and
14 day. You get your constituents in small
15 dollar amounts contributing, and that not
16 only changes who participates in the
17 election, it changes who can run. So my
18 colleague Ritchie Torres in the Bronx, my
19 colleague Carlos Menchaca in a mostly
20 Puerto Rican and Mexican neighborhood in
21 Sunset Park, a wonderful candidate from
22 Brownsville, Brooklyn, one of the lowest
23 income neighborhoods in the city, Alicka
24 Ampry-Samuel, they'll all tell you they
25 could not have run if it were not for our

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2 matching program and the ability to raise
3 money in neighborhoods that people are
4 not traditional campaign donors.

5 Second, it really substantially
6 increases people's faith in government.

7 One great feature of our system is that
8 the contributions from people who are
9 doing business with the city, developers
10 or contractors with the city, aren't
11 matched. They can still give, but at
12 lower amounts and without matching funds.

13 Now, that was something that got added to
14 our system. It was not there on day one.

15 But we realized at one point that about a
16 third of the contributions to City

17 Councilmembers were coming from real
18 estate developers and people who were
19 doing business with the city, and that
20 for understandable reasons was

21 undermining confidence in the New York
22 City Council. So now with that law

23 changed, less than 5 percent of
24 contributions to New York City

25 Councilmembers come from real estate

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2 developers or contractors or people who
3 do business with the city. That's good
4 for our decision-making and it is great
5 for talking to people about how we're
6 being straightforward and honest and
7 transparent. It has made a big
8 difference in how we can consider land
9 use issues when people know that there's
10 a legal restriction on those
11 contributions, and I really felt the
12 difference.

13 Third, I would say it's
14 fantastic to have spending limits, and
15 that's good for everyone. I mean, I know
16 you guys, you have to do this too. Just
17 the amount of time that elected officials
18 in races without spending limits have to
19 spend fundraising is not good for our
20 public service or our lives, and having
21 spending limits means you know how much
22 you have to raise, you go raise that
23 amount, and then you're going to be on a
24 level playing field with the other
25 candidates in the race and you just don't

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2 wind up with an unlimited arm's war or
3 having to raise and raise and raise to
4 the detraction of your ability to serve
5 our communities. I have a district like
6 the District Councilmembers there. It
7 makes a real big difference.

8 Two very quick points on super
9 PACs. First, the New York program
10 releases the spending limit for
11 candidates where big -- excuse me; not
12 super PACs. If you have a large -- if
13 someone doesn't participate in the
14 program or they self-finance and spend
15 very large amounts of money outside the
16 program, in our program your spending cap
17 is lifted. That doesn't give you the
18 money to compete with them easily, but
19 you can continue to raise. And we have a
20 great law that we passed this term for
21 super PACs and independent expenditures
22 that require the listing of the three top
23 donors to the super PAC on the mail or in
24 the TV or radio ad, which has done a lot
25 to force transparency and I think has

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2 really made a big difference this term.

3 And my final point, I will add
4 our program has three tiers, and it might
5 be something you would want to consider
6 there. We have the District
7 Councilmembers, we have citywide elected
8 officials, and in between we have these
9 bureau presidents. I know you have
10 citywide at-large Councilmembers and some
11 other offices like that. You might want
12 to look at that feature of our system and
13 add a tier in between the District
14 Councilmembers and the Mayor as a way
15 just to -- as a practical implication.

16 But I'll stop there. I'm glad
17 to answer questions. If you can hear,
18 I'm really enthusiastic about this
19 system. It's a lot to do, and of course
20 it costs money, but at least here it has
21 substantially strengthened New York's
22 government and local democracy.

23 COUNCILMAN GREENLEE: Okay.

24 Thank you, sir.

25 I just had one question. I

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2 know other members do. Ms. Loprest, you
3 probably may be able to answer this
4 better. Do you have any numbers on the
5 percentage of citizens or percentage of
6 registered voters, however you have it,
7 that do participate, that do contribute
8 to this?

9 MS. LOPREST: Well, I mean, New
10 York City is a huge city. I don't have
11 the exact percentage, but we do -- I
12 mean, most of the money raised by
13 candidates is raised from people. And
14 we've always in every election cycle,
15 because of the small dollar match, have
16 increased the number of people who give
17 as a first time. So, of course, many
18 people give in every election, but every
19 election we increase the number of people
20 who are first-time participants as
21 contributors.

22 COUNCILMAN GREENLEE: The
23 reason I ask, I'm just wondering how --
24 because one of the concerns, and I'll
25 admit, as I said earlier, one of my

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2 concerns is that, yeah, there's a public
3 that does participate in this program,
4 but there may be a large amount that
5 chooses not to, but their tax money is
6 still going into the program. I'm just
7 trying to get a feel for how many, the
8 percentage of citizens that participate.

9 MS. LOPREST: But, of course,
10 all the citizens benefit from having more
11 inclusive elections, also having more
12 competition in elections, and also having
13 elected officials who are more responsive
14 to their constituents rather than
15 big-moneyed interest.

16 COUNCILMAN GREENLEE: Okay.
17 All right. And I'll move on. Just on
18 the issue of involvement in people
19 running, I think we said earlier that it
20 seems like Philadelphia -- I mean, we
21 have people that run here in
22 Philadelphia. It hasn't seemed to
23 discourage people from running for office
24 that we could see, and I think even
25 Mr. Thornburg said, that it didn't look

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2 like this program really necessarily
3 pushed more people to run for office.
4 Maybe you found differently in New York,
5 but, again, you do have term limits which
6 probably play into that too, correct?

7 MS. LOPREST: As Mr. Thornburg
8 points out, it's hard to parse the
9 effects of the program and the effects of
10 the term limits. The first year that
11 term limits were in effect or the first
12 year that people heard term limit out of
13 office was 2001, and that was the first
14 year that we had our multiple match
15 program at four to one. So we had a huge
16 number of people participating in the
17 program, 353 candidates in that year. So
18 it's, again, hard to parse the effects,
19 but...

20 COUNCILMAN GREENLEE: And like
21 you say, you're a big place up there.

22 All right. Thank you. Thank
23 you for those answers.

24 Councilman Green.

25 COUNCILMAN GREEN: Thank you,

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2 Mr. Chair.

3 Thank you, Councilman Lander
4 and Ms. Loprest. I just have a few quick
5 questions. What percentage of your city
6 budget is spent on public financing of
7 campaigns?

8 MS. LOPREST: It is a fraction.
9 Our budget is about -- this year was 56.6
10 million, which includes public funds and
11 the funds to print the voter guide, and
12 the city's budget -- correct me if I'm
13 wrong, Councilmember Lander -- is, I
14 think, \$89 billion.

15 COUNCILMAN LANDER: That's
16 right.

17 MS. LOPREST: So it is a tiny
18 fraction.

19 COUNCILMAN GREEN: And it
20 definitely seemed like there was an
21 increase in the number of candidates as a
22 result of the public financing of
23 campaigns, but earlier in testimony in
24 both Councilman Lander as well as
25 Ms. Loprest -- you both can answer

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2 this -- you said people are three times
3 more likely to vote. And how did you
4 come up with that number?

5 MS. LOPREST: We did a research
6 study with the CUNY Graduate Center in
7 the 2013 election to test exactly this
8 proposition. So with their research
9 methodology, they matched people who were
10 voting, because your voting -- whether
11 you voted is public, not who you voted
12 for, and with the contribution records
13 that we have from disclosure.

14 COUNCILMAN GREEN: And then
15 just based on your sentiment, what's been
16 the general mood of the public in using
17 city dollars for campaigns?

18 MS. LOPREST: You know, I think
19 that most people are happy that we do
20 this. Again, we struggled, like most
21 jurisdictions in the U.S., in voter
22 turnout. It is a struggle that -- you
23 know, voter apathy and encouraging
24 people. When they hear about this
25 program and they hear about what we do,

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2 we did a focus group test of people to
3 find out what they felt about it, and
4 they felt that this would -- because the
5 way it deals with corruption or the
6 potential for corruption really improved
7 their desire to vote, and that focus
8 group was done with people who are
9 traditional drop-off voters, people who
10 vote in presidential elections but then
11 don't vote in municipal elections.

12 COUNCILMAN LANDER: I'll just
13 add, voters want candidates to
14 participate in the program. When voters
15 ask candidates -- they know it's out
16 there. Obviously if you don't have
17 anyone running against you, you don't get
18 the matching funds, but in competitive
19 elections, voters ask, Are you
20 participating, and they want the
21 candidate to be participating because
22 they think it makes a fair and level
23 playing field that's more free from
24 corruption. I can't say I've never had
25 someone say, Oh, is that the best use of

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2 our money, but for every person that's
3 questioned whether it's a good
4 expenditure of tax dollars, there's 20
5 people that have said, Are you
6 participating in the program, I want a
7 strong campaign finance system in the
8 city.

9 COUNCILMAN GREEN: Okay. Thank
10 you.

11 COUNCILMAN GREENLEE: Thank
12 you, Councilman.

13 Councilwoman Gym.

14 COUNCILWOMAN GYM: Yes. Thank
15 you very much.

16 To Councilmember Lander, this
17 is Helen Gym. Thank you so much for your
18 comments and your enthusiasm. And in
19 particular, I think it helps that as a
20 citywide Council candidate, it does help
21 to hear that the tiered system works or
22 has been enacted in New York City. So
23 thanks for that.

24 And then I guess my other
25 question that I have, a little bit to

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2 Ms. Loprest. One of the things that I've
3 been very interested in has been --
4 because I am just the most recent or one
5 of the more recent people coming into
6 Philadelphia City Council. When I
7 certainly ran for City Council, it was a
8 little overwhelming with the campaign
9 finance responsibilities, regulations.
10 Everybody is afraid of making a mistake.
11 Do you feel like when people enter into
12 the public finance system, are they --
13 how often are they in touch with you?
14 Are they more in touch with you, for
15 example, than people who do not
16 participate in the system? Some people
17 have raised concerns about problems that
18 arise within the system. Do you feel
19 like candidates who participate in
20 publicly financed elections tend to have
21 a better track record around hewing close
22 to their responsibilities according to
23 the law?

24 MS. LOPREST: Well, let me
25 answer that in a couple of different

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2 ways. First, one thing that we do in our
3 office is, we do a lot of training and
4 outreach and provide a lot of assistance
5 to candidates. One thing we did for the
6 first time in 2017 was create a special
7 training that was new to the campaign
8 finance world and kind of we had a lot of
9 people take back training, people who
10 wound up not running, people who were
11 already saying that they were running for
12 a different office, because they just
13 wanted some information about what it
14 means to run for office.

15 All the candidates and their --
16 a candidate or a treasurer are mandated
17 by law to attend our compliance and
18 training about our software, C-SMART,
19 which is what they use to file their
20 disclosure statements. We also have
21 candidate services liaisons who are
22 available to answer all questions.

23 As far as compliance, one thing
24 is that obviously in order to receive the
25 public financing, you need to be in

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2 compliance with the law, the disclosure
3 requirements, the contribution
4 requirements. So the people who receive
5 public financing are more in compliance
6 with law.

7 We do do a rigorous audit
8 process before, during, and after the
9 election to ensure that the money that is
10 paid in public funds is paid on valid
11 contributions, and we do do a
12 post-election audit to ensure that the
13 money that is paid is actually spent on
14 campaign funds. I think the previous
15 person who testified talked about the
16 money coming back after the election.
17 We've definitely -- candidates do have
18 money left over after the election. They
19 do return it to the city's coffers. We
20 have pretty strict rules about what you
21 can spend money on post-election, and our
22 audit enforces those.

23 Let me not let Councilman
24 Lander -- I mean, nobody likes to be
25 audited. We do a lot -- we try very hard

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2 to help candidates organize their
3 finances, organize their records so that
4 they are prepared for that audit process.

5 COUNCILWOMAN GYM: And --

6 COUNCILMAN LANDER: Let me just
7 add here, it is really important to set
8 up a good institution that can do both
9 sides here, because obviously it's
10 meaningless unless you've got
11 enforcement, because occasionally there
12 will be someone who tries to cheat and
13 it's critical to have the enforcement,
14 but it also needs to make it as easy as
15 possible for people to comply with a
16 system that is looking at how you're
17 raising and spending your money.

18 I think the New York City
19 Campaign Finance Board has done a really
20 good job, and I say that as someone who
21 contested a finding in my first campaign.
22 They had a finding. I brought it before
23 the Board. I appealed it. We went
24 through that process. And I come out
25 feeling like it's a fair system, it's a

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2 rigorous system, and it is a system that
3 tries to help you comply, and it's
4 important to set that up as part of the
5 process.

6 COUNCILWOMAN GYM: Yeah. And I
7 think that that's one major appeal of
8 publicly financed elections, is that it
9 does help all of our candidates get in
10 closer touch with our Board of Ethics,
11 with the Campaign Finance Board, become
12 more familiar. And being on a publicly
13 financed slate does mean you're hewing
14 close to or adhering completely to the
15 laws that govern the publicly financed
16 slate. So that's an enormous appeal I
17 think both as folks who care a lot about
18 the integrity of the process as well as
19 the integrity of people that they're
20 voting for.

21 And for myself personally, as
22 somebody who had a lot of low dollar
23 donations in the race, it does matter for
24 folks to hear who are first-time donors
25 that their contributions matter as much

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2 as somebody who is giving multiple at
3 that. And so very inspiring from New
4 York. Thank you very much, as always.

5 MS. LOPREST: Thank you.

6 COUNCILMAN GREENLEE: Thank
7 you, Councilwoman.

8 Councilman Oh.

9 COUNCILMAN OH: Thank you very
10 much.

11 So thank you. You were here
12 when I stated my concerns about campaign
13 finance, public financing. I do have
14 them. And may I ask you, the Campaign
15 Finance Board, who appoints the Board?

16 MS. LOPREST: It's a
17 five-member non-partisan Board. So two
18 members are appointed by the Mayor, two
19 members are appointed by the Speaker of
20 the City Council. Those two members, the
21 Mayor's two members and the Speaker's two
22 members, cannot be of the same political
23 party. And the Chair of the Board is
24 selected by the Mayor after consultation
25 with the Speaker of the City Council.

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2 COUNCILMAN OH: So those terms
3 are staggered, and up until now, neither
4 the Mayor nor the Speaker have appointed
5 all five members; is that correct?

6 MS. LOPREST: Yes. That's
7 correct. Because the terms are five
8 years and the one comes up every year.

9 COUNCILMAN OH: But they will
10 soon have appointed all five members of
11 the Campaign Finance Board, coming up
12 soon?

13 MS. LOPREST: I mean, I
14 guess -- because there are a lot of
15 people who have been appointed, there are
16 several members who have been long-term
17 members, so they were initially appointed
18 by a different Mayor or Speaker or maybe
19 reappointed by the current one, so I'd
20 have to parse that in my brain to
21 actually answer that accurately.

22 COUNCILMAN OH: So what
23 happened with John Liu in his mayoral
24 run? My understanding is that the
25 Campaign Finance Board cited the fact

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2 that they had concerns about his campaign
3 fundraising and, therefore, did not
4 release matching funds to him despite him
5 not being convicted or found in any way
6 to be connected with any wrongdoing and,
7 therefore, without the campaign finance,
8 he was not able to run for Mayor and,
9 therefore, people will say that Mayor
10 de Blasio sailed to victory without
11 competition from another democrat.

12 MS. LOPREST: Well, there's a
13 couple things there. That case was
14 probably one of the most unique cases
15 before the Board. In that case, a
16 campaign's treasurer had been convicted
17 of crimes related to the campaign
18 financing before the election actually
19 occurred. The candidates are and the
20 treasurers are all liable for the conduct
21 of their campaign. The Board did its own
22 investigation of the potential straw
23 donor scheme in that case and made a
24 determination that Mr. Liu was not
25 entitled to receive public matching funds

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2 because he was not in compliance with the
3 law. That was part of my answer to the
4 previous question, was that you have to
5 be in compliance.

6 As far as the second part of
7 your question, there were, I think, seven
8 democratic candidates on the primary
9 ballot in 2013. I may have the number
10 wrong. It might have been six. But
11 there certainly was rigorous competition
12 in the democratic primary in 2013.

13 COUNCILMAN OH: Yeah. I would
14 say not as popular as John Liu. He was a
15 very popular elected official, well
16 known, and many people were looking
17 forward to his race on the merits, but he
18 could not get into the race. So I'm not
19 trying to --

20 COUNCILMAN LANDER: Let me
21 chime in here with two things. I do
22 think it's worth noting that there were
23 convictions in a court of law. That is a
24 higher standard than the Campaign Finance
25 Board had said of his campaign, and

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2 certainly Christine Quinn and Bill
3 Thompson and, at the beginning of the
4 campaign anyway, Anthony Weiner had an
5 awful lot of popular support as well. So
6 there was a rigorous primary, thanks in
7 large part to campaign financing.

8 COUNCILMAN OH: Yes. Thank
9 you, Councilman. This is Councilman
10 David Oh. Listen, I don't disagree with
11 that. However, the fact is that a very
12 popular citywide elected official wasn't
13 able to run, and my question is, because
14 that is my concern, that the Campaign
15 Finance Board rather than letting him run
16 until such time as there was some either
17 conviction of him or a court decided by a
18 preponderance of the evidence using the
19 standard rules of evidence that I think
20 are very, very important to our judicial
21 process, but they don't apply to the
22 Campaign Board of Finance. The Campaign
23 Board of Finance has its own standards
24 and can determine that it will not
25 release funds, as it did, for example,

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2 after 9/11. It decided to push back the
3 primary date by two weeks. And while
4 that may be a good decision, I don't
5 know. I just don't know that it is the
6 role of the Campaign Finance Board to
7 decide that because of the 9/11 tragedy
8 that none of the candidates can campaign
9 on what had just happened, just a
10 tremendous tragedy, a big problem. And
11 so some candidate might have wanted to
12 get out there and may have been able to
13 change the dynamic of the race, but the
14 Campaign Finance Board denied any
15 distribution of funds to any candidates
16 and basically said, in addition to
17 pushing the date back two weeks, also
18 said that no candidate is allowed to
19 campaign, which I find a little unusual.

20 MS. LOPREST: Okay. So let me
21 answer that question, because I think
22 there's -- first, in the John Liu case,
23 there had been -- as I said, it's a
24 unique case because there had been
25 convictions in a court of law prior to

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2 the Board's determination to not pay
3 Mr. Liu. And so just to clarify, while
4 the Board withheld its funds, he was on
5 the ballot and was able to run and
6 received a percentage of the votes. So
7 I'm not denying that the public funds are
8 important, but he was -- we did not say
9 that he could not run for office.

10 COUNCILMAN OH: But he didn't
11 have the money to run. He didn't have
12 the money to run.

13 COUNCILMAN LANDER: I don't
14 think you would want the city to provide
15 matching funds to someone who was
16 committing fraud on the system.

17 COUNCILMAN OH: I don't know
18 that he was committing fraud. In other
19 words, that was not determined in a court
20 of law.

21 I wasn't in the election. All
22 I'm saying is, my concern is that is he
23 the only person that ever had a similar
24 situation? No other candidate or
25 incumbent or anyone who ran for office

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2 never had a similar situation in the
3 history of New York?

4 MS. LOPREST: Well, I mean, no
5 candidate had ever had their treasurer
6 convicted of crimes related to their
7 campaign financing before. That is true.
8 Certainly there have been other -- I
9 mean, this is an unfortunate event, but
10 of course it's why you have rigorous
11 enforcement. Certainly there have been
12 other candidates who have engaged in
13 nominee contribution, attempts to submit
14 nominee contributions to receive public
15 matching funds and have not received
16 public matching funds. Some of them have
17 been prosecuted in court after the
18 election. Also Mr. Liu had the
19 opportunity to afford himself to
20 challenge the Board's decision in court,
21 and he did avail himself of that
22 opportunity after the election.

23 So as far as the 2001, I think
24 that this always get conflated.
25 Unfortunately, the tragedy of September

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2 11th, 2001 occurred on New York City's
3 primary day. So many primary locations,
4 polling sites, were disrupted because of
5 the tragedy. Obviously the city was in a
6 fair amount of chaos, and the state
7 decided to push the date of the election.
8 The Campaign Finance Board had nothing to
9 do with that decision. Decided to rerun
10 the primary entirely.

11 What the position was that the
12 Campaign Finance Board was in at the time
13 was that since it was primary day and
14 there are primary spending limits,
15 candidates reasonably had budgeted their
16 entire budget to the spending limit up to
17 the date of the primary. When the state
18 moved the date of the primary, the Board
19 was not allowed by law, but this law has
20 actually since been changed in response
21 to this, which is part of the dynamic
22 nature of our system, did not have the
23 authority to increase the spending limit.
24 They just -- it was not allowable by law.
25 So what the Board's decision was was to

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2 allow candidates to spend -- recreate
3 their spending for the primary day
4 operations so as not to advantage
5 candidates who had not spent up to the
6 spending limit before the primary as
7 compared to people who had, well within
8 their rights, budgeted and spent up to
9 the primary spending limit up to primary
10 day. And that decision was supported by
11 the major mayoral candidates at the time,
12 most of whom felt that they were not
13 going to be campaigning anyway because of
14 the nature of the tragedy that had just
15 occurred.

16 COUNCILMAN OH: Thank you very
17 much.

18 COUNCILMAN GREENLEE: Thank
19 you. Thank you, Councilman.
20 Councilwoman Sanchez.

21 COUNCILWOMAN SANCHEZ: Thank
22 you so much. And I'll be brief, because
23 I know we have other people to testify.

24 I want to thank you. I want to
25 thank Councilman Greenlee for allowing us

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2 to have this discussion. It's never a
3 right time to talk about priorities or
4 money. If you listen to Philly Mag, I'm
5 the establishment's worst nightmare. So
6 you can see we go from all extremes here.

7 COUNCILMAN GREENLEE: I never
8 considered you a nightmare, just for the
9 record.

10 COUNCILWOMAN SANCHEZ: A
11 headache sometimes, maybe not a
12 nightmare.

13 I am concerned around setting
14 standards and expectations for folks.
15 Last time I ran I had somebody like over
16 the course of five days raise \$150,000
17 from different sources in an election,
18 and anything that gets people to believe
19 the system is clear and more transparent
20 is definitely a conversation worth
21 having. And I really just wanted to echo
22 this. This is not about money, because
23 the budget connotation is low. It's
24 really around creating the political
25 space to have a conversation and to

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2 explore what New York has done and others
3 and how that increases participation.

4 Just this weekend I was hosting
5 an election training for folks in the
6 neighborhood, and they're just tired of
7 all of the fraud and campaign stuff in
8 districts like mine, particularly the
9 Latino community, and you just heard
10 people's frustration, particularly
11 Election Board people who are really
12 innocent in all of this.

13 So kudos to New York. And,
14 again, I'm happy that we can have that
15 discussion. Just like the Board of
16 Ethics, we should be okay with feeling
17 uncomfortable with some components of
18 this and talking about it and ultimately
19 hopefully giving the voters an
20 opportunity to make a decision.

21 So thank you for sharing it.
22 I'm sure we're going to have more
23 conversations, because this is not by any
24 means a done deal.

25 COUNCILMAN GREENLEE: Thank

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2 you, Councilwoman.

3 If there's no other questions,
4 Ms. Loprest and Councilman Lander, thank
5 you both for your participation.

6 MS. LOPREST: Thank you.

7 COUNCILMAN LANDER: Thanks so
8 much, and good luck.

9 COUNCILMAN GREENLEE: Thank
10 you. Again, sorry to hold you that long.

11 COUNCILMAN LANDER: Not at all.
12 My pleasure.

13 COUNCILMAN GREENLEE: Thank
14 you, sir.

15 Ms. Marconi, I think we have
16 two more panels, if they're still hanging
17 in there with us.

18 THE CLERK: Ian Vandewalker and
19 Catie Kelley.

20 (Witness approached witness
21 table.)

22 COUNCILMAN GREENLEE: I take it
23 you're Ms. Kelley, right? You heard my
24 spiel before. I think we have your
25 testimony. So if you could summarize,

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2 we'd appreciate it, and available for any
3 questions. Thank you.

4 MS. KELLEY: Thank you,
5 Councilmember Greenlee and members of the
6 Committee. Yes, you do have my
7 testimony, so I will go through just --

8 COUNCILMAN GREENLEE: A little
9 closer to the microphone.

10 MS. KELLEY: Go through the
11 highlights very quickly.

12 We appreciate the opportunity
13 to testify today in support of the
14 matching funds public financing
15 legislation. The Campaign Legal Center
16 has carefully reviewed the bill and we
17 believe it is a well-crafted
18 constitutional piece of legislation. If
19 enacted, the bill would establish the
20 public financing system for the City of
21 Philadelphia and propel the City into the
22 national forefront in this area.

23 We believe that the
24 multi-million-dollar contributions from
25 individuals to super PACs and other

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2 political entities have left many
3 Americans feeling excluded from the
4 democratic process. Public financing
5 offers an alternative. Public funding
6 can elevate the voices of all citizens in
7 the political process, not just those who
8 can afford to write extremely large
9 checks.

10 Although there are many
11 important and effective reforms the
12 Council might wish to consider, the
13 Campaign Legal Center believes public
14 financing is a particularly promising
15 option. Public funding programs can
16 reorient our elections by facilitating
17 dialogue between voters and our elected
18 officials and increase participation in
19 the electoral process.

20 My testimony also goes more
21 into detail in terms of the
22 constitutionality of public financing
23 programs and offers a couple suggestions
24 for the bill. And the other panels have
25 touched on what I would characterize as

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2 systematic problems, systemic problems
3 we're facing with our democracy at this
4 time. We have seen poll after poll and
5 serious questions from the electorate
6 reflecting a loss of faith in the system,
7 a loss of faith in our democratic
8 institutions, and a feeling that the
9 system is designed to minimize their
10 voice and minimize their vote.

11 Gerrymandering is part of it,
12 dark money is part of it, and a feeling
13 that individuals' votes and voices are
14 being drowned out by big money is also
15 part of it. I wish I could offer you
16 some silver bullet that would cover all
17 of these things. There just isn't one.
18 Instead, I think that we have to take it
19 bit by bit and address each of those
20 problems in turn. And we're facing a
21 very complicated system that
22 unfortunately can't be covered by one
23 piece of legislation.

24 But I think that this bill is
25 an important step to begin to restore

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2 some faith in our democratic institutions
3 and engage more voters and more citizens
4 in the process.

5 And with that, I'll look
6 forward to your questions.

7 COUNCILMAN GREENLEE: Okay.
8 Thank you.

9 Any questions?

10 Councilman Green.

11 COUNCILMAN GREEN: Just
12 briefly. So you've had a chance to hear
13 a lot of the testimony, and I'm curious
14 to hear your perspective on removing
15 either the mayoral -- either changing the
16 matching amount to a lower threshold or
17 removing the mayoral election from public
18 financing of campaigns. If you have any
19 opinion on that based on what you heard
20 today.

21 MS. KELLEY: Well, I think in
22 terms of budgeting consideration, we've
23 seen other systems like Seattle, for
24 example, they have started their voucher
25 program, this election cycle, just

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2 covering a couple of Council seats to see
3 how it goes, give the body that's
4 administering the program a chance to
5 figure it out, see what they need to do,
6 and also a chance to educate the
7 electorate in what's going on. And
8 that's been a successful system under
9 this first election cycle and also gives
10 the city a chance to build some revenue
11 to eventually expand the program and
12 cover the mayoral races as well.

13 So I think that there could be
14 some advantages in terms of the City
15 adjusting to this new program and
16 building up a revenue source to pay for
17 it to phase in the implementation.

18 COUNCILMAN GREEN: And in those
19 jurisdictions that have public financing
20 of campaigns, do they have a calendar
21 year process or a campaign cycle process
22 in reference to --

23 MS. KELLEY: I would have to
24 look. It varies from jurisdiction to
25 jurisdiction. So it depends.

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2 COUNCILMAN GREEN: Thank you.

3 COUNCILMAN GREENLEE: Thank
4 you.

5 There are no other questions?

6 (No response.)

7 COUNCILMAN GREENLEE: We're
8 getting tired here. Sorry. Thank you.

9 MS. KELLEY: Understandable.
10 Thank you very much.

11 COUNCILMAN GREENLEE: Thank you
12 very much.

13 I assume the representative
14 from Brennan Center for Justice has left;
15 is that right?

16 MS. KELLEY: They weren't able
17 to make it today.

18 COUNCILMAN GREENLEE: So their
19 written testimony will be made part of
20 the record, as will Michael Malbin of the
21 Campaign Finance Institute. His written
22 testimony will also be made part of the
23 record.

24 Ms. Marconi, I believe we have
25 one more panel.

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2 THE CLERK: Susan Mottet and
3 Paul Ryan.

4 COUNCILMAN GREENLEE: Is there
5 anyone else here other than these two
6 individuals that wish to testify?

7 (No response.)

8 COUNCILMAN GREENLEE: Great.
9 Thank you.

10 (Witnesses approached witness
11 table.)

12 COUNCILMAN GREENLEE: I won't
13 repeat my spiel, but we have your written
14 testimony.

15 MS. MOTTET: Thank you for the
16 opportunity to testify. I will summarize
17 my written testimony. I am Susan Mottet.
18 I'm from Every Voice, a national
19 organization that is dedicated to
20 designing, passing, and supporting
21 implementation of small donor-funded
22 election reform.

23 My testimony goes into one of
24 the reasons to pass a small donor public
25 financing program from the voters'

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2 perspective, which is that voters have
3 lost confidence at all levels of
4 government that their elected leaders are
5 working for the benefit of everyone
6 because of the perception and sometimes
7 the reality that money is corrupting our
8 politics. A poll in 2016 showed money
9 and politics being three of the four top
10 concerns in the election, with the
11 economy only being one of those four
12 concerns.

13 Another graph in my testimony
14 shows that over 90 percent of voters now
15 think that the government works in the
16 interest of a few big donors, and less
17 than 10 percent think that the government
18 works for the benefit of all. And we see
19 this concern at the federal, state, and
20 local level in our polling. We also see
21 in another poll that 65 percent of people
22 believe that money and politics -- the
23 impact of money and politics affect them
24 or their families. It's not abstract.
25 And voters blame elected officials for

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2 this. Seventy percent of them blame
3 politicians for the influence of money
4 and politics, and much fewer than that
5 blame the special interests or wealthy
6 donors for the problem of money and
7 politics.

8 And I would like to note that
9 because elected officials very rarely
10 talk about their own frustration with the
11 campaign finance system, voters assume
12 that elected officials think it's great.
13 And our polling and focus group shows
14 that voters actually prefer candidates
15 and elected officials that talk about the
16 problem of money and politics and pass
17 solutions to reduce its influence.

18 However, I do want to note that
19 while voters are very aware of the
20 problem of money and politics, they're
21 less aware that there are solutions to
22 it. So that's why you don't hear people
23 saying, Hey, we want public financing.
24 They know that there's a problem, and
25 they think there might not be a solution.

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2 So then when you actually poll them and
3 say, Hey, how about if there's a system
4 that matches small contributions so that
5 candidates raise money from ordinary
6 people instead of big donors, they love
7 it. And we see that 76 percent of
8 independent voters support it, 74 percent
9 of democrats, and 66 of republicans do.
10 So that's why it's important to pass
11 solutions to this problem of big money
12 distorting our democracy.

13 I'd also like to note that it
14 is a good policy. Because it has been
15 passed in 32 jurisdictions at some level,
16 we actually know how it works. So that
17 helps bring a reality check to a lot of
18 the speculation, some of which we heard
19 today, like this will empower PACs as
20 opposed to reducing their influence or
21 just any kind of speculation.

22 Organizations like Every Voice
23 and like some of the organizations
24 testifying in person or written today
25 really carefully study these programs,

1 10/24/17 - LAW & GOV. - BILL 170680, ETC.

2 are they meeting the intended outcomes,
3 are they not having any unintended
4 consequences. And so they do look at how
5 did the campaign spending compare to
6 independent expenditures before the
7 system, after the system. I actually
8 wish I had some of that data with me
9 today and I don't, but our research
10 director has it. If anyone is
11 interested, we're happy to share it.

12 So I mentioned in my written
13 testimony that these programs can reduce
14 the barriers to elected office and can
15 result in elected leaders that are more
16 reflective of their constituents. It's
17 by race, but it's not just by race. It
18 also increases gender diversity and
19 income diversity, and that's something
20 that's rarely studied, but when people do
21 look at it, they usually do find that
22 elected leaders' incomes prior to office
23 is usually more than the median income of
24 the people they represent.

25 And one person, Tish James, the

1 10/24/17 - LAW & GOV. - BILL 170680, ETC.

2 first African American woman to win
3 citywide office in New York, credits the
4 matching program with her ability to win,
5 partly because she doesn't have family
6 members who could give large
7 contributions. She doesn't have a
8 network of people who could give large
9 contributions, because she's not really
10 strongly from people of means.

11 The other thing that has been
12 mentioned a number of times is that it
13 broadens and diversifies participation by
14 donors, and I just wanted to echo that,
15 but also just kind of draw attention to
16 the graph on the top of Page 5 of my
17 testimony, because I think it's important
18 to note where the line is, where donors
19 start skewing more affluent, more male,
20 and more white, and it's lower than
21 people think, below \$25, and donors are
22 actually more racially diverse than the
23 city in New York. Around 25 they're
24 about even, and then above 25, it starts
25 pretty steeply skewing to more white, and

1 10/24/17 - LAW & GOV. - BILL 170680, ETC.

2 it really flatlines at \$250. And then
3 similarly there's another graph that
4 shows that actually at no income level --
5 or at no donor level are donors -- like
6 it's showing like the economic diversity
7 of New York, but the lower the donation
8 level, the closer it is to sort of the
9 average New York income.

10 And I have some other charts
11 from other jurisdictions in there as
12 well, but what it really shows is that
13 the more a system really amplifies those
14 \$25 donors or maybe up to \$50 donors but
15 it tries to not amplify it much beyond
16 that unless they have to, the better the
17 program actually really diversifies the
18 donor base by race, by income, by all the
19 measures.

20 And on Page 7 of my testimony
21 there's a graph of New York City, and it
22 actually shows that -- the top of the map
23 shows New York City and contributions to
24 state legislative races where they don't
25 have a matching program, and the

1 10/24/17 - LAW & GOV. - BILL 170680, ETC.
2 donations are really being drawn from
3 about 30 percent of neighborhoods. And
4 then it's the same map, except it's
5 donors to New York City races and where
6 they do have a matching program and
7 donations are being drawn from 90 percent
8 of neighborhoods. So it really shows
9 that a program just like the one you guys
10 are contemplating today very successfully
11 and dramatically broadens and diversifies
12 the donor base.

13 I also like to show this to
14 elected officials when they're fretting
15 that, Can I really broaden my donor base?
16 Will small donors open up their wallets
17 and give? And I show them this and say,
18 yes, they do. When they actually believe
19 their donation matters and it gets
20 matched and you guys actually ask them,
21 they do give.

22 So I just wanted to note that
23 Every Voice also believes that this
24 policy is a strong one. The five-to-one
25 match rate is a good starting point. We

1 10/24/17 - LAW & GOV. - BILL 170680, ETC.

2 also analyze the figures in the program
3 to make sure that they're in alignment
4 with the cost of winning elections for
5 each type of race and that they're in
6 alignment with the existing donor bases
7 of candidates, and then we kind of scale
8 it to what we see in other jurisdictions
9 under these programs, and almost all of
10 the numbers in the proposal are in very
11 nice alignment with the realities of
12 winning elections in Philadelphia, but we
13 do have two spots where we think you guys
14 might consider adjusting the program.
15 One has been mentioned before. The
16 matchable amount appears to be
17 unnecessarily high. The graph on the top
18 of Page 9 shows that without even
19 increasing donor bases, Council
20 candidates can hit their match cap if
21 they're matched only to \$50. They're
22 actually blowing way past their match cap
23 if they're matched all the way up to \$150
24 on their current donor base.

25 And then on the next page, we

1 10/24/17 - LAW & GOV. - BILL 170680, ETC.

2 do the same calculation, but we double
3 the donor base, because that's the number
4 Every Voice uses to estimate the increase
5 in the donor base when candidates spend
6 the same amount of time fundraising but
7 focus it on small donors, and they're
8 using -- under a small donor matching
9 program, they pretty easily double their
10 donor base. And we actually think that
11 even if the program only matched up to
12 \$25, candidates for Council will most
13 likely be able to hit their match cap
14 when matched five to one if they double
15 their donor base.

16 So we're not saying for sure it
17 should be \$25 or \$50. There's a lot of
18 judgment that needs to be made. Is
19 this -- you want to kind of, on the one
20 hand, balance trying to amplify the
21 smallest contributions. On the other
22 hand, you want to make sure the program
23 is generous enough that candidates who
24 participate can raise enough to compete.

25 So we just wanted to point out

1 10/24/17 - LAW & GOV. - BILL 170680, ETC.

2 that there's some wiggle room to lower
3 that amount, and it will also save the
4 City money.

5 And then the second piece to
6 consider is just --

7 COUNCILMAN GREENLEE: If I
8 could ask you to wrap up, please.

9 MS. MOTTET: Oh, sure.

10 The second piece is just we
11 think that the Council spending cap and
12 match caps are just a little bit low when
13 you look at what a number of Council
14 candidates spend, and we recommend
15 raising those up a little bit. And that
16 would cost the City a little bit of
17 money, but there are ways to offset that
18 that we're happy to talk to you about.

19 And then I'll skip my section
20 about the cost of the program, and I did
21 want to address one thing that someone
22 had asked and the witness didn't have an
23 answer to. Someone had asked what the
24 increase of candidate participation is
25 under these programs, and what we have

1 10/24/17 - LAW & GOV. - BILL 170680, ETC.

2 found in other jurisdictions is that it
3 varies between no increase in the number
4 of candidates running to about an 8
5 percent increase. And even though the
6 increase in the number of candidates who
7 run is quite modest, this program still
8 successfully enables different types of
9 candidates to run than before.

10 COUNCILMAN GREENLEE: Okay.

11 MS. MOTTET: Thank you for
12 letting me have the opportunity to
13 testify.

14 COUNCILMAN GREENLEE: Thank
15 you.

16 Please identify yourself and
17 proceed.

18 MS. CARPINTEYRO: Good
19 afternoon.

20 COUNCILMAN GREENLEE: You're
21 from Common Cause, right?

22 MS. CARPINTEYRO: I am with
23 Common Cause.

24 COUNCILMAN GREENLEE: So we
25 have your written testimony.

1 10/24/17 - LAW & GOV. - BILL 170680, ETC.

2 MS. CARPINTEYRO: Yes. Sorry.

3 As you can tell, I'm not Paul Ryan.

4 COUNCILMAN GREENLEE: I didn't
5 think you were.

6 MS. CARPINTEYRO: I'm Marilyn
7 Carpinteyro. I'm the Director for State
8 Operations. I am speaking on behalf of
9 my colleague, Paul Seamus Ryan.

10 So Common Cause, just briefly,
11 is a non-partisan, non-profit
12 organization that really works to ensure
13 that we create an open and accountable
14 government. We have over one million
15 members across the country in all 50
16 states and 5,000 specifically just in the
17 City of Philadelphia.

18 I'll be brief, but Common Cause
19 strongly supports the proposed ordinance
20 and looks forward to talking with members
21 of the Committee and also to our
22 constituents in this City to talk about
23 it, the benefits, and do some widespread
24 public education of the program.

25 I just want to touch on two

1 10/24/17 - LAW & GOV. - BILL 170680, ETC.
2 things quickly. It's clear that the
3 public financing program that's proposed
4 today follows models in other states. As
5 my colleague Susan Mottet at Every Voice
6 has said, there's over 30 jurisdictions
7 that have it, 12 major cities across the
8 country have it and two of them, New York
9 and Los Angeles, for over 30 years. So
10 there are systems that have been in place
11 long term that we can learn from.

12 But I want to just touch
13 briefly on, I think, what some of the
14 Councilmembers have touched on, is
15 ensuring that we have viable -- that
16 candidates that are running are
17 candidates, right? They're just not
18 coming -- that they are running serious
19 campaigns, and we think that the
20 threshold and the criteria that are
21 placed on candidates are strong. They
22 are also difficult, and running for
23 public office and gaining access to
24 public funds shouldn't be easy. So we do
25 think that a mayor running for office

1 10/24/17 - LAW & GOV. - BILL 170680, ETC.
2 would need to get at least 333 donations
3 to total the minimum threshold.

4 So, again, the numbers are --
5 setting these requirements makes sense,
6 and I know some of my colleagues have
7 proposed some changes, and we'd be happy
8 to look at them, but I do think that the
9 City Council, when you're setting these
10 thresholds and setting the criteria,
11 you're setting them in a way that makes
12 for candidates to run serious campaigns.
13 But not only that, it requires them to
14 ensure that they have the right
15 messaging, that they have the -- that
16 they're talking to candidates, and it's
17 an onus on them to essentially sell
18 themselves to the constituents in that
19 district that they seek to represent.

20 I do just want to highlight
21 another key provision in the ordinance,
22 is requiring the Board of Elections to
23 provide regular reports to the Mayor and
24 Council regarding the efficiency and
25 administration of the impact. As you

1 10/24/17 - LAW & GOV. - BILL 170680, ETC.
2 well know, campaign finance is constantly
3 evolving and with any program, they
4 require regular review and changes to
5 keep it relevant and responsive. Even
6 the best public financing systems, like
7 New York, goes under regular review after
8 every election. They hold public
9 hearings. They have the campaign people.
10 They have the candidates themselves and
11 the public at-large weighing in. So the
12 city is invested in the system, and
13 together they work with the Campaign
14 Finance Board to make the recommendations
15 and to strengthen their program.

16 So I just wanted to emphasize
17 that highlight and also what the City
18 Councilman of New York has said is
19 ensuring that there is -- that the
20 agencies that oversee the implementation
21 of the elections and this system are
22 adequately funded and adequately
23 supported to ensure that there is
24 infrastructure in place.

25 So I just want to put out there

1 10/24/17 - LAW & GOV. - BILL 170680, ETC.

2 that Common Cause works in a number of
3 states across the country on supporting
4 the systems and on implementation. So I
5 would be happy to, if you would like to
6 hear from other constituents, and I'm
7 sure my other colleagues here at Campaign
8 Legal Center and Every Voice, I think
9 we'd all collectively be happy to weigh
10 in and provide additional resources or
11 answer any questions that other states
12 may be experiencing or have experienced
13 over the years.

14 So thank you.

15 COUNCILMAN GREENLEE: Thank
16 you.

17 Thank you both. Thank you.
18 Thank you for hanging in there these many
19 hours.

20 With nobody else here to
21 testify, the hearing on -- the Law and
22 Government hearing on Bill Nos. 170680,
23 170681, 170682, and Resolution 170696
24 will be held to the call of the Chair.

25 Thank you.

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1 10/24/17 - LAW & GOV. - BILL 170680, ETC.

2 (Committee on Law and

3 Government concluded at 1:25 p.m.)

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CERTIFICATE

I HEREBY CERTIFY that the
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