



Arvon J. Perteet, Chair  
Ryan Micik, Vice-Chair  
Charlotte Hill  
Joe Tuman  
Francis Upton IV

Suzanne Doran, Acting Executive Director

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TO: Public Ethics Commission  
FROM: Jelani Killings, Ethics Analyst  
Suzanne Doran, Acting Executive Director  
DATE: November 29, 2022  
RE: 2022 LPF Program Summary

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This memorandum provides an overview of the disbursement of public financing through the Limited Public Financing program administered by the Public Ethics Commission during the November 2022 election.

## Background of the Limited Public Finance Act

The Limited Public Financing Act (LPFA or Act), enacted in 1999 and last amended in 2022, provides District City Council candidates with public funds by way of reimbursements for qualified expenditures used for campaign expenses with the goal of helping ensure that all individuals have a fair and equal opportunity to participate in the elective and governmental process.

The stated purposes of the Act are as follows:

- To ensure that all individuals and interest groups in our city have a fair and equal opportunity to participate in elective and governmental processes.
- To reduce the influence of large contributors with a specific financial stake in matters under consideration by the city, and to counter the perception that decisions are influenced more by the size of contributions than by the best interests of the people of Oakland.
- To reduce the pressure on candidates to raise large campaign war chests for defensive purposes, beyond the amount necessary to communicate reasonably with voters.
- To encourage competition for elective office.
- To allow candidates and office holders to spend a smaller proportion of their time on fundraising and a greater proportion of their time dealing with issues of importance to their constituents and the community.
- To ensure that serious candidates can raise enough money to communicate their views and positions adequately to the public, thereby promoting public discussion of important issues involved in political campaigns.
- To help preserve public trust in governmental and electoral institutions.

## 2022 Implementation

The process for applying for LPF funds began in late August after the City Clerk certified the names of all the November 2022 candidates running for City Council District offices, a total of eight. The

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combined total amount in the Election Campaign (LPF) Fund for fiscal years 2021-22 and 2022-23 was \$177,000 available for the November 2022 election.

Initially, all eight certified candidates were invited to the LPF training and given the opportunity to participate in the LPF program. Seven candidates and/or their representatives attended the mandatory LPF training conducted by Commission staff as required for program eligibility. Only one candidate chose not to attend the training and was not responsive to Staff communications. All seven candidates that attended the training opted-in to receive public financing and were permitted to apply for an initial allocation of \$25,285 each, the amount of the election fund balance divided among the seven candidates.

To maximize the use of LPF funds by candidates, staff continued the two-phased process of reimbursement allocations first implemented in the 2014 election cycle. Under the two-phased approach, candidates were required to file their first reimbursement claim by September 19 to use their first allotment and remain eligible for a second redistribution of the remaining funds.

After the Phase 1 deadline, two of the seven candidates were ineligible to receive funds. Both candidates became ineligible because they did not meet the required 5 percent contribution and expenditure thresholds necessary to qualify for the program. According to pre-election campaign statements filed, neither of the candidates reached both of the required 5 percent thresholds even after the September 19 deadline.

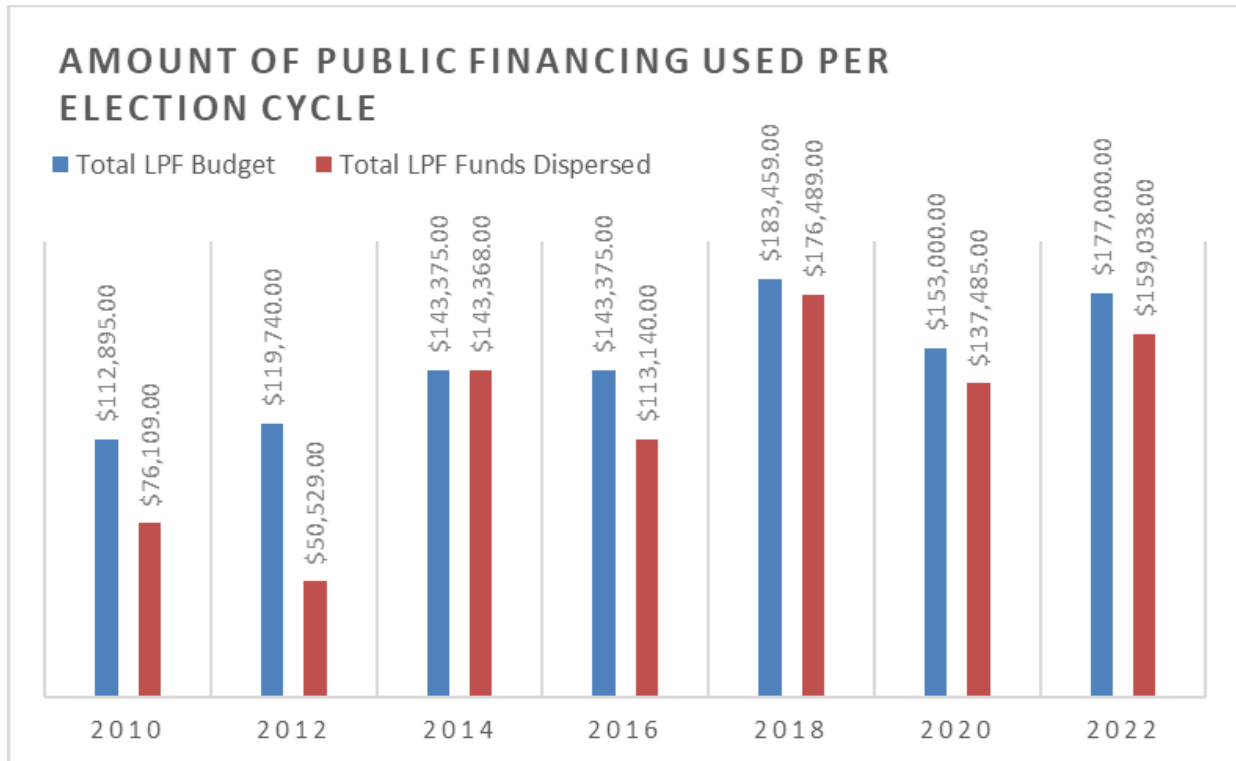
Therefore, the initial disbursement of \$25,285 previously allocated to both now ineligible candidates was redistributed to the other participating candidates. This redistribution resulted in a new maximum amount of \$35,400 for each remaining eligible candidate, an increase of \$10,115 each.

Below is a list of the participating candidates and the total amount received by each through the LPF program.

Candidate	District	Total Public Funds Received	Percent of Max Funds Available to the Candidate
Nikki Fortunato Bas (Incumbent)	2	\$35,400	100%
Harold Lowe	2	\$35,400	100%
Janani Ramachandran	4	\$35,400	100%
Nenna Joiner	4	\$35,338	99%
Kevin Jenkins	6	\$17,500	49%

The total amount of reimbursement funds distributed to candidates during the November 2022 election was \$159,038 or 90 percent of the total funds available.

In the past five elections, the percentage of total funds used and overall participation has continued to be high, which in part is attributable to the implementation of the two-phased approach in addition to more direct and earlier Commission Staff outreach to candidates. Below is a summary of the total funds available and disbursed out of the program for the last seven elections.



The table below illustrates the number of certified candidates per election and the percentage that participated in the LPF program over the same period.

Year	Total Ballot Certified Candidates	Candidates Opted-In to LPF	LPF Opt-In Rate	Total Candidates Receiving Reimbursements	LPF Participation Percentage <sup>1</sup>
2010	12	N/A	N/A	5	42%
2012	20	15	75%	6	30%
2014	12	11	92%	8	67%
2016	9	7	78%	4	44%
2018	15	12	80%	10	67%
2020	17	15	88%	7	41%
2022	8	7	88%	5	63%

**Conclusion**

The continued participation and use of public funds by candidates during election cycles suggests that candidates find the Limited Public Financing program helpful. With the passage of Measure W Oakland Fair Elections Act in the November 2022 election, this will be the final election cycle of the LPF program in its current format. Beginning in 2024, the voter-approved Democracy Dollar voucher program will be implemented expanding public financing for elections in the City of Oakland.

<sup>1</sup> LPF participation percentage reflects candidates that met all program eligibility requirements and received public financing.