

December 10, 2018

Los Angeles City Council
200 N. Spring Street
Los Angeles, CA 90012

RE: Councilmember Bonin's Amending Motion to Matching Funds Program (Support)
Council Files 15-1088-S1 and 12-1269-S5

Dear Honorable Councilmembers:

We, the undersigned organizations, are writing to voice our support for reforms to the City's Matching Funds Program that will encourage voter, rather than donor, centered campaigns and empower small donors. We applaud the Rules Committee's adoption of the Ethics Commission reforms, as amended by the proposal from Councilmembers Ryu and Buscaino to lower the maximum matched per contributor to \$115 for City Council and \$215 for city-wide offices for the 2020 cycle.¹ However, as currently drawn it would have the unintended effect of making it significantly harder for candidates to qualify for the matching funds program in the first place. In order to remedy this problem, we strongly urge the Council to adopt Councilmember Bonin's October 5th Amending Motion.

This Amending Motion, seconded by Councilmembers Koretz and Ryu, would adjust the current aggregate qualifying thresholds to account for changes in the current package of reforms. The new thresholds would be calculated using the same minimum number of qualifying contributions as in current law, i.e., 100 for Council races, 150 for City Attorney/Controller, and 300 for Mayoral races. This would mean that the aggregate threshold would be set at \$11,500 for Council races (100 x \$115), \$32,250 for City Attorney/Controller Races (150 x \$215), and \$64,500 for Mayor (300 x \$215) for the 2020 election. These thresholds would be tied to CPI to account for inflation.

Failing to pass the Amending Motion would undermine the Ethics Commission's concerted effort to ensure serious candidates are able to qualify and utilize matching funds in a timely manner. When the Ethics Commission considered lowering the maximum matched per contributor, they noted that doing so would have the adverse effect of making it harder for candidates to meet the aggregate qualifying thresholds unless those were also adjusted.

Indeed, if Councilmember Bonin's Amending Motion is not adopted, candidates would have to garner a minimum of 2.2 times as many contributions to qualify for the matching funds program as they do currently.² The matching funds program would devolve into a resource for only the powerful and well-connected.

According to a California Clean Money Campaign analysis, 44 council candidates who applied for matching funds met the current aggregate thresholds to qualify during the last three election cycles, but only 20 would have qualified under the October 5th draft passed by the Rules Committee -- fewer than one per council race. In fact, the threshold would be so hard to reach that

¹ The maximum match would be set at 1/7th of a maximum contribution, and tied to CPI to account for inflation.

² Candidates may only apply a portion of a contribution (up to the max match) towards the aggregate threshold. These contributions cannot come from corporations, immediate family members, or those outside the City of L.A.

three *incumbent councilmembers* who ran in 2015 and 2017 would **not** have qualified. Worse, only three women would have qualified under the current proposal since 2013. With the Amending Motion, 50 candidates would have qualified, in the same ballpark as the 44 under current law, with five of the six extra candidates being women. Overall, 16 women would have reached the aggregate threshold with the Amending motion, over five times as many as without it.

This amendment is necessary to:

1. Avoid Unnecessary Delays in Qualifying for Public Matching Funds

The City of L.A.'s matching funds program is arguably the least accessible in the nation. Our aggregate qualifying threshold for City Council is currently twice that of *any* other municipality. At \$25,000, it is five times that of New York City's even though our districts are just 1.6 times larger. It's more important than ever that candidates for office are able to qualify for public matching funds and do so early enough to build viable campaigns. Alignment with State and Federal elections and increased early voting opportunities in 2020 will drastically increase turnout.

If the public matching funds system is to fulfill its purpose, candidates need to qualify and receive matching funds well before Election Day. In recent elections, an increasing number of candidates have struggled to do so. The California Clean Money Campaign analysis showed that half the council candidates who would have qualified under the October 5th draft would have done so a median of only 14 days before the election. Delayed qualification means that candidates cannot truly turn their attention to engaging voters and instead have to spend time fundraising up until Election Day itself. Public financing should be a way for candidates to build meaningful field campaigns that engage with voters directly, not simply a way to retire campaign debts.

2. Promote Competitive Elections and a Diversity of Voices

Our City Charter lists several purposes for our public financing system, from reducing "the excessive fund-raising advantage of incumbents and thus encourage competition for elective office" to "promoting public discussion of the important issues involved in political campaigns."

Without adjusting the aggregate qualifying thresholds, existing incumbent protections would be significantly reinforced. With fewer candidates qualifying for the matching funds program we will see a smaller number voices shaping the conversation. More voices mean a greater diversity of issues being discussed, and a greater depth in which they are explored.³ For many voters, 2020 will be the first time they will cast a ballot in our city elections. We should seize that opportunity to engage citizens in a real discussion of the issues facing our city.

3. Address the Underrepresentation of Women in LA's Elected Offices

The City of LA has a major problem with the underrepresentation of women in elected office. Over the last two decades, women have fallen from representing 33% of the council, to just

³ "[Publicly funded elections] promote contested and competitive elections, foster diversity in the electoral process, and encourage voter-centered campaigns." *More than Combating Corruption: The Other Benefits of Public Financing*, Brennan Center for Justice.

13%. That's nearly half the rate of *every* other major city in the nation, and even further below the average of the 100 most populous cities in the nation (34%).⁴

A 2015 report commissioned by the City of LA looked at our own elections and found that while women win elections at the same rate men do, over 80% of the candidates in our City Council and citywide elections are men.⁵ We shouldn't be raising the barriers to entry for new candidates. It would be a major step backwards to adopt changes that, without Councilmember Bonin's Amendment, would have resulted in only three women qualifying for matching funds since 2013.

The US Supreme Court has twice invoked James Madison's warning at the convention debates that "a republic may be converted into an aristocracy or oligarchy as well by *limiting the number capable of being elected* as the number authorized to elect."⁶ If only the wealthy or well connected can qualify, let alone succeed, we undermine the most fundamental principles of our democratic republic. While a number of the court's recent decisions have restricted the ability to limit money in politics, the court has continued to make it clear that public financing of elections is a legitimate means of combating corruption.

We remain very supportive of the reforms passed by the Rules Committee, which include an increase in the total amount of matching funds available to candidates, an increase in the match rate of in-city contributions to 6:1, and a decrease in the maximum amount of money matched per contributor. However, it is absolutely crucial that City Council adopt Councilmember Bonin's Amending Motion so we don't make it significantly harder for serious candidates to qualify for the matching funds program.

Thank you for your consideration of this important matter. Please do not hesitate to contact us with any questions you may have. We look forward to working with you on these vital reforms.

Sincerely,

Alliance for Community Transit - Los Angeles (ACT-LA)
Alliance of Californians for Community Empowerment (ACCE)
American Indian Movement Southern California (AIM SoCal)
Asian Americans Advancing Justice-Los Angeles (AAAJ)
Bernie Sanders Brigade
Bike the Vote
California Clean Money Campaign*
California Common Cause*
California River Watch
Citizens Take Action

⁴ *Not Making it Here - Why are Women Underrepresented in the New York City Council?* A Report by the City Council's Women's Caucus.

⁵ *The Report on the Status of Women: Leadership.* Part 2 of 5 in a report funded by the LA City Commission on the Status of Women and prepared by Mount Saint Mary's University.

⁶ *Powell v McCormack* (1969) and *U.S. Term Limits, Inc. v. Thornton* (1995)

Coalition to Preserve LA*
Community Health Councils
Dream Team LA
East LA Community Corporation (ELACC)
End Citizens United PAC | Fight For Reform
Esperanza Community Housing
Feminists in Action (FIA)
Food & Water Watch
Ground Game LA
Idle No More SoCal
InnerCity Struggle
Korean American Coalition Los Angeles (KAC)
Koreatown Immigrant Workers Alliance (KIWA)
LA Forward*
LA Voice
Leadership for Urban Renewal (LURN)
League of Women Voters of Los Angeles (LWVLA)*
LegitAction
Los Angeles Urban League
Los Angeles Walks
MapLight
March and Rally Los Angeles
Me Too March International
Money Out Voters In (MOVI)*
National Council of Jewish Women | Los Angeles (NCJW-LA)
National Lawyers Guild Los Angeles (NLG-LA)
National Women's Political Caucus, LA Metro
National Women's Political Caucus, LA Westside
North Valley Democratic Club
Our Gov LA*
Pacific Palisades Democratic Club
PDA-CA
People Power - Los Angeles | West
People Organized for Westside Renewal (POWER)
RepresentUS
RepresentUS Los Angeles-San Gabriel Valley Chapter*
SoCal 350 Climate Action
Stand Together Against Neighborhood Drilling (STAND L.A.)
Strategic Actions for a Justice Economy (SAJE)
Thai Community Development Center (Thai CDC)
Unrig LA*
Youth Justice Coalition (YJC)

*Coalition Organizers**
-Additional Signers Pending