

Local Dollars and Local Democracy

*A Comprehensive Analysis and Index of
Campaign Finance Laws in California's Cities*



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EXECUTIVE SUMMARY

California has typically been a trailblazer in campaign finance reform over the last century, proposing and implementing reforms that attempt to address the negative effects of money in politics. While there is no silver bullet for money's outsized role in our political system, there are plenty of good reforms that can better level the playing field and mitigate the distorting effects of unlimited money in our political system.

A combination of reform-minded state laws and strong action taken by California's many charter cities¹ (which have greater autonomy to advance reforms than general law cities do) has resulted in:

1. all California municipalities² having some type of campaign finance controls in place, because of defaults set in state law,
2. nearly all California municipalities having limits on campaign contributions to local candidates, and
3. a significant number of municipalities with comprehensive reforms that go above and beyond what is mandated in state law in order to more fully address the negative aspects of money in politics.

This report is an analysis of all campaign finance reforms in California cities, as of December 2022. The findings are a product of the data collected in the California Municipal Campaign Finance Index (MCFI): an organized accounting, composed by California Common Cause, of campaign finance laws in all California cities (see our webpage and downloadable spreadsheet [here](#)) and an abridged version of the Index in [Appendix IV](#) of this report). To contextualize the data and findings, this report also looks at the history, current state, and potential future state of campaign finance reform in California.

Note: our use of "campaign finance reform/law" in this report encompasses all laws or policies that regulate the use and/or effects of money in politics, not just one or a particular set of reforms or laws.

Key findings from the data include the following:

The effect of state laws on municipal campaign finance

- Because of requirements in Assembly Bill (AB) 571 (2019),³ 469 out of 482 California cities, or **97% of all CA cities, have campaign contribution limits.**

1 Two types of cities, or municipalities, exist in California: General Law and Charter cities (See Cal. Const. Art. XI, Secs. 2, 3, 5, 7, 7.5; See also Cal. Gov. Code, Secs. 34100-34102; Cal Gov. Code, Title 4, Division 2, Part 1, Chapters 1-2). In short, general law cities, which make up the majority of cities in California, must operate within the parameters outlined in state law (see generally Cal. Gov. Code, Title 4), while charter cities have more autonomy to regulate municipal affairs and in some instances are exempt from state laws that apply to general law cities. Charter cities may even implement laws that conflict with state law so long as the laws regulate a municipal affair that is not a matter of statewide concern. The difference between general law and charter cities is discussed further in the Background section of this report.

2 In this report the term *municipality* means "city," and the term *municipal* means "city-related."

3 Discussed later in this report, Assembly Bill 571 (Stats. 2019, Ch. 556, AB 571 Mullin) mandates that California's contribution limits for state legislative candidates shall apply to city and county candidates by default unless a city or county has already enacted a different contribution limit on such candidates. See California Fair Political Practices Commission. (n.d.-a). *AB 571 Fact Sheet*. www.fppc.ca.gov; California Fair Political Practices Commission. Retrieved June 29, 2022, from https://www.fppc.ca.gov/content/dam/fppc/NS-Documents/TAD/Campaign%20Documents/AB_571_Fact_Sheet_Final.pdf; See Also California Legislature. (2019, October 9). *Bill Text - AB-571 Political Reform Act of 1974: contribution limits*. https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB571

- Because of requirements in Senate Bill (SB) 1439 (2022),⁴ **all 482 California cities** (as well as all other local jurisdictions) **have an anti-pay-to-play law** that mandates recusal of electeds and government decision-makers who will vote on or influence matters that effect the monetary interests of campaign contributors who gave more than \$250 to their campaigns in the past 12 months.

Extent and quality of municipal campaign finance laws

- 180 California cities, or **37% of all CA cities**, have **self-imposed campaign finance reform** (i.e., reform other than what is required by state law).
- 64 California cities, or **13% of all CA cities**, have **“strong” campaign finance laws** (which means a city’s laws are generally well-designed and enforced to achieve their purpose, as defined in Appendices I & II).
- 63 California cities, or **13% of all CA cities**, have **“comprehensive” campaign finance laws** (which means that a city’s laws are multiple and thorough, as defined in Appendices I & II).

Public campaign finance systems

- Seven California charter cities, or **1% of all CA cities**, have **instituted campaign public financing systems**.

Laws that limit who can give to a campaign, when, and how much can be given

- 143 California cities, or **30% of all CA cities**, have **self-imposed campaign contribution limits** (i.e., limits other than what state law [AB 571] requires).
- 109 California cities, or **23% of all CA cities**, have **campaign contribution limits that are \$1,000 or less**.
- 40 California cities, or **8% of all CA cities**, have **limits on how much a candidate can loan their campaign**.
- 18 California cities, or **4% of all CA cities**, have **limits on candidate-to-candidate campaign contributions**.
- 35 California cities, or **7% of all CA cities**, **restrict certain types of donors** from giving monetary contributions to local candidates and electeds (e.g., lobbyists, government contractors).
- 26 California cities, or **5% of all CA cities**, **limit the time a candidate can fundraise** for local office (i.e., campaign fundraising windows).

Anti-pay-to-play laws

- 15 California cities, or **3% of all CA cities**, have **campaign-contribution-related recusal requirements** (other than what is required in state law) for electeds and/or candidates with decision-making power at city hall.

⁴ Discussed later in this report, Senate Bill 1439 (Glazer) is a 2022 bill that amended state law to prohibit local electeds from voting on certain matters that would financially benefit their campaign donors if those donors gave the public official voting on the matter more than \$250 in campaign contributions within the previous 365 days. See California Fair Political Practices Commission. (n.d.). *Pay-to-Play Limits and Prohibitions*. www.fppc.ca.gov. <https://www.fppc.ca.gov/learn/pay-to-play-limits-and-prohibitions.html>

Laws that increase campaign finance transparency

- 99 California cities, or **21% of all CA cities**, have **campaign finance laws that generally increase transparency** in local elections (based on qualitative criteria defined in the MCFI)
- 37 California cities, or **8% of all CA cities**, **require campaign ad disclosures** that go above and beyond what is required by state law.
- 38 California cities, or **8% of all CA cities**, **have increased oversight of independent expenditures**.

Enforcement and oversight of campaign finance laws

- 131 California cities, or **27% of all CA cities**, have **deterrent penalties** for campaign finance violations (based on qualitative criteria defined in the MCFI).
- 54 California cities, or **11% of all CA cities**, have **complaint procedures** in their campaign finance laws.
- 58 California cities, or **12% of all CA cities**, have **curing provisions** for local campaign finance violations.
- 51 California cities, or **11% of all CA cities**, **authorize city clerk's play a compliance role** in enforcing campaign finance laws.
- Nine California cities, or **2% of all CA cities**, have **ethics commissions** that oversee or enforce campaign finance laws.

For a detailed summary of key findings, see the Summary Table in [Appendix III](#).

Data Note and Reporting Updates

The data in the Municipal Campaign Finance Index, as presented in this report, represents city laws as of December 2022. Because of the fluid nature of city laws, it may well be the case that some of the data and findings will be outdated by the time this report is published. That said, it is the intent of California Common Cause to update the MCFI on a rolling basis at www.commoncause.org/california/resource/cmcfi/ as we become aware of changes to cities' campaign finance and districting laws. Additionally, the public can download Excel spreadsheets of past and present versions of the MCFI (with or without notes) at www.commoncause.org/california/resource/cmcfi/.

The public is encouraged to report updates to the MCFI by contacting Sean McMorris at smcmorris@commoncause.org or cacommoncause@gmail.com.

FORWARD

Overview & Purpose

The laws and regulations governing campaign finance, also known as money in politics, are an important yet often overlooked part of well-functioning democracies. One reason for this is likely because campaign finance laws are typically long and complicated. They often have to be in order to account for the many paths money can take in our democracy and the many ways money influences and corrupts. It also does not help that campaign finance reform is laced with eccentric terminology and concepts that can be difficult for even experts to explain. Another reason campaign finance reforms are not more prominent is surely due to the fact that every jurisdiction's campaign finance laws are different, and there is no one-stop-shop for activists, scholars, legislators, city attorneys, and the public to go to find out what types of campaign finance reforms exist and how common they are. This can make advocacy and implementation hard and time-consuming.

For example, how many California cities have campaign finance laws at all? How many California cities have campaign contribution limits? What is the average limit? Does a city's voting system affect its campaign finance laws? How many cities use public financing for elections, and what kinds of systems do they use? What are common enforcement mechanisms and penalties? These are all pertinent questions to consider when thinking about meaningful campaign finance reform for your city. And the answers, in all cases, are hard to find.

In 2016, California Common Cause published the California Municipal Democracy Index (MDI), a comprehensive analysis of the structure and laws of all 482 California cities.⁵ As part of its analysis, the MDI indexed the form of government, type of voting system, and campaign contribution limits of California cities. The MDI remains the only study of its kind. As such, it is an extremely useful tool for understanding local California law and democracy.

The California Municipal Campaign Finance Index (MCFI) is an offshoot and sequel of the MDI that focuses solely on California's cities with campaign finance reforms (see [Appendix IV](#) to view an abridged version of the MCFI and find an unabridged version at the following link: www.commoncause.org/california/resource/cmcfi/). Like the MDI indexed government structures, the MCFI indexes campaign finance laws, broadly defined as any reform that regulates the use and/or effects of money in politics. The MCFI provides an organized list of every city in California with self-imposed (i.e., other-than state mandated) campaign finance laws and explains the extent of each of those city's reforms. Cities with state-mandated contribution limits imposed by Assembly Bill (AB) 571 (2019) and state-mandated anti-pay-to-play laws imposed by Senate Bill (SB) 1439 (2022) are not included in the MCFI but are

5 Heidorn, N. (2016). California Municipal Democracy Index 2016 (pp. 1–76). Los Angeles, CA: California Common Cause.

acknowledged and used as a comparative reference in many of the findings in this report.⁶

The report is broken down into four parts. Part One: *Background*, **provides historical context relevant to the MCFI**. Part Two: *Local Campaign Finance Landscape*, **provides an overview of various reforms in conjunction with key findings from the MCFI**. Part Three: *The Future of Local Reform*, **notes the current state and potential trajectory of local campaign finance reform while providing some best practice-reforms that we believe cities with no or minimal reforms should consider implementing**. Part Four: *Appendix*, consists of **Appendices and an abridged version of the Municipal Campaign Finance Index** (see [Appendix IV](#)). An unabridged version of the MCFI can be downloaded in spreadsheet form here: www.commoncause.org/california/resource/cmcfi/. An interactive Index with hyperlinks and notations is also available online at www.commoncause.org/california/resource/cmcfi/.

The MCFI is intended for multiple uses. A community activist can use the index to find out what types of campaign finance laws exist (or don't exist) in their town and how cities nearby or similarly sized to their own employ best practices. A city attorney can use the index to research the statutory language different cities use for a particular type of reform. Researchers can use the index as a starting point or springboard for studies on election and campaign finance reform.

Whatever the use may be, the purpose of the California Municipal Campaign Finance Index is education and advocacy. The hope is that the MCFI will lead to an expansion of meaningful campaign finance reform across California, which both mitigates corruption and increases faith in local democracy.

Methodology

Common Cause searched the municipal codes and charters of every city in California. Official city websites were also searched to check for relevant ordinances, resolutions, and/or charter amendments not currently reflected in a city's legislative code. Where there was uncertainty, city clerks were contacted for clarification and supporting documentation. All city populations reflect April 1, 2020, Census data.

In addition to identifying the campaign finance reforms in each California city, the MCFI also assesses the comprehensiveness and overall strength of a city's reforms. In general, if a city had multiple kinds of reform that were substantially meaningful, then it was considered comprehensive (see MCFI "comprehensive" definition in [Appendix II](#)). To assess the overall strength of a jurisdiction's reforms, a totality of circumstances approach was employed, as is explained below.

Because of the variability of reforms across cities, the MCFI grades each city's reforms based on

⁶ The reasons for excluding cities from the MCFI that only have campaign finance reforms because of AB 571 or SB 1439 are multi-fold: 1) there is no need to list hundreds of cities with a uniform law when one can view the respective sections of state law instituted by AB 571 and SB 1439 to see the total extent of those cities campaign finance reforms; 2) the distinctions in law/reform between California cities with default AB 571 and SB 1439 reforms and California cities with self-imposed reforms of a similar ilk are great enough that it is appropriate to bifurcate and address such cities separately – for comparative reasons and so as not to unduly skew the findings of cities that established their own reforms – separate of state law; 3) AB 571 imposes default contribution limits onto cities that were originally designed for state offices with much larger populations; and 4) cities with self-imposed campaign finance reforms compose a more ideal guide for reformers looking to implement meaningful campaign finance laws in their city because such cities consist of jurisdictions that often go above and beyond what AB 571 and SB 1439 mandate.

the utility of a municipality’s campaign finance laws in achieving their purpose, which is **improved representative government fostered by reforms that check corruption and its potential through transparency, accountability, and the mitigation of big-dollar special-interest money, which, in turn, hopefully increase public trust and participation in government.** In short, campaign finance laws are about ethics, fairness, accountability, trust, and fostering the democratic ideal.

To do this, the MCFI employs a qualitative grading scale of “Strong,” “Average”, and “Weak” to convey the strength of a city’s campaign finance laws upon evaluation. While a numerical grading rubric was not fabricated to determine which category of strength a city fell into (i.e. a city did not get a certain amount of points if it had contribution limits or public financing), general principles were employed based on the overall meaningfulness/effectiveness of a city’s package of reforms.

For example, a city may have contribution limits, which are generally considered a good reform, but those limits may not be meaningful because they are too high to achieve their purpose. Similarly, a city could have a comprehensive set of reforms that are negated by weak penalties and enforcement. With that in mind, factors considered when evaluating the overall strength of a city’s campaign finance reforms include, but are not limited to, the comprehensiveness of reforms, the size and appropriateness of a city’s contribution limit(s), the enforceability of reforms, the deterrent factor of penalties, the anti-corrupting effects of reforms, the leveling effects of reforms on elections (i.e., do they increase candidate competition and voter choice), and the pro-democracy aspects of reforms (i.e., are they intended to increase public participation in government and fairness in elections). Because our grading criteria are based on a city-by-city qualitative analysis, we acknowledge that a city’s classification is subjective by quantitative standards. Nonetheless, we believe our grading and analysis are sound and offer a good starting point for evaluating the efficacy of a city’s campaign finance laws. To view a more complete outline of evaluation and grading criteria for the MCFI, see the Rating Rubric in [Appendix I](#).

The following resources were particularly helpful in compiling the data for this research:

- The California Municipal Democracy Index;⁷
- No Limits: Campaign Contributions in Local Elections⁸
- The Fair Political Practices Commission’s database of local campaign ordinances;⁹
- The Institute of Governmental Studies’ hyperlinked list of California Local Codes and Charters;¹⁰ and
- The U.S. Census Bureau’s QuickFacts database of California cities¹¹

7 Heidorn, N. (2016). (rep.). California Municipal Democracy Index 2016 (pp. 1–76). Los Angeles, CA: California Common Cause. <https://www.commoncause.org/california/wp-content/uploads/sites/29/2018/03/california-municipal.pdf>

8 Heidorn, N. (2016). California Common Cause Report: No Limits: Campaign Contributions in Local Elections. Common Cause. <https://www.commoncause.org/california/wp-content/uploads/sites/29/2018/06/CA-Contribution-Limits-Report-Apr-2016.pdf>

9 FPPC. (n.d.). Local Campaign Ordinances. Fair Political Practices Commission. Retrieved April 2022, from <https://www.fppc.ca.gov/the-law/local-ordinances.html>

10 California Local Codes and Charters. Institute of Governmental Studies - UC Berkeley. (2021, December 9). Retrieved April 2022, from <https://www.igs.berkeley.edu/library/california-local-government-documents/codes-and-charters>

11 U.S. Census Bureau QuickFacts. United States Census Bureau. (n.d.). Retrieved April 2022, from <https://www.census.gov/quickfacts/fact/table/US/PST045221>

BACKGROUND

Campaign Finance in the U.S.

The power of private money, and its ability to corrupt governments — particularly representative democracies — was a constant on the minds of the Founding Fathers as they set about crafting the Articles of Confederation and the U.S Constitution.¹² The first campaign finance laws were instituted in the U.S. in the early twentieth century and were rooted in a belief that unchecked private money in politics leads to a government that predominantly represents the interests of the wealthy and powerful to the detriment of the interests of the majority.

The United States' first campaign finance laws focused on who could give money (the Tillman Act of 1907),¹³ disclosure of who was giving money (the Federal Corrupt Practices Act of 1925), and limits on how much money could be received and spent in campaigns (the Hatch Political Activities Act of 1939).¹⁴

By the 1950s, the U.S. had in place a robust set of piecemeal laws regulating money in federal election campaigns that included: restrictions on the amount of money candidates could receive from individuals as well as spend on their campaigns; bans on contributions from corporations and unions; and campaign contributor and campaign spending disclosures.¹⁵ However, for most of the first half of the twentieth century, these laws were not aggressively enforced and were consequently often circumvented or outright ignored.¹⁶

In 1971, the U.S. passed the first iteration of the Federal Election Campaign Act (FECA), which codified federal campaign laws under one act.¹⁷ FECA still exists today, but has changed greatly. In its original form, FECA strengthened campaign disclosure requirements, limited candidate political ad spending¹⁸ and how much a candidate could spend of their own personal funds on their campaigns,¹⁹ but also legalized Political Action Committees (PACs)²⁰ and repealed most contribution and spending limits in

12 See Teachout, Z. (2014). *Corruption in America* (pp. 1–5, 19–31, 295). Cambridge, Massachusetts: Harvard University Press.

13 The Tillman Act of 1907 was the United State's first campaign finance law. It banned corporations and banks from contributing to federal political campaigns. <https://www.mtsu.edu/first-amendment/article/1051/tillman-act-of-1907>

14 United States Senate. (1980, January 11). 90th Congress, 2d Session, Document No. 100. Retrieved June 18, 2022, from ojp.gov website: <https://www.ojp.gov/pdffiles1/Digitization/64162NCJRS.pdf>

15 See Mutch, R. E. (2016). *Campaign finance* (pp. 7–8, 149–153). Oxford University Press.

16 Ballotpedia. (n.d.). *History of Campaign Finance Regulation*. Retrieved June 19, 2022, from Ballotpedia website: https://ballotpedia.org/History_of_campaign_finance_regulation; See Also Federal Election Commission. (n.d.). Appendix 4: The Federal Election Campaign Laws: A Short History. Retrieved June 19, 2022, from transition.fec.gov website: <https://transition.fec.gov/info/appfour.htm>

17 Government Publishing Office. (1972, February 7). Public Law 92-225. Retrieved June 18, 2022, from govinfo.gov website: <https://www.govinfo.gov/content/pkg/STATUTE-86/pdf/STATUTE-86-Pg3.pdf>

18 Ibid, PDF p. 3.

19 Ibid, PDF pp. 7-8.

20 A Political Action Committee, or PAC, is a committee that is formed and organized specifically to raise and spend money to affect elections and legislation. For a summary of what PACs are, See Open Secrets. (2022). *Political Action Committees (PACs)*. Retrieved June 19, 2022, from opensecrets.org website: <https://www.opensecrets.org/political-action-committees-pacs/2022>; For an overview of the different types of PACs, See Federal Election Commission. (n.d.-d). *Political Action Committees (PACs)*. Retrieved June 20, 2022, from FEC.gov website: <https://www.fec.gov/press/resources-journalists/political-action-committees-pacs/>

federal elections.²¹ In response to the Watergate scandal, which ultimately forced President Richard Nixon to resign, FECA was amended and greatly expanded in 1974 to establish stronger campaign disclosure requirements, strict contribution and campaign spending limits, and public financing for Presidential elections.²² It also instituted a single government body dedicated to enforcing federal campaign finance laws,²³ the Federal Election Commission (FEC), which still exists today.²⁴ FECA was amended again in 1976 and 1979 to broaden some restrictions and repeal or loosen others.²⁵ The last major set of amendments to the FECA came with the passage of the Bipartisan Campaign Reform Act of 2002 (BCRA), which, among other provisions, placed campaign fundraising and spending restrictions on political party committees, restricted “soft money”²⁶ spending, and increased the individual contribution limit to federal candidates and indexed it to inflation.²⁷

Considered the benchmark in U.S. campaign finance reform, FECA has been regularly curtailed by the Supreme Court of the United States (SCOTUS) since it was amended in 1974. Those SCOTUS rulings have also significantly restricted campaign finance reforms at the state and local levels of government. The two most consequential SCOTUS rulings that have hampered FECA and state and local campaign finance regulations are *Buckley v. Valeo* (1976),²⁸ which established that limits on spending by political campaigns themselves (except those receiving public funding) are unconstitutional on the grounds that money is protected free speech under the First Amendment, and *Citizens United v. FEC* (2010),²⁹ which established that “independent”³⁰ political spending by corporations (and unions) cannot be restricted on the grounds that such entities are people with First Amendment rights. Other court rulings since

21 See Mutch, R. E. (2016). Campaign finance (pp. 153-154). Oxford University Press.

22 Hays, W. L. (1974, August 8). H.R.16090 - 93rd Congress (1973-1974): Federal Election Campaign Act Amendments. Retrieved June 19, 2022, from www.congress.gov website: <https://www.congress.gov/bill/93rd-congress/house-bill/16090>; See Also Sandler, J. E. (2009). Federal Election Campaign Act of 1971. Retrieved June 18, 2022, from www.mtsu.edu website: <https://www.mtsu.edu/first-amendment/article/1078/federal-election-campaign-act-of-1971>

23 See Federal Election Commission. (n.d.-c). *Enforcing federal campaign finance law*. FEC.gov. <https://www.fec.gov/legal-resources/enforcement/>; See also, *Federal Election Campaign Act of 1971*, P.L. 115–386, Sec. 309 (2018). <https://www.govinfo.gov/content/pkg/COMPS-985/pdf/COMPS-985.pdf>

Note: If certain sections of the FECA are violated then the Commission may refer the violations to the U.S. Attorney General by an affirmative Commission vote of four of its members (See *Ibid*, Secs. 309(a)(5)(C) & (12)(c-d)).

24 For a brief history of the FEC, See Federal Election Commission. (2019). Mission and history - FEC.gov. Retrieved June 19, 2022, from FEC.gov website: <https://www.fec.gov/about/mission-and-history/>

25 See Urofsky, M. I. (2020). *The Campaign Finance Cases* (pp. 199–207). University Press of Kansas; See Also Garrett, S. R. (2021). *The State of Campaign Finance Policy: Recent Developments and Issues for Congress* (p.3). Congressional Research Service. Retrieved from Congressional Research Service website: <https://crsreports.congress.gov/product/pdf/R/R41542>

26 In general, “soft money” refers to unregulated contributions to political parties that is meant for party-building or general party-messaging, not express advocacy for or against a candidate.

For a definition and brief explanation of “soft money,” See Open Secrets. (n.d.). Academic Resources: Glossary. Retrieved June 19, 2022, from www.opensecrets.org website: <https://www.opensecrets.org/resources/learn/glossary.php#S>

27 Shays, C. (2002, March 27). H.R.2356 - 107th Congress (2001-2002): Bipartisan Campaign Reform Act of 2002. Retrieved June 19, 2022, from www.congress.gov website: <https://www.congress.gov/bill/107th-congress/house-bill/2356>

28 U.S. Supreme Court. (1976, January 30). *Buckley v. Valeo*, 424 U.S. 1 (1976). Retrieved June 19, 2022, from Justia Law website: <https://supreme.justia.com/cases/federal/us/424/1/>; See Also Federal Election Commission. (1976, January 30). *Buckley v. Valeo*. Retrieved June 19, 2022, from FEC.gov website: <https://www.fec.gov/legal-resources/court-cases/buckley-v-valeo/>

29 U.S. Supreme Court. (2010, January 21). *Citizens United v. Federal Election Comm'n*, 558 U.S. 310 (2010). Retrieved June 19, 2022, from Justia Law website: <https://supreme.justia.com/cases/federal/us/558/310/>; See Also Federal Election Commission. (n.d.). *Citizens United v. FEC*. Retrieved June 19, 2022, from FEC.gov website: <https://www.fec.gov/legal-resources/court-cases/citizens-united-v-fec/>

30 An “independent expenditure” in politics means that there is no coordination between the PAC, person, or entity making the expenditure and the candidate or campaign that the expenditure is supporting. For a thorough explanation, See Federal Election Commission. (n.d.). Making Independent Expenditures. Retrieved June 20, 2022, from FEC.gov website: <https://www.fec.gov/help-candidates-and-committees/making-independent-expenditures/>

have further eroded campaign finance restrictions across the U.S.,³¹ but these two SCOTUS decisions, particularly the later, opened the floodgates to unlimited money in U.S. politics.³² These rulings were also the springboards for further campaign deregulation through the courts, which occurs to this day.³³

While the state of campaign finance law remains in flux, the Supreme Court has nonetheless upheld the legality of certain types of regulations which aim to prevent corruption or the appearance of corruption in the political process, including campaign finance disclosure rules, restrictions on direct contributions to candidates, and voluntary public financing programs.

Campaign Finance in California

The bedrock of campaign finance law in California is the Political Reform Act of 1974 (PRA),³⁴ which, much like the Federal Election Campaign Act (FECA), codified state campaign finance reforms (as well as other ethics laws) under one act and created a centralized state commission to enforce those laws. The PRA is applicable to both state and local jurisdictions unless otherwise stated in the law.³⁵

Before delving into state and local campaign finance law in California, it is important to note that there are two types of municipalities/cities in California that are afforded different degrees of auton-

31 For example, just months after the 2010 Citizens United decision, the U.S. Court of Appeals ruled in *SpeechNow.org v. FEC* that limits on contributions to independent expenditure-only committees, or super PACs, was an unconstitutional infringement of First Amendment rights. This ruling led to the ballooning of super PACs at all levels of government and unprecedented amounts of “dark money” (i.e., unidentified true sources of political money) and “gray money” (i.e., where the true source of a political contribution is difficult to identify) in U.S. politics. See Federal Election Commission. (n.d.-b). *Speechnow.org v. FEC*. Retrieved June 19, 2022, from FEC.gov website: <https://www.fec.gov/legal-resources/court-cases/speechnoworg-v-fec/>; See Also Lee, C., & Keith, D. (2016, June 26). Secret Spending in the States (K. Valde & B. T. Brickner, Eds.). Retrieved June 19, 2022, from Brennan Center for Justice website: <https://www.brennancenter.org/our-work/research-reports/secret-spending-states>;

In *McCutcheon v. FEC* (2014), SCOTUS ruled that limits on the aggregate amount a donor could contribute to all campaigns in an election cycle combined was unconstitutional. See Federal Election Commission. (n.d.-b). *McCutcheon, et al. v. FEC*. Retrieved June 19, 2022, from FEC.gov website: <https://www.fec.gov/legal-resources/court-cases/mccutcheon-et-al-v-fec/>;

In *Americans for Prosperity Foundation v. Bonta* (2021), SCOTUS ruled that requiring nonprofits to disclose their largest donors to the California Attorney General was an unconstitutional violation of First Amendment rights. The ruling has at once closed a transparency-door to political contributions funneled through nonprofit 501(c)(4) organizations and opened a door to similar court challenges that could ultimately result in significantly weakened campaign reporting and disclosure in general. See Justia. (2021, April 26). *Americans for Prosperity Foundation v. Bonta*, 594 U.S. ____ (2021). Retrieved June 19, 2022, from Justia Law website: <https://supreme.justia.com/cases/federal/us/594/19-251/>

32 See Open Secrets. (2020, January 14). More money, less transparency: A decade under Citizens United. Retrieved June 19, 2022, from OpenSecrets website: <https://www.opensecrets.org/news/reports/a-decade-under-citizens-united>; See Also Lee, C., & Keith, D. (2018). Elected Officials, Secret Cash. Retrieved June 19, 2022, from Brennan Center for Justice website: <https://www.brennancenter.org/our-work/research-reports/elected-officials-secret-cash>

33 SCOTUS recently ruled in *FEC v. Ted Cruz for Senate et al* that limits on how much a candidate can repay personal loans to their campaigns with campaign funds is unconstitutional on the grounds that it “burdens core political speech.” See U.S. Supreme Court. (2022, May 16). Syllabus: *Federal Election Commission v. Ted Cruz for Senate et al*. Retrieved June 19, 2022, from [supremecourt.gov](https://www.supremecourt.gov/opinions/21pdf/21-12_m6hn.pdf) website: https://www.supremecourt.gov/opinions/21pdf/21-12_m6hn.pdf

34 California Fair Political Practices Commission. (2022). Political Reform Act 2022. Retrieved June 27, 2022, from www.fppc.ca.gov website: https://www.fppc.ca.gov/content/dam/fppc/NS-Documents/LegalDiv/The%20Political%20Reform%20Act%202022_Act_Final.pdf

35 California’s seminal anti-corruption law is the Political Reform Act of 1974 (PRA), which now regulates money in politics in California (as well as lobbying, conflicts of interest, and ethics in government). The PRA is the product of Proposition 9, which was overwhelmingly passed by California voters in the wake of the Watergate scandal that resulted in President Richard Nixon’s resignation as President of the United States. At its passage in 1974, the PRA consisted of three primary realms of regulation and disclosure, which remain, albeit in amended form, today: campaign finance, lobbying, and financial conflicts of interest. Key campaign finance provisions in the PRA, many of which have been expanded since 1974, include: detailed disclosure of donors to and spending from state and local campaigns; contribution limits on political donations from individuals, political parties, and small contributor committees to state campaigns (and now default contribution limits for local campaigns), extensive conflict of interest disclosure for state and local candidates and mandated local conflict of interest codes.

omy³⁶ under the state’s constitution: general law cities and charter cities.³⁷ Most cities in California are general law cities but a majority of the state’s population live in charter cities.³⁸ General law cities must abide by state laws governing municipalities while charter cities may implement their own laws governing municipal affairs.³⁹ However, charter cities may not implement laws that conflict with state laws regulating a matter of “statewide concern.”⁴⁰ The California Supreme Court has explained that “beyond doubt, electoral integrity – and the regulation of ‘conflict of interest’ in particular – is a statewide concern,” so most of the PRA presumptively applies even to charter cities.⁴¹ But there can be exceptions. Most notably, under current state law, the state and general law cities cannot implement public campaign financing, but charter cities can.⁴²

With that in mind, California has a long history of campaign finance reform dating back over 120 years. In 1893, California enacted its first campaign finance law, Assembly Bill (AB) 8, titled the Purity of Elections Law. It was a disclosure law meant to combat election corruption and was based upon England’s 1883 Corrupt and Illegal Practices Act.⁴³ AB 8 was considered to be one of the best laws of its kind.⁴⁴

Over the next century, California’s campaign finance laws changed little until the mid-1970s. In 1973, the state legislature passed the Waxman–Dymally Act, which required increased campaign disclosure, and the Moscone Conflict of Interest Act, which required public officials to disclose financial interests.⁴⁵

Then, in 1974, in the wake of the Watergate scandal,⁴⁶ Californians passed Proposition 9, now known as the Political Reform Act of 1974 (PRA), by a wide margin at the polls.⁴⁷ Prop. 9, co-sponsored by

36 For example, a charter city may determine when and how elections for city office occur (See Cal. Const. art. XI, § 5(b)), while general law cities must adhere to the election ways and times in state law (see Cal. Elec. Code §§ 10101 et seq.). Another example is that general law cities are prohibited from instituting campaign public financing systems (see Cal. Gov’t Code § 85300), whereas charter cities are not (see *Johnson v. Bradley*, 4 Cal. 4th 389 (1992)).

37 See Cal. Const. Art. XI, Sections 3, 5, 7, & 13. https://leginfo.ca.gov/faces/codes_displayText.xhtml?lawCode=CONS&division=&title=&part=&chapter=&article=XI; See Also Cal. Gov. Code, Sections 34400 - 34414. https://leginfo.ca.gov/faces/codes_displayText.xhtml?lawCode=GOV&division=2.&title=4.&part=1.&chapter=1.&article=

38 See Heidorn, N. (2016). California Municipal Democracy Index. In commoncause.org (p. 8). Common Cause. Retrieved from Common Cause website: <https://www.commoncause.org/california/wp-content/uploads/sites/29/2018/03/california-municipal.pdf>. Large cities in California (i.e., with populations over 300K) tend to be charter cities.

39 *Ibid.*, 7-8.; See also *General Law City v. Charter City*. (n.d.). In www.law.berkeley.edu/. https://www.law.berkeley.edu/files/Albuquerque4_-_General_Law_City_v_Charter_City.pdf; See also Cal. Const. Art. XI, Secs. 2, 3, 5, 7, 7.5; See also Cal. Gov. Code, Secs. 34100-34102; See generally Cal Gov. Code, Title 4.

40 See Heidorn, N. (2016). California Municipal Democracy Index. In commoncause.org (pp. 7-8). Common Cause. Retrieved from Common Cause website: <https://www.commoncause.org/california/wp-content/uploads/sites/29/2018/03/california-municipal.pdf>.

41 *Johnson v. Bradley*, 841 P. 2d 990 (Cal. 1992), https://scholar.google.com/scholar_case?case=3213756486460635522&q=charter-cities+must+comply+political+reform+act&hl=en&as_sdt=2006.

42 See 2 Cal. Code of Regs. Section 18530. <https://www.fppc.ca.gov/content/dam/fppc/NS-Documents/LegalDiv/Regulations/Index/Chapter5/18530.pdf>; See Also Stanford University. (n.d.). *Johnson v. Bradley* - 4 Cal.4th 389 S021118 - Thu, 12/24/1992 | California Supreme Court Resources. Retrieved June 27, 2022, from scocal.stanford.edu website: <https://scocal.stanford.edu/opinion/johnson-v-bradley-31408>

43 See California Secretary of State. (n.d.). History of the Political Reform Division. Retrieved June 27, 2022, from www.sos.ca.gov website: <https://www.sos.ca.gov/campaign-lobbying/history-political-reform-division>

44 See Diamond, R. J. (1975). California’s Political Reform Act : greater access to the initiative process (p. 508). Los Angeles, Calif.: Southwestern University.

45 See Cook, C. (1994). Campaign Finance Reform (p.62). Retrieved June 27, 2022, from Golden Gate University School of Law website: https://digitalcommons.law.ggu.edu/caldocs_agencies/298/

46 Even though the PRA was passed in the wake of the Watergate Scandal, it was actually written before the Watergate revelations. See California Secretary of State, n.d. History of the Political Reform Division. <https://bit.ly/3yy3gdt>

47 Prop 9 was the product of a multi-year effort by then-California Secretary of State Jerry Brown, the People’s Lobby, Ralph Nader’s California Citizen Action Group, and Common Cause, to create comprehensive anti-corruption reform.

California Common Cause, People’s Lobby, and then California Secretary of State Jerry Brown, was a comprehensive anti-corruption law that codified California’s money-in-politics statutes under one Title in the legislative code and created an independent centralized authority, the Fair Political Practices Commission (FPPC), to oversee and enforce the law. The PRA, which remains in effect today, albeit in amended form, consists of four primary spheres of regulation and disclosure: campaign finance, lobbying, conflicts of interest, and ethics in government.⁴⁸

The key campaign finance provisions in the 1974 version of the PRA were: spending limits for statewide political campaigns (later struck down as unconstitutional),⁴⁹ a ban on political contributions from lobbyists (later struck down in court, then re-established in the PRA in a narrower form),⁵⁰ a ban on anonymous contributions over \$99, extensive campaign reporting and disclosure requirements, a ban on the use of public funds for political mass mailings, and the creation of the FPPC.⁵¹

Prop. 9’s proponents, which included Common Cause, wrote the PRA to be progressively amendable (i.e., only in furtherance of the purpose of the Act) with a two-thirds vote of both houses of the state legislature and the Governor’s signature.⁵² Despite this high bar, the PRA has been amended every year since its passage, making it a more robust law now than it was 40 years ago.⁵³ Its modifiability has kept the PRA relevant and allowed it to withstand the test of time.

Notably absent in Prop. 9 was contribution limits, or a limit on the amount a single donor can contribute to a political campaign during an election cycle. It would take 26 years and multiple legal battles before the PRA established contribution limits in California, and even then, it only applied to candidates and committees for state office.

The first ballot measure attempt to introduce contribution limits to the PRA succeeded at the polls but failed in the courts. In 1988, two competing ballot measures, Proposition 68 (sponsored by Common Cause) and Proposition 73 (sponsored by the legislature), both passed at the ballot box with 53% and 58% voter approval, respectively.⁵⁴ Both propositions presented comprehensive campaign finance reforms that, among other things, included contribution limits and prohibitions on the transfer of campaign funds between candidates; however, Prop 68 included public financing for state legislative elections while Prop 73 banned public financing for elections to public office.⁵⁵ Even though both measures passed, only Prop 73 prevailed since it received the highest number of affirmative votes.⁵⁶

48 The Ethics chapter of the PRA was added later by the Ethics in Government Act of 1990.

49 See *Buckley v. Valeo*, 424 U.S. 1 (1976).

50 See *FPPC v. Superior Court (IGA)*, 25 Cal. 3d 33 (1979). <https://law.justia.com/cases/california/supreme-court/3d/25/33.html>

51 California Fair Political Practices Commission. (n.d.). About the Political Reform Act. Retrieved June 27, 2022, from www.fppc.ca.gov website: <https://www.fppc.ca.gov/about-fppc/about-the-political-reform-act.html#:~:text=In%20the%20aftermath%20of%20the>

52 See Cal. Gov. Code, Section 81012. <https://bit.ly/3njgww8>; Additionally, because the PRA was adopted by the voters by initiative, it could only be repealed by California voters through another ballot measure.

53 California Secretary of State. (n.d.). History of the Political Reform Division: <https://bit.ly/3yncJUL>

54 See Cook, 1994 (p. A8).

55 See Cook, 1994 (pp. A7-A8).

56 See Cal. Const. Art. II, Section 10(b): “If provisions of two or more measures approved at the same election conflict, the provisions of the measure receiving the highest number of affirmative votes shall prevail.”: <https://bit.ly/3A8ZgkU>; See *Also casetext. (1989). Taxpayers to Limit Campaign Spending v. Fair Political Practices Com’n*, 260 Cal. Rptr. 898. Retrieved June 29, 2022, from casetext.com website: <https://casetext.com/case/taxpayers-to-limit-campaign-spending-v-fair-political-practices-comn>

Even so, after years of legal battles, Prop 73's contribution limits were struck down in federal court on the grounds that they were based on fiscal years rather than election cycles, which the 9th Circuit ruled gave an unfair advantage to incumbents. The ban on transfers of funds between candidates was also struck down in the same ruling as unduly restrictive.⁵⁷ Despite many legislative efforts and multiple ballot measure attempts over the decades to introduce public campaign funding in California,⁵⁸ Prop 73's ban on public funding remains.⁵⁹ However, charter cities, which have greater autonomy than general law cities, may implement public financing for local campaigns.⁶⁰

In 1996, still seeking to curtail unlimited money in politics, California voters overwhelmingly approved Proposition 208, which, among other campaign finance reforms, would have amended the PRA to re-establish state contribution limits *and* establish contribution limits for local races.⁶¹ However, a legal challenge prevented its implementation.⁶² Before that challenge was fully resolved in the courts, Proposition 34,⁶³ which was essentially an amended version of Prop 208 to address the legal concerns (notably local contribution limits were removed),⁶⁴ passed at the polls by over 60% – finally cementing contribution limits in the PRA for state campaigns while introducing other meaningful reforms that remain to this day.⁶⁵

It was not until 2019 that contribution limits for local campaigns were added to the PRA⁶⁶ by way of Assembly Bill (AB) 571.⁶⁷ Uniquely, AB 571 institutes the state Assembly and Senate's inflation-adjusted contribution limits (\$4,900 in 2021-2022) to cities and counties⁶⁸ by default if those local jurisdictions do not have or do not implement their own local contribution limits. In addition to the legislation's de-

57 See United States Court of Appeals, Ninth Circuit. (1991, February 7). *Service Employees International Union v. Fair Political Practices Commission*, 955 F.2d 1312. Retrieved July 1, 2022, from casetext.com website: <https://casetext.com/case/service-emp-intern-v-fair-political-prac>; See Also Cook, 1994 (p. A9). Notably, the ruling only applied to primary and general elections, so contribution limits and the ban on candidate-to-candidate transfers remained in effect for special elections.

58 See Cook, 1994 (pp. A4-A11); See Also *Howard Jarvis Taxpayers Assn. v. Newsom*, 39 Cal. App. 5th 158 - Cal: Court of Appeal, 3rd Appellate Dist. 2019. <https://law.justia.com/cases/california/court-of-appeal/2019/c086334.html>

59 See Cal. Gov. Code, Section 85300. https://california.public.law/codes/ca_gov't_code_section_85300

60 See *Johnson v. Bradley* (1992) 4 Cal.4th 389. <https://law.justia.com/cases/california/supreme-court/4th/4/389.html>

61 See Ballotpedia. (n.d.-a). California Proposition 208, Campaign Contribution and Spending Limits Initiative (1996). Retrieved June 29, 2022, from ballotpedia.org website: [https://ballotpedia.org/California_Proposition_208,_Campaign_Contribution_and_Spending_Limits_Initiative_\(1996\)](https://ballotpedia.org/California_Proposition_208,_Campaign_Contribution_and_Spending_Limits_Initiative_(1996))

62 See FPPC (n.d.). About the Political Reform Act. <https://bit.ly/3AeED72>

63 See California Secretary of State. (2000). Voter Information Guide for 2000, General Election (2000). In uchastings.edu (pp. 12–17). California Secretary of State. Retrieved from California Secretary of State website: https://repository.uchastings.edu/cgi/viewcontent.cgi?article=2185&context=ca_ballot_props; See Also Ballotpedia. (n.d.-a). California Proposition 34, State Elective Office Campaign Contribution Limits Measure (2000). Retrieved June 29, 2022, from Ballotpedia.org website: [https://ballotpedia.org/California_Proposition_34,_State_Elective_Office_Campaign_Contribution_Limits_Measure_\(2000\)](https://ballotpedia.org/California_Proposition_34,_State_Elective_Office_Campaign_Contribution_Limits_Measure_(2000))

64 California Secretary of State. (2000). Proposition 34: Campaign Contributions and Spending. Limits. Disclosure. Retrieved June 29, 2022, from vigarchive.sos.ca.gov website: <https://vigarchive.sos.ca.gov/2000/general/text/text-proposed-law-34.htm>

65 Notably, the contribution limits in Prop 34 adjust every two years to any increases or decreases in the Consumer Price Index (i.e., inflation or deflation). Also of note, Prop 34 implemented increased penalties for campaign law violations in the PRA, established voluntary expenditure limits, expanded disclosure requirements, prohibited certain lobbyist contributions to state electeds, limited the amount of campaign funds a state candidate could transfer to other candidates, limited the amount a state candidate could loan their campaign, limited the use of surplus campaign funds, and regulated use of surplus campaign funds.

66 Even though the law (AB 571) was passed in 2019, its provisions did not go into effect until 2021.

67 California Legislature. (2019). Bill Text - AB-571 Political Reform Act of 1974: contribution limits. Retrieved June 29, 2022, from leginfo.legislature.ca.gov website: https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB571

68 All other local jurisdictions, including school districts and special districts are exempt from AB 571.

fault contribution limits,⁶⁹ which also apply to candidate-to-candidate contributions, local candidates under AB 571 may only loan their campaigns up to \$100,000;⁷⁰ must use all post-election funds — also subject to contribution limits — to pay down debt on the campaign for which they were given; and must abide by restrictions and disclosure rules when transferring campaign funds from one candidate committee to another campaign committee controlled by the same candidate.⁷¹ Because of AB 571, nearly all California Cities now have campaign contribution limits (as our data shows).⁷²

SB 1439 is a significant PRA bill that passed in 2022. SB 1439 (Glazer),⁷³ which was sponsored by California Common Cause and went into effect on January 1, 2023, institutes anti-pay-to-play policies in all local jurisdictions (including cities) in California. The law mandates that no local elected or candidate may vote on a matter if they accepted, within a 12-month pre- and post-approval processing period, more than \$250 in campaign contributions from a person or party seeking their approval, or majority approval from the governing body they sit on, for a thing that affects that person or party's financial interests. The contribution limits and recusal protocols also extend to members of the public who lobby qualifying officials for or against a qualifying matter if those members of the public have a financial interest in the outcome of the qualifying matter. SB 1439 is an extension of the Levine Act (Cal. Gov. Code § 84308), which was instituted in 1982 to address corruption and undue influence at the “quasi-judicial” level of state and local government. “Quasi-judicial” governing bodies typically consist of committees and commissions that are comprised of appointed, not voter-elected, officials.⁷⁴ Because of SB 1439, ALL cities (and other local jurisdictions such as counties, school districts, and special districts) now have recusal requirements for local electeds who accept and do not return large campaign contributions from those seeking favorable votes from them.

Other significant reforms to the PRA over the last 30 years include: Proposition 112, passed by voters in 1990, which introduced ethics laws to the PRA that regulate gifts, honoraria, personal use of campaign funds, and travel payments to elected officials;⁷⁵ the Online Disclosure Act of 1997 (SB 49), which created Cal-Access: an online, publicly accessible filing and disclosure system for state public office

69 Of note, the FPPC is the enforcement body for local jurisdictions that officially or by default adopt AB 571. Local jurisdictions with differing contribution limits must enforce their own laws or may contract with the FPPC to do so if the jurisdiction's population is less than 3 million residents.

70 It is possible that this limit in the PRA, which is incorporated in AB 571, will either be removed from the PRA (See Cal. Gov. Code 85307(b)), struck down, or unenforced given SCOTUS's 2022 ruling in *FEC v. Ted Cruz for Senate et al*, which ruled that limits on how much a candidate can repay personal loans to their campaigns with campaign funds is unconstitutional on the grounds that it “burdens core political speech.” See U.S. Supreme Court. (2022, May 16). Syllabus: *Federal Election Commission v. Ted Cruz for Senate et al*. Retrieved June 19, 2022, from [supremecourt.gov website: https://www.supremecourt.gov/opinions/21pdf/21-12_m6hn.pdf](https://www.supremecourt.gov/opinions/21pdf/21-12_m6hn.pdf)

71 See California Fair Political Practices Commission. (n.d.-a). AB 571 Fact Sheet. Retrieved June 29, 2022, from [www.fppc.ca.gov website: https://www.fppc.ca.gov/content/dam/fppc/NS-Documents/TAD/Campaign%20Documents/AB_571_Fact_Sheet_Final.pdf](https://www.fppc.ca.gov/content/dam/fppc/NS-Documents/TAD/Campaign%20Documents/AB_571_Fact_Sheet_Final.pdf); See *Also Jones, E.* (2019, April 2). AB 571 Analysis: Assembly Committee on Elections and redistricting. Retrieved June 29, 2022, from [leginfo.legislature.ca.gov website: https://leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml?bill_id=2019202000AB571](https://leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml?bill_id=2019202000AB571)

72 Of note, if a city or county passes an ordinance codifying into local law “no” contribution limits then the state's default contribution limit, and all other sections of AB 571, do not apply to that local jurisdiction.

73 California Legislative Information. (2022a, October 3). Bill Text - SB-1439 Campaign contributions: agency officers. Retrieved from [leginfo.legislature.ca.gov website: https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220SB1439](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220SB1439)

74 For more details about SB 1439, including regulations, See California Fair Political Practices Commission. (n.d.-e). *Pay-to-Play Limits and Prohibitions*. [www.fppc.ca.gov](https://www.fppc.ca.gov/learn/pay-to-play-limits-and-prohibitions.html). Retrieved August 22, 2023, from <https://www.fppc.ca.gov/learn/pay-to-play-limits-and-prohibitions.html>

75 See California Fair Political Practices Commission. (n.d.-b). History of the Political Reform Act. Retrieved June 27, 2022, from [www.fppc.ca.gov website: https://www.fppc.ca.gov/about-fppc/about-the-political-reform-act.html#:~:text=In%20the%20aftermath%20of%20the](https://www.fppc.ca.gov/about-fppc/about-the-political-reform-act.html#:~:text=In%20the%20aftermath%20of%20the)

campaign finance and lobbying statements;⁷⁶ AB 2880 (2018), which allows local governments to contract with the FPPC to enforce their campaign finance laws (however, the law sunsets in 2026);⁷⁷ and AB 2151 (2020), which requires all local government agencies to post local campaign finance and conflict of interest statements on the agency’s website within 72 hours of the applicable filing deadline.⁷⁸

Today, most of the 1974 sections of the PRA remain⁷⁹ but with significant expansions, and there are some added chapters.⁸⁰ The PRA remains California’s seminal anti-corruption law and is considered by many to be one of the best campaign finance statutes in the country.⁸¹ While California cities must abide by the PRA, they do have the autonomy to institute laws that supplement or go above and beyond PRA statutes so long as those local laws do not conflict with provisions in the PRA.⁸²

As you will see in this report, the autonomy afforded California cities to innovate beyond the PRA’s baseline has produced a varied political-reform landscape where some cities, particularly charter cities, have instituted money-in-politics laws that are more extensive than the PRA’s (for example, public campaign financing, triggered recusal, increased political ad disclosure, and fundraising windows), while other cities have no campaign finance laws at all – except for the disclosure, conflict of interest, and ethics laws they are beholden to in the PRA.

The rest of this report is dedicated to the trends in municipal campaign finance reform in California, which are categorized in the Municipal Campaign Finance Index itself. The full Index, which lists the money-in-politics laws in every city in California with self-imposed campaign finance reform, can be downloaded in spreadsheet form at the following link: www.commoncause.org/california/resource/cmcfi/. An abridged version of the Index can be viewed in [Appendix IV](#).

76 See California Secretary of State. (n.d.). History of the Political Reform Division: <https://bit.ly/311g3lx>

77 California Legislature. (2018). Bill Text - AB-2880 Political Reform Act of 1974: local enforcement. Retrieved June 30, 2022, from [leginfo.legislature.ca.gov](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB2880) website: https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB2880

78 California Legislature. (2020). Bill Text - AB-2151 Political Reform Act of 1974: online filing and disclosure system. Retrieved June 30, 2022, from [leginfo.legislature.ca.gov](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB2151) website: https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB2151

79 See UC Hastings Scholarship Repository. (1974). POLITICAL REFORM INITIATIVE California Proposition 9 (1974). Retrieved June 30, 2022, from [repository.uchastings.edu](https://repository.uchastings.edu/cgi/viewcontent.cgi?article=1794&context=ca_ballot_props) website: https://repository.uchastings.edu/cgi/viewcontent.cgi?article=1794&context=ca_ballot_props

80 Since the PRA’s implementation, Chapter 4.6: Online Disclosure was added, Chapter 5: Limitations on Expenditures was removed and replaced with Chapter 5: Limitations on Contributions, and Chapter 9.6: Ethics was added. In addition to campaign finance regulation and disclosure, the PRA also regulates – and the FPPC oversees and enforces – lobbying and conflict of interest reporting and other ethics laws.

81 Coalition For Integrity. (2022, June 21). State Campaign Finance Index 2022. Retrieved July 19, 2022, from www.coalitionforintegrity.org website: <https://www.coalitionforintegrity.org/state-campaign-finance/>; See Also Campaign Legal Center. (2022, December 1). *Top Ten Enforcement Upgrades for Ethics Commissions*. Campaign Legal Center. https://campaignlegal.org/sites/default/files/2022-12/CLC_2022_EthicsCommissionsReport_Final_0.pdf

82 See Cal. Gov. Code, Sections 81013, 81009.5 et sec. https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=GOV-&division=&title=9.&part=&chapter=1.&article=

LOCAL CAMPAIGN FINANCE LANDSCAPE

When we think of money-in-politics laws we often think of public financing or contribution limits, but campaign finance regulations come in many forms. For example, fundraising windows, triggered recusal, bans on certain kinds of contributions, and increased disclosure on campaign ads are all reforms that are meant to decrease the likelihood of real or perceived corruption and produce a more level political playing field.

The Municipal Campaign Finance Index (MCFI) categorizes all of the different campaign finance laws by city with a brief explanation of each category provided at the top of the Index (see [Appendix II & IV](#)). Some columns in the MCFI elaborate on the type or extent of a particular reform. For example, if contribution limits adjust to inflation or if penalties are either criminal, civil, administrative, or some or all of the above. The MCFI also grades a city's campaign finance laws based on the strength, comprehensiveness, penalties, and enforceability of a jurisdiction's reforms. (See [Appendix I](#) for grading methodology.)

The MCFI only includes cities that have adopted any type of campaign finance reform within their municipal codes or charters. As noted in the Background section of this report, beginning in 2021, all California cities that have not adopted their own campaign contribution limits for local elections are subject to Assembly Bill (AB) 571's default state contribution limits, unless the city passed an ordinance or resolution codifying "no" contribution limits. Cities subject to the AB 571 default limits, or that have opted out of having any contribution limits, and that have not adopted any other form of local campaign finance reform, are not included in the MCFI, but are accounted for in this report. Excluding these jurisdictions from the MCFI was necessary to clearly distinguish between, and analyze the effectiveness of, the AB 571 state-imposed limits with the self-imposed contribution limits some cities have adopted. For similar reasons, the MCFI only notes if a city has restricted source and recusal laws that are self-imposed (i.e., not the result of SB 1439).

Based on this, key findings are listed below.

General Overview

The MCFI identified 180 California cities (out of 482), or 37% of all California cities, with some type of campaign finance reform. The degree of campaign finance regulation can vary greatly between cities. Some cities have adopted comprehensive campaign finance regulation systems, while others have adopted minimal reforms. For example, Los Angeles City has campaign public financing, contribution limits, prohibitions on certain types of contributions, robust transparency around expenditures, and more.⁸³ On the other hand, the City of Azusa only has voluntary expenditure limits (VEL), which are not enforceable.⁸⁴

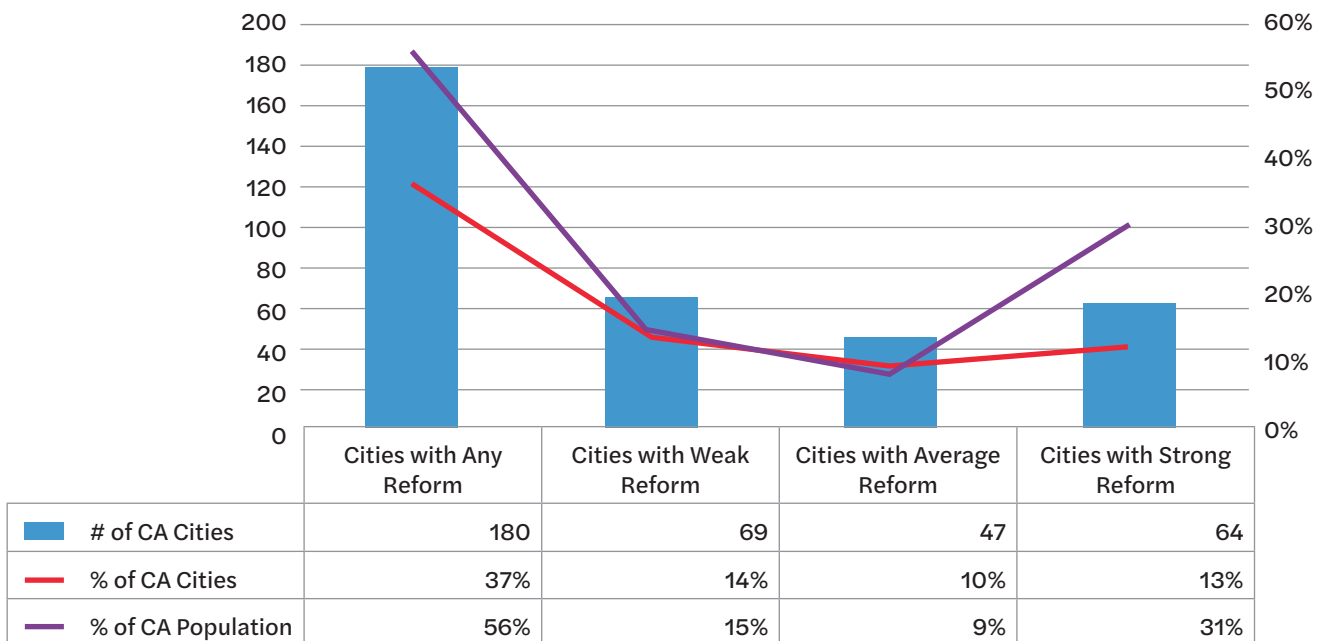
83 See Los Angeles City Municipal Code (MC) Article 9.7. https://codelibrary.amlegal.com/codes/los_angeles/latest/lamc/0-0-0-134575

84 See Azusa MC Sec. 2-2. https://library.municode.com/ca/azusa/codes/code_of_ordinances?nodeId=MUCO_CH2AD_ARTIINGE_S2-2VOEXLI

To determine the efficacy of each city’s reforms, the MCFI utilizes a qualitative methodology, as outlined in [Appendix I](#), that rates reforms as either strong, average, or weak. A “strong” jurisdiction typically has reforms that are comprehensive, have meaningful contribution limits, provide easily accessible public access to campaign documents, have robust ad disclosure laws, may have campaign public financing, and potentially increase candidate accountability and public trust. An “average” jurisdiction typically has decent laws such as meaningful contribution limits, but the laws are not comprehensive or have deficiencies that could be easily addressed. A “weak” jurisdiction typically has laws that are inadequate, such as contribution limits that are so high they are meaningless, or loopholes, weak penalties and enforcement, or solely unenforceable reforms such as voluntary expenditure limits.

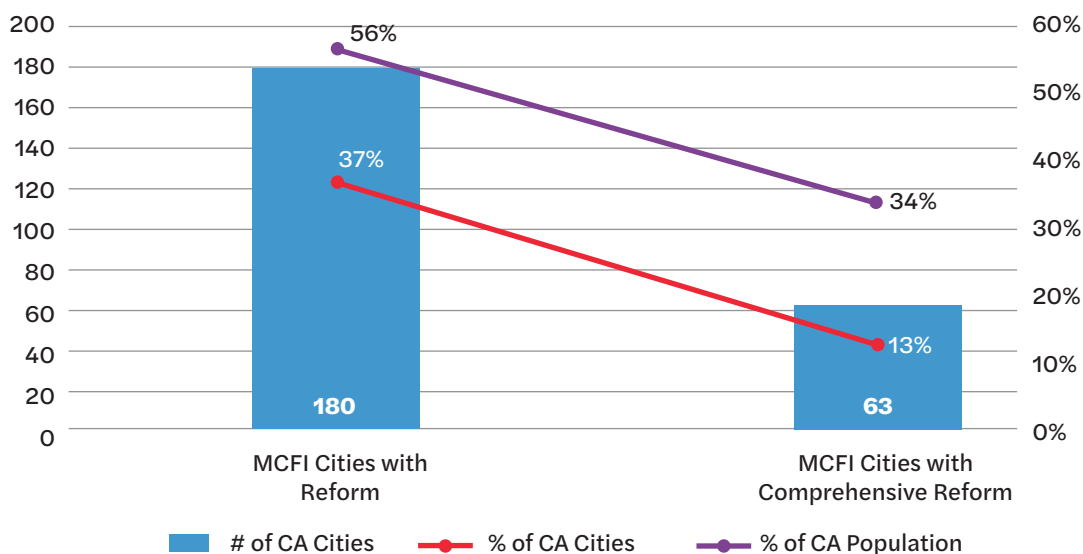
Of the 180 California cities with campaign finance laws, the MCFI determined, based on evaluation criteria outlined in the methodology section of this report (see also [Appendix I](#)), that 64 cities have strong reforms (or 13% of CA cities representing 31% of the state’s population), 47 cities have average/ decent reforms (or 10% of CA cities representing 9% of the state’s population), and 69 cities have weak reforms (14% of CA cities representing 15% of the state’s population).

Number of MCFI Cities with Strong, Average, and Weak Reforms



The MCFI evaluates not just whether a city’s reforms are strong, average, or weak, but also whether a city has “comprehensive” reforms, where comprehensive means that a city has multiple (more than one but generally more than two), meaningful reforms. An example of a city with comprehensive reforms would be one in which contribution limits are not exorbitant, compliance is not voluntary, and enforcement is viable and deterrent). Of the 180 cities in the MCFI, 63 of them (or 13% of all CA cities representing 34% of the state’s population) have comprehensive reforms.

Number of CA Cities with Comprehensive Reforms Compared to all MCFI Cities with Reform



Contribution/Donor Limits

Contribution limits are ceilings on how much a donor can give to a candidate’s political campaign for a particular office. For example, as of 2022, the City of Burbank has a contribution limit of \$500 per donor per election cycle to candidates and primarily formed committees supporting or opposing candidates running for the offices of City Council, City Clerk, and City Treasurer.⁸⁵

Contribution limits are meant to prevent corruption, or its appearance, and can also serve to level the political playing field by mitigating the undue influence of big money in elections. Such limits are common at the federal, state, and local levels of government. There are contribution limits for individuals and entities who give to candidates for federal office,⁸⁶ and thirty-eight (38) states (as of 2022) have contribution limits on persons (which may include entities and committees) who give to state legislative and gubernatorial candidates.⁸⁷ Additionally, thirty-four (34) states (as of 2022) have state-imposed contribution limits on persons in at least some local elections (e.g., city or county elections).⁸⁸

85 See Burbank Municipal Code, §2-3-207.

86 Federal contribution limits adjust biennially. The 2021-2022 limit on contributions from persons to federal candidates is \$2,900; See Federal Election Commission. (2021, February 2). Contribution limits for 2021-2022. Retrieved July 27, 2022, from FEC.gov website: <https://www.fec.gov/updates/contribution-limits-2021-2022/>

87 See National Conference of State Legislatures. (2021). *State Limits on Contributions to Candidates 2021-2022 Election Cycle*. ncls.org; National Conference of State Legislatures. Retrieved from National Conference of State Legislatures website: https://www.ncsl.org/Portals/1/Documents/Elections/Contribution_Limits_to_Candidates_2020_2021.pdf; See Also National League of State Legislatures. (2019, October 4). Campaign Contribution Limits: Overview. Retrieved July 27, 2022, from www.ncsl.org website: <https://www.ncsl.org/research/elections-and-campaigns/campaign-contribution-limits-overview.aspx>; Note: A federal court of appeals struck down Alaska’s contribution limits in 2021, so the state currently has no contribution limits.

88 Ibid; See Also Heidorn, N. (2016). *California Common Cause Report: No Limits: Campaign Contributions in Local Elections*. (pp. 6, Appendix C) Common Cause; Note: Heidorn, Appendix C, the states of California and should be added to the list (because of AB 571) and the state of Alaska should be removed from the list (because the 9th Circuit Court of Appeals struck down Alaska’s contribution limits in 2021 in *Thompson Vs. Hebdon* and the state has yet to pass new limits).

The Supreme Court of the United States has ruled that campaign contribution limits are constitutional because they act to stem the reality or perception of corruption in government.⁸⁹ If a jurisdiction does not institute contribution limits, then contributors can give as much as they wish to a candidate within that jurisdiction. While the Court has ruled that reasonable limits on *direct* contributions to a candidate’s campaign are legal, the Court later ruled that contribution limits for ballot measure campaigns⁹⁰ and aggregate contribution limits per donor to all candidates and political committees in an election cycle are not constitutional.⁹¹

A city’s contribution limits can be simple⁹² or robust.⁹³ Contribution limits can be fixed where they are only amendable by ordinance or charter amendment (e.g., the City of Malibu),⁹⁴ or they can adjust automatically based on inflation or deflation (e.g., the City of Alhambra).⁹⁵ City’s may also apply one contribution limit for all locally elected city offices (e.g., the City of Merced),⁹⁶ or apply different contribution limits for different locally elected offices (e.g., the City of Los Angeles).⁹⁷ Additionally, a city may apply different contribution limits based on whether the contributor is an individual, business entity, or political committee (e.g., the Cities of Merced and Fresno),⁹⁸ or under certain conditions, such as whether or not a candidate accepts a voluntary expenditure limit (e.g., the City of Beverly Hills).⁹⁹ A city may also choose to apply limits only on contributions going to candidate committees (e.g., the City of Glendale),¹⁰⁰ or they may choose to apply limits on money going to candidate committees *and* political committees that support or oppose local candidates (e.g., the City of Long Beach).¹⁰¹

California Cities with Contribution Limits

As previously noted, (AB) 571 (2019) instituted default contribution limits, set at the state’s inflation-adjusted individual contribution limits for Assembly and Senate races, for all California cities that have not enacted their own contribution limits, either via charter amendment, ordinance, or resolution. Therefore, there are three types of cities in California: those with self-imposed contribution limits, those with state/AB 571-imposed contribution limits, and those with no contribution limits (because they opted out of AB 571 by codifying unlimited or no contribution limits in their city codes).

89 See U.S. Supreme Court. (1976, January 30). *Buckley v. Valeo*, 424 U.S. 1 (1976). Retrieved June 19, 2022, from Justia Law website: <https://supreme.justia.com/cases/federal/us/424/1/>

90 See U.S. Supreme Court. (1981, December 13). *Citizens Against Rent Control v. City of Berkeley*, 454 U.S. 290 (1981). Retrieved July 23, 2022, from Justia Law website: <https://supreme.justia.com/cases/federal/us/454/290/>; SCOTUS’s rationale was that corruption is less likely when contributing to an “issue” campaign than when contributing to a candidate campaign.

91 See U.S. Supreme Court. (2014, April 2). *McCutcheon v. FEC*, 572 U.S. 185 (2014). Retrieved July 23, 2022, from Justia Law website: <https://supreme.justia.com/cases/federal/us/572/185/>; SCOTUS’s rationale was that “aggregate limits do not further the permissible governmental interest in preventing *quid pro quo* corruption or its appearance.”

92 A fixed limit that applies to all city races is an example of a basic, or simple, contribution limit.

93 For example, a robust contribution limit reform may consist of different limits based on office, committee type, self-financing, and/or the acceptance of spending caps or public funds. The limits may also regularly adjust to inflation and deflation.

94 See Malibu Municipal Code, §2.20.030(B).

95 See Alhambra City Charter, §101C(C).

96 See Merced City Charter, §1052.

97 See Los Angeles Municipal Code, §49.7.3(B).

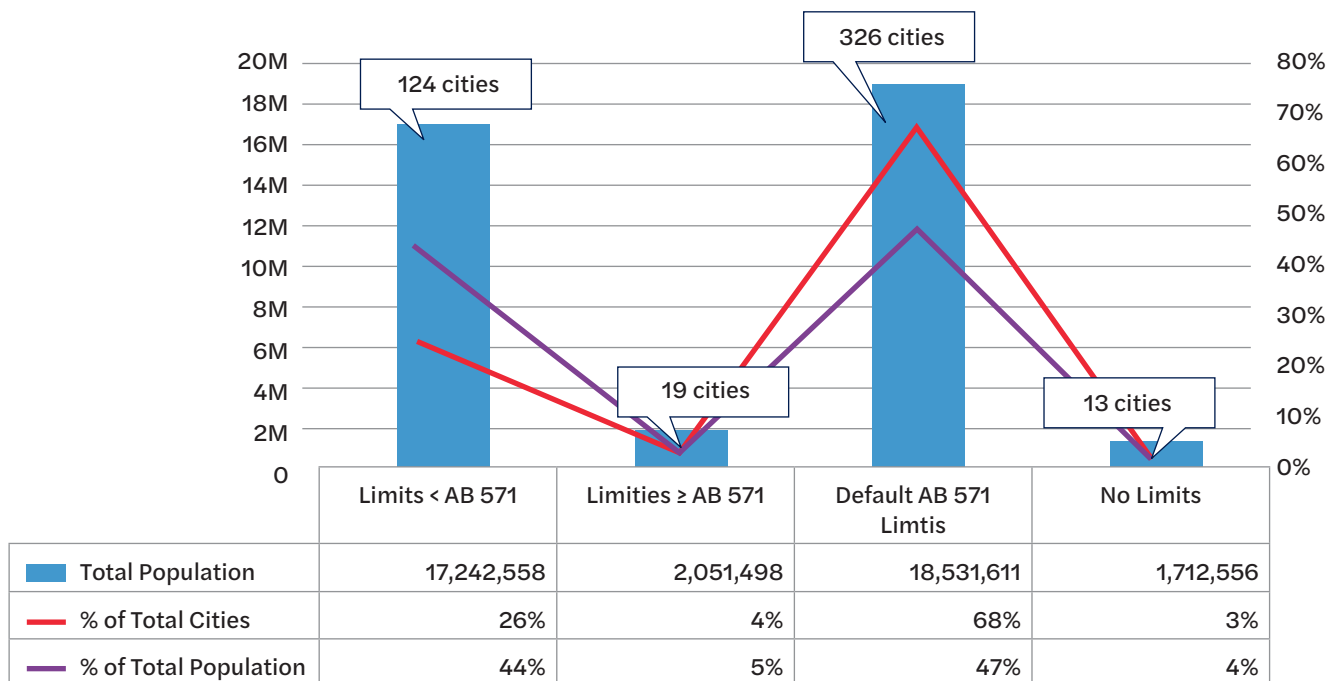
98 See Merced City Charter, §1052; Fresno City Charter, §2-1105(a-b).

99 See Beverly Hills Municipal Code, §1-8-3(A)(3).

100 See Glendale Municipal Code, §1.10.030(B).

101 See Long Beach Municipal Code, §2.01.310(B).

Population of Cities with Contribution Limits Relevant to AB 571



Of California's 482 cities, 124 cities, consisting of 44% of the state's population, have self-imposed contribution limits as of 2022 that are less than AB 571's \$4,900 (2022) contribution limit; 19 cities,¹⁰² consisting of 5% of the state's population, have self-imposed contribution limits that are equal to or greater than¹⁰³ AB 571's \$4,900 contribution limit; 326 cities, consisting of 47% of the state's population, have not set their own contribution limits and thus use AB 571's default contribution limits; and 13 cities,¹⁰⁴ consisting of 3% of the state's population, have elected to use no contribution limits. The upshot of AB 571 is that 469 out of 482 California cities, or 97%, now have contribution limits. Even though there is an opt-out clause in AB 571, allowing cities to make the choice to not use contribution limits, the vast majority of cities did not use it. Consequently, 97% of California residents (nearly 38 million people) now live in a city with contribution limits. This represents a significant advance in campaign finance reform coverage at the local level in California.

Contribution Limit Amount

The MCFI shows that the amount of a city's contribution limit varies significantly. Some cities have meaningful contribution limits likely to stem pay-to-play or its appearance, induce greater competition,

102 Cities with contribution limits at or above \$4,900 include: Dixon, El Cajon, Fontana, Fresno, Hawthorne, Inglewood, La Habra, La Puente, Lynwood, Manteca, Morgan Hill, Montebello, Perris, San Bernardino, San Gabriel, Santa Barbara, South El Monte, Temple City, Victorville.

103 There are 6 cities with contribution limits greater than \$4,900. All of them adopted their contribution limits in 2020, 2021, or 2022 to circumvent AB 571: Dixon = \$25,000, El Cajon = \$10,000, Hawthorne = \$100,000, Inglewood = \$100,000, Montebello = \$5,000, Perris = \$20,000.

104 Cities with no contribution limits include: Clovis, Danville, Huntington Park, Hawthorne, Montclair, Moreno Valley, Riverside, Santa Maria, Compton, Ontario, Palm Desert, Pismo Beach.

and broaden donor pools (e.g., Berkeley - \$250 or Chico - \$500);¹⁰⁵ while other cities have contribution limits that are so high that they likely achieve little (e.g., Inglewood - \$100,000 or Dixon - \$25,000).¹⁰⁶

It is unclear how cities determine what an appropriate contribution limit should be. Motives surely play a role in how thoroughly a jurisdiction studies the issue before implementing a contribution limit. At a minimum, a city ought to consider its population size and election system (e.g., at-large or by-district voting) when determining a meaningful contribution limit, which will help to determine the cost of a viable election and the number of potential donors in a jurisdiction.¹⁰⁷ To assist in this analysis, we look here at the average contribution limit and population of California cities and whether they have at-large or by-district elections.

Important note: The findings below (in this sub-section and the next) distinguish between California cities with self-imposed contribution limits that are below AB 571's default (2022) \$4,900 contribution limit¹⁰⁸ and California cities with self-imposed contribution limits at or above AB 571's default \$4,900 contribution limit. Cities with AB 571's default contribution limits are not included for reasons explained in the methodology and at the beginning of this section (and in the footnote below) but are addressed in other sections of the report.¹⁰⁹

As the table below shows, there are 124 California cities with contribution limits below the AB 571 default limit that have an average population¹¹⁰ of roughly 140,000 and a median population of roughly 60,000. The average contribution limit for these cities is \$711. Almost half of these cities (61) hold at-large elections,¹¹¹ with an average population of roughly 52,500, a median population of roughly

105 See Berkeley MC Sec. 2.12.415. https://berkeley.municipal.codes/BMC/2.12_Art6; See also Chico MC Sec. 1.30.030. https://codelibrary.amlegal.com/codes/chico/latest/chico_ca/0-0-0-1087

106 See Inglewood MC Sec. 2-271.1(C). https://library.qcode.us/lib/inglewood_ca/pub/municipal_code/item/chapter_2-article_8-section_2_247_1; See also Dixon MC Sec. 2.13.020. <https://www.codepublishing.com/CA/Dixon/#!/Dixon02/Dixon0213.html#2.13>

107 Other factors a city may want to consider when determining an appropriate contribution limit include average resident income or disposable income (i.e., what can the average resident afford to contribute), average voter turnout (helps determine the cost of messaging), the cost of a viable campaign in a competitive election (i.e., how much have the winning and runner-up candidates raised in the past few election cycles), an ideal minimum number of donors (i.e., what is a sufficient number to represent community support), fairness to the extent that big money is kept in check but grassroots candidates can still compete, meaningfulness in achieving anti-corruption goals, and feedback from residents about what they prefer.

108 Note: AB 571's contribution limits adjust to CPI every odd-numbered year. This analysis was conducted in 2022 when the State's contributions limits were \$4,900.

109 In short, adding cities with AB 571's default contribution limit would significantly skew the overall findings. Including them is also less useful for what we are attempting to achieve with this report, which is a useful guide for reformers to utilize when designing and advocating for meaningful campaign finance reforms. With that in mind, there are 326 California cities, according to our analysis, with AB 571's inflation adjusted \$4,900 default contribution limit (See the FPPC's 2021-2022 contribution limit chart: <https://bit.ly/3JOMmla>). That limit is higher than the inflation adjusted \$2,900 contribution limit for federal office (See the FEC's 2021-2022 contribution limit chart: <https://bit.ly/3cExmnc>) and the contribution limits adopted by nearly all California cities that have enacted their own contribution limits (as revealed in the MCFI). Thus, there are significant distinctions -- in manner of contribution-limit imposition and dollar amount -- between California cities with default contribution limits and California cities with self-imposed contribution limits that justify excluding them from this subsection of analysis.

110 Note: Populations in the tables below (and throughout this report) are based on April 1, 2020, Census Bureau data: <https://www.census.gov/quickfacts/fact/table/US/PST045221>

111 At-large elections mean that all residents in a city/jurisdiction can vote for all of the representatives of that city/jurisdiction -- regardless of any geographic boundaries that may exist within the jurisdiction (e.g., all registered voters in a city can vote for all council members on the city council).

30,000, and an average contribution limit of \$624. The remaining 63 hold by-district elections¹¹² with an average population of nearly 223,000, a median population of roughly 98,000, and an average contribution limit of \$795.¹¹³ This data is broken down in greater detail in [Appendix V](#).

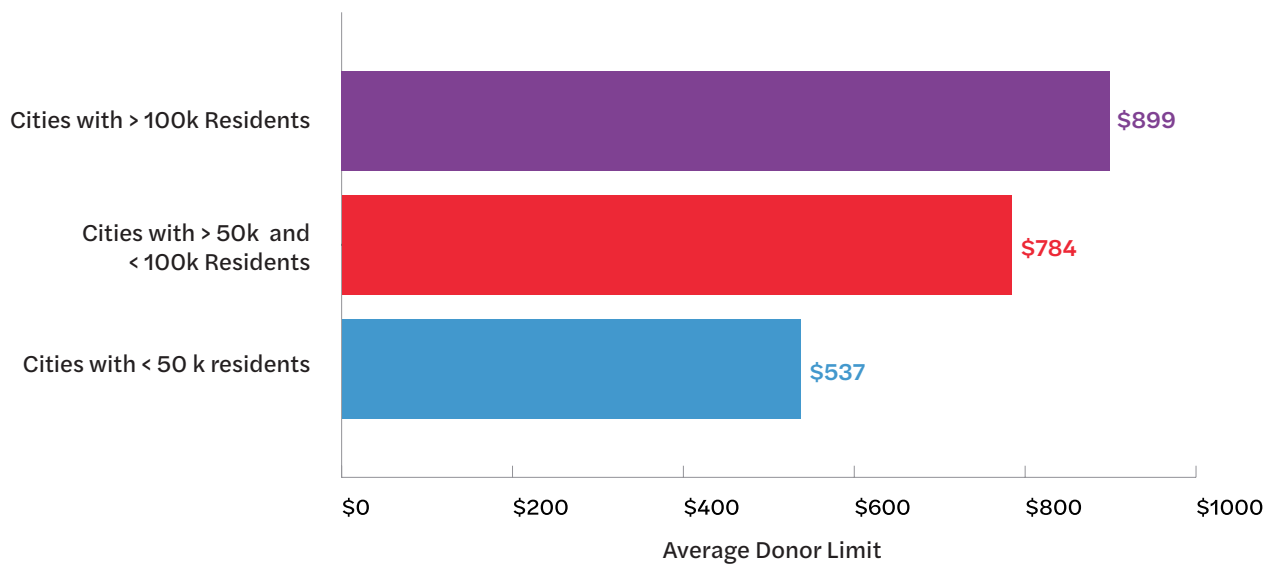
CA Municipalities with Contribution Limits Less than \$4,900 aka AB 571’s Default Limits

| | All Cities | At-Large Cities | By-District Cities |
|--------------------------|------------|-----------------|--------------------|
| # of Cities | 124 | 61 | 63 |
| Avg. Population | 139,053 | 52,512 | 222,847 |
| Median Population | 59,907 | 30,034 | 98,381 |
| Avg. Limit | \$711 | \$624 | \$795 |

Contribution Limits and City Size

In this subsection we look at contribution limits based on city size. We compare three groups: cities with fewer than 50,000 residents, cities with more than 50,000 but less than 100,000 residents, and cities with more than 100,000 residents.

Average Donor Limit of Different-Sized Cities with Limits < \$4,900/AB571



112 By-district elections mean that only the residents of a district within a city/jurisdiction can vote for the representatives of their district (e.g., in a city with 5 city council districts, only residents within each of those respective districts can vote for the council member representing their district).

113 Populations in the table below and throughout this report are based on April 1, 2020, U.S. Census Bureau data as published on the Census Bureau’s Quick Facts database website. <https://www.census.gov/quickfacts/fact/table/US/PST045221>

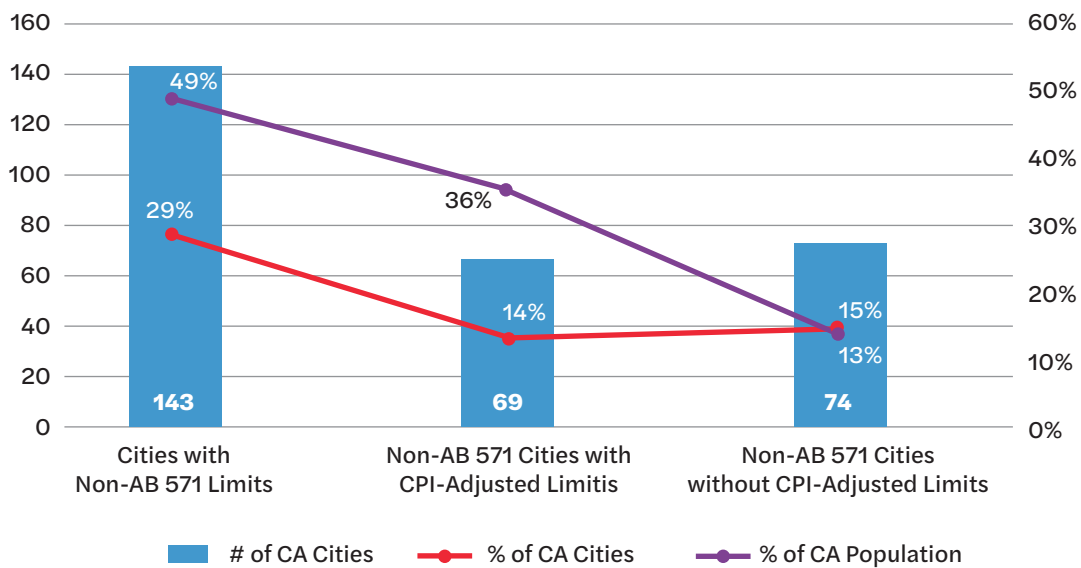
The average contribution limit for California cities with fewer than 50,000 residents, more than 50,000 but less than 100,000 residents, and more than 100,000 residents are, respectively: \$537, \$784, and \$899 (as displayed in the table and graph below). For a more detailed breakdown of the data, see the tables in [Appendix V](#).

Adjustable Contribution Limits

Many cities peg their contribution limits to the Consumer Price Index (CPI) so that the city’s limits adjust automatically to inflation or deflation after a certain amount of time (usually every other year).¹¹⁴ Pegging a jurisdiction’s contribution limit to CPI is good practice as it prevents a contribution limit from becoming so outdated, or too low, that it may not pass constitutional muster.

The MCFI shows that out of 143 California cities with self-imposed contribution limits (i.e., non-AB 571 default limits), 69 of them, or 14% of California cities consisting of 36% of the state’s population, have contribution limits that adjust to inflation and/or deflation.¹¹⁵

Non-AB 571 Cities with and without CPI-Adjusted Donor Limits



Variable Contribution Limits

Some cities have different contribution limits for at-large offices (e.g., mayor) and by-district offices (e.g., city council). For example, in the City of Vacaville, the contribution limit per giver to a by-district city council candidate is \$1,000, but the per-giver contribution limit to the City’s at-large mayor

¹¹⁴ Some cities, like Beverly Hills, reserve the right to adjust their contribution limits to inflation but it is per city council discretion. See Beverly Hills MC, [Sec. 1-8-3\(A\)\(3\)](#).

¹¹⁵ All California cities with AB 571-default contribution limits (326 cities per our analysis) have limits that adjust to inflation. (See Cal. Gov. Code §§ 83124, 85301(d)(1).) Including these cities, there are 395 California cities with inflation-adjusted contribution limits, or 82% of all California cities.

is \$2,500.¹¹⁶ Some cities also have variable contribution limits based on circumstances, such as a candidate’s acceptance of public funds, as in Berkeley where a participating candidate in the City’s public matching funds program may only accept aggregate contributions of \$50 per natural-person resident of Berkeley each election cycle even though the City’s per-giver contribution limit is \$250.¹¹⁷ A candidate’s acceptance of a voluntary expenditure limit (VEL) may also affect contribution limits, as in Beverly Hills where the contribution limit per giver is \$450 per election if a candidate accepts the City’s VEL and \$125 per giver per election if a candidate does not accept the VEL.¹¹⁸ Further, some cities have variable contribution limits based on who is giving the contribution (e.g., an individual, entity/ business, or certain type of political committee/PAC). For example, candidates in the City of Oakland can accept up to \$600 from persons (including entities) per election and \$1,200 from certain political committees per election.¹¹⁹

The MCFI shows that there are 12 California cities with separate contribution limits for mayor and city council members,¹²⁰ 12 cities with variable contribution limits contingent upon certain conditions,¹²¹ and 14 cities with variable contribution limits based on who is giving,¹²² for a total of 35 cities with contribution limits in the MCFI that have multiple or varying contribution limits.

| | Different Limits for Mayor and City Council | Variable Limits Based on Contingencies | Variable Limits Based on Giver | All MCFI Cities with Multiple or Varying Limits |
|--------------------------|--|---|---|--|
| # of Cities | 12 | 12 | 14 | 35** |
| % of MCFI Cities* | 8% | 8% | 10% | 24% |

*The %, which is rounded, is based on the total # of cities in the MCFI with contribution limits, which is 143. (Note: This excludes cities with default AB 571 limits.)

**The total is less than the combined totals of the three categories because there are three cities with overlap across categories.

Prohibited Contributions

Some cities prohibit direct contributions to candidates¹²³ from sources that are considered more prone to engage in pay-to-play such as contractors, developers, and lobbyists. For example, the City of Los

116 See Vacaville MC, Sec. 2.65.020.

117 See Berkeley MC, Secs. 2.12.167, 2.12.415, 2.12.500(A)(7-8).

118 See Beverly Hills MC, Sec. 1-8-3(A)(1-2).

119 See Oakland MC, Secs. 3.12.050(A-B), 3.12.060(A-B). Note: at the time of this publication, Oakland’s online municipal code did not yet reflect these limits, which are a product of Measure W’s 2022 passage,

120 California cities with different contribution limits for mayor and city council include Downey, Escondido, Long Beach, Los Angeles, Oxnard, Pomona, Redondo Beach, Sacramento, San Diego, San Jose, Vacaville, Windsor.

121 California cities with variable contribution limits contingent upon certain conditions include Beverly Hills, Benicia, Hayward, Lynwood, Mountain View, Newark, San Buenaventura, Santa Barbara, Santa Clara, Sonoma, Ukiah, West Sacramento.

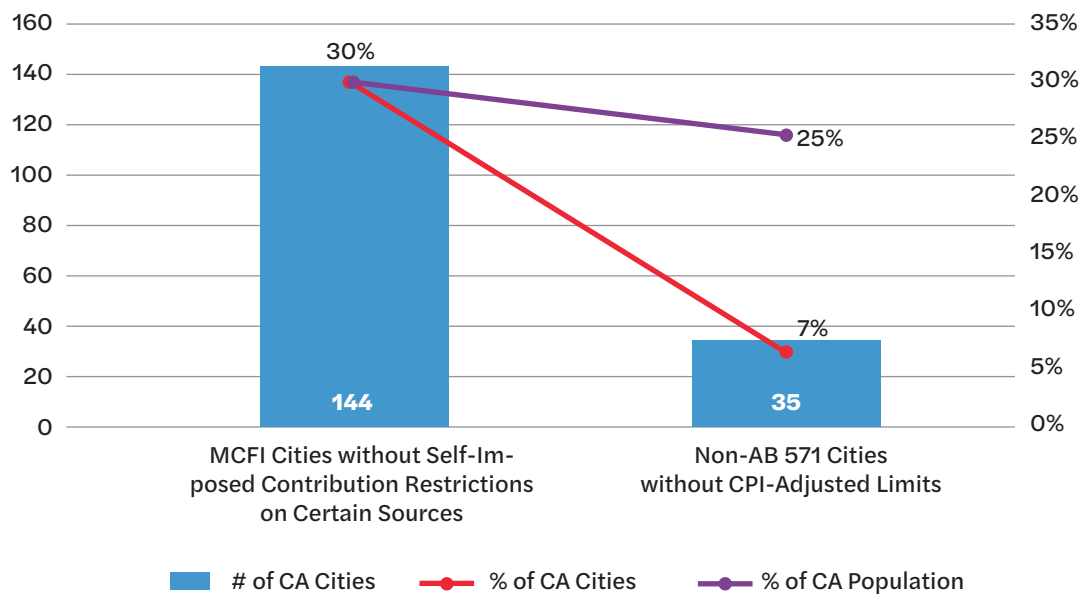
122 California cities with variable contribution limits based on who is giving include Concord, Culver City, Del Mar, Half Moon Bay, Merced, Oakland, Oxnard, Pinole, Pleasant Hill, Sacramento, San Diego, San Marcos, San Mateo, Walnut (in-kind contributions are different for Walnut).

123 “Direct” contributions to candidates means that a contribution is being given to the candidate or a political fundraising committee that candidate controls.

Angeles has prohibitions that kick in¹²⁴ on contributions from contractors, developers, and lobbyists once those persons submit applications for City approval or register as City lobbyists.¹²⁵ For similar reasons and the sake of transparency, some cities, like San Diego, only allow individuals or real persons (i.e., non-entities [except for political parties]¹²⁶) to contribute directly to local candidates.¹²⁷ This is often referred to as a “people only” campaign finance system.

Of the 180 California cities with self-imposed campaign finance reforms, 35 prohibit direct contributions to candidates from certain sources.¹²⁸

MCFI Cities (i.e., cities with self-imposed reforms) with and without Contribution Restrictions for Certain Sources



Limits on Candidate Loans

Under US Supreme Court precedent, a government cannot limit how much a candidate contributes to their own campaign for public office.¹²⁹ However, some cities limit the amount a candidate can loan to

124 Primarily to withstand constitutional scrutiny, the prohibitions kick in when certain conditions are met such as when a contractor or developer applies for a contract or entitlement. The prohibitions typically remain in place for a fixed period of time after a contractor or developer receives a contract or entitlement. For lobbyists, the trigger may be registration with the jurisdiction, and it could also be restricted to only the candidates or officials who the lobbyists have recently lobbied. The prohibition for lobbyists will typically lapse when lobbyist registration ceases or after a certain period of non-lobbying activity with an agency or candidate/official.

125 See L.A. City Charter § 470(11 – 12); See Also L.A. MC §§ 49.7.35 – 49.7.37.

126 See Casemine. (2011, June 9). *Thalheimer v. City of San Diego*, 645 F.3d 1109 | 9th Cir., Judgment, Law, casemine.com. Retrieved January 1, 2023, from <https://www.casemine.com> website: <https://www.casemine.com/judgment/us/5914af00add7b0493474a733>

127 See San Diego MC, Secs. 27.2950 - 27.2951.

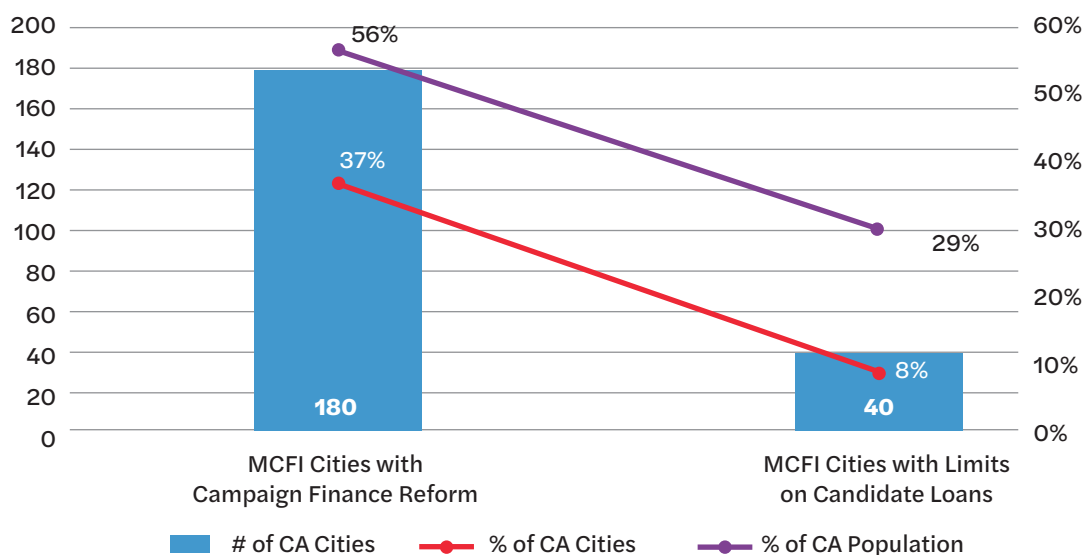
128 Note: because of the implementation of SB 1439 (Glazer) in 2023 (https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220SB1439), all California cities (and other local jurisdictions) now have an anti-pay-to-play law that prohibits persons and entities with business before a city from contributing more than \$250 in campaign contributions during certain periods to an elected city official who would vote on the matter. The MCFI only reflects the cities that have self-imposed laws.

129 SCOTUS has ruled that you cannot limit the spending of a candidate’s personal funds; See *Buckley v. Valeo*, 424 U.S. 1 (1976); See Also FEC summary of *Buckley v. Valeo*: <https://www.fec.gov/legal-resources/court-cases/buckley-v-valeo/>

their own campaign. A candidate can still *contribute* as much as they wish to their own campaign, but they can only use campaign funds to repay a limited amount of money they *lend* to their campaign. Without a prohibition on candidate loans, candidates can loan their campaigns large sums of money then fundraise from private sources, often after the election is over, to repay themselves from their candidate account. This loan-repayment fundraising poses a greater risk of corruption because each dollar raised directly benefits the candidate. Candidate campaign loans also advantage wealthy candidates, who have the wherewithal to self-fund their campaigns, and incumbents, who generally win re-election, and thus can more easily rely on post-election fundraising to repay their loan.

In California there are 40 cities,¹³⁰ or 8% of California cities consisting of 29% of the state’s population, with limits on the amount of money a candidate can loan to their campaign. For example, in the City of San Mateo “No candidate shall personally loan their campaign an amount the outstanding balance of which exceeds \$15,000 at any given point in time.”¹³¹

Cities with Limits on How Much a Candidate Can Loan Their Campaign



The viability of limits on candidate loan repayments may be in question after a recent US Supreme Court decision. In [Federal Election Commission v. Cruz for Senate \(Cruz for Senate\)](#) in May 2022,¹³² a majority of the U.S. Supreme Court ruled that the limits on post-election campaign funds in Section 304 of the Federal Bipartisan Campaign Reform Act of 2002 were unconstitutional. As the ruling pertained to a specific section of federal law and only to the repayment of candidate loans to their campaigns using campaign funds raised after an election, it is unclear how the ruling will affect state and local

130 This number represents cities with limits on candidate loans explicitly stated in a city’s municipal code or charter as well as limits on candidate loans that are instituted in the Political Reform Act and explicitly adopted in a city’s municipal code or charter or implicitly adopted because a city formally (i.e., not by default) adopted AB 571 in their municipal codes, charters, or by resolution.

131 See San Mateo Municipal Code § 2.80.040.

132 See Federal Election Commission. (2021, June 3). *Ted Cruz for Senate, et al. v. FEC*. Retrieved January 2, 2023, from FEC.gov website: <https://www.fec.gov/legal-resources/court-cases/ted-cruz-for-senate-et-al-v-fec/>

laws with limits on candidate loans.¹³³

Limits Based on the Committee-Type

There are different types of political committees¹³⁴ in California. For example, there are controlled committees (formed and controlled by a candidate or officeholder),¹³⁵ primarily formed committees (formed to support or oppose a single candidate or measure, or specific group of measures or local candidates in the same election in a particular jurisdiction but are not controlled by the candidate(s) it supports or opposes),¹³⁶ general purpose committees (formed to support or oppose multiple candidates and/or ballot measures in more than one election or in multiple jurisdictions),¹³⁷ and sponsored committees (formed by persons other than a candidate with a significant majority of the contributions coming from a person or persons associated with an entity, organization, or industry).¹³⁸

Local contribution limits in California typically apply to contributions given to a candidate's controlled committee, but some jurisdictions expand coverage to other types of committees that make expenditures within the jurisdiction. For example, the City of Burbank's contribution limits apply to funds going to candidate controlled committees and primarily formed committees.¹³⁹ Applying contribution limits to multiple committee-types helps mitigate circumvention of contribution limits through third-party committees. However, it is unclear if donor limits on non-candidate committees, especially if they make only independent expenditures, would survive judicial scrutiny under current high court precedents.¹⁴⁰ It will likely come down to how narrowly tailored such laws are and if a jurisdiction can thread the needle of compelling public interest with Roberts Court rationale. For example, California's Political Reform Act has donor limits to PACs that contribute directly to state candidates.¹⁴¹

The MCFI has identified 37 cities that apply contribution limits to multiple types of political committees.

133 In June 2022, The L.A. City Ethics Commission, out of an abundance of caution, suspended enforcement of its cap on how much a candidate can loan their own campaign and recommended that the City Council repeal that section of the City's Municipal Code (see LACEC June 15, 2022, Resolution: [Suspension of LAMC § 49.7.9\(E\)](#)).

134 See Cal. Gov. Code § 82013.

135 See Cal. Gov. Code § 82016.

136 See Cal. Gov. Code § 82047.5; See Also Cal. Code of Regs., tit. 2, § 18247.5.

137 See Cal. Gov. Code § 82027.5; See Also Cal. Code of Regs., tit. 2, § 18227.5.

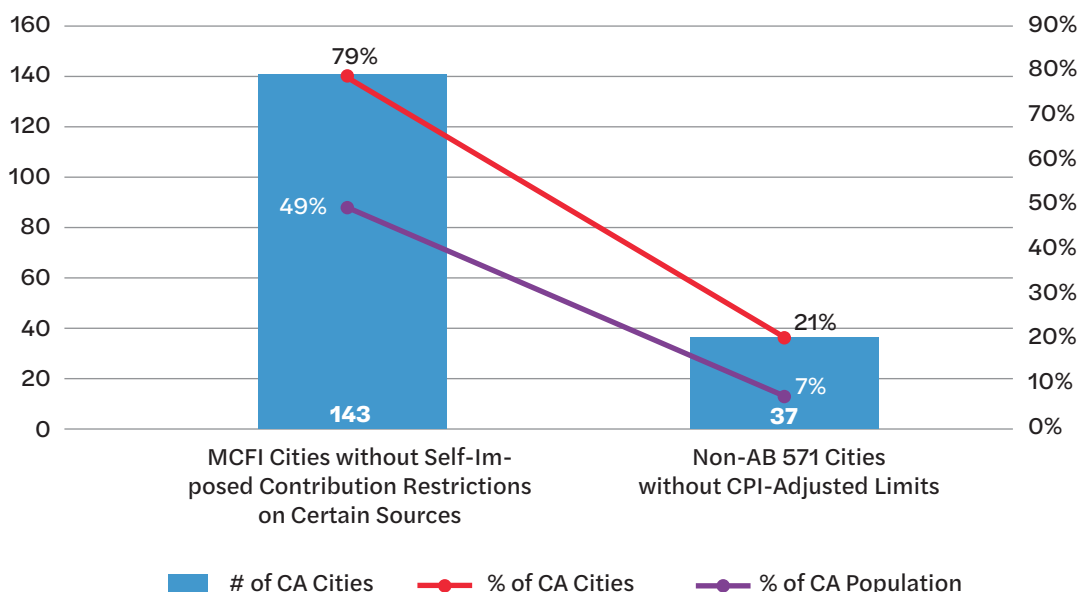
138 See Cal. Gov. Code § 82048.7; See Also Cal. Code of Regs., tit. 2, § 18419.

139 See Burbank Municipal Code § 2-3-207.

140 See Federal Election Commission. (n.d.-b). *Citizens United v. FEC*. Retrieved June 19, 2022, from FEC.gov website: <https://www.fec.gov/legal-resources/court-cases/citizens-united-v-fec/>; See Also Federal Election Commission. (n.d.-f). *Speechnow.org v. FEC*. Retrieved June 19, 2022, from FEC.gov website: <https://www.fec.gov/legal-resources/court-cases/speechnoworg-v-fec/>

141 See Cal. Gov. Code § 85303.

MCFI Cities with and without Donor Limits for Multiple Committee-Types



Limits on Candidate-to-Candidate Contributions

Some cities, like Alhambra¹⁴² and Laguna Beach,¹⁴³ impose limits or bans on contributions from local candidates to other candidates.¹⁴⁴ The rationale is likely two-fold. The primary reason is presumably to level the playing field by preventing other candidates or electeds from possibly diminishing competition and/or skewing the outcome of an election by directly providing their candidate of choice with a significant money-advantage in the race. Such giving may also incur implicit obligation between electeds through the “soft” influence (i.e., non-*quid-pro-quo* influence) of monetary campaign assistance. A more straight-forward reason for limits on contributions from local candidates is that the money in a candidate’s campaign coffers was given to them to support *their* campaigns, not the campaigns of someone else, who the original donor may or not support. Candidates in municipalities subject to AB 571’s default contribution limits, which the MCFI has identified as 326 cities in 2022,¹⁴⁵ are also restricted on how much they can give to other candidates.¹⁴⁶

142 See Alhambra Charter, Article XVII, Section 101F. “No candidate and no committee controlled by a candidate or officeholder shall make any contribution from the checking account established pursuant to the previous section of this article to any other candidate running for office or to any committee supporting or opposing a candidate for office in excess of two hundred fifty dollars (\$250) in the aggregate per calendar year.” <https://bit.ly/3CnUDmP>

143 See Laguna Beach MC, 1.14.032(b). “No candidate and no controlled committee of any candidate shall make a contribution to any other candidate or any committee supporting or opposing any other candidate for elective city office.” <https://bit.ly/3P2hZpM>

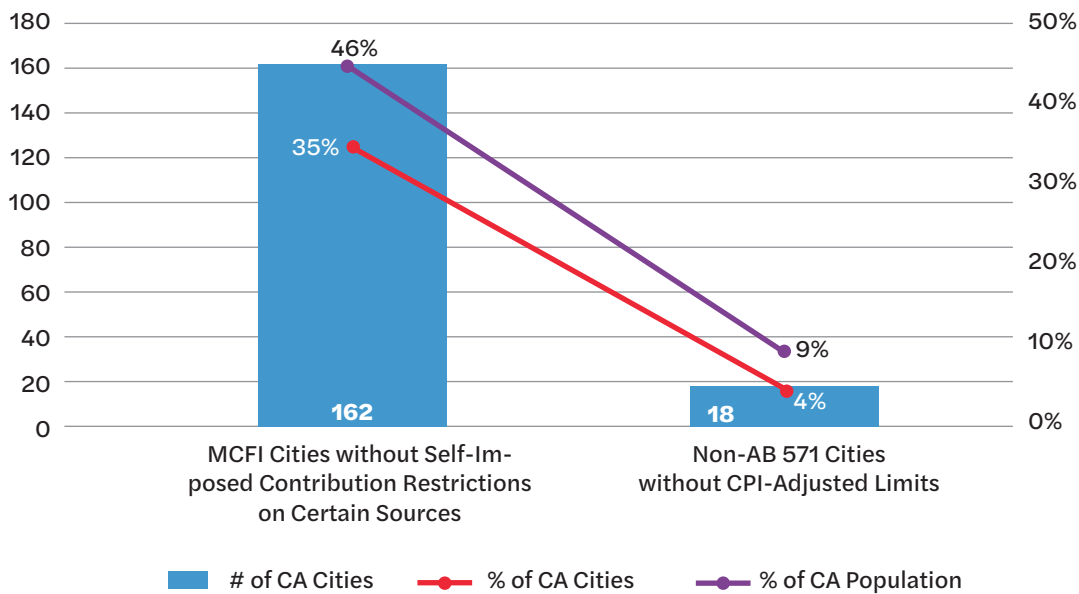
144 While some cities like Laguna Beach prohibit candidate-to-candidate contributions entirely, other cities like Alhambra have a candidate-to-candidate contribution limit that is different from the City’s overarching (CPI-adjusted) contribution limit for all persons/contributors. Still other cities like Fresno (and AB 571 cities) tie a candidate-to-candidate limit to the city’s (or AB 571’s) general contribution limit for all persons/contributors. While one might assume that a jurisdiction’s general contribution limits apply to candidate contributions, such clauses are likely inserted into reforms to clarify that contributions to and from candidate committees are not exempt from a city’s contribution limits.

145 See “The Evolution of Local Campaign Finance Rules Since 2020” section of this report.

146 Note, however, that AB 571’s candidate-to-candidate contribution limit is the same limit that *all* contributors are beholden to under AB 571. See Cal. Gov. Code § 85305. <https://bit.ly/42CI41V>

Out of 180 cities in the MCFI (i.e., cities with their own campaign finance laws separate from the PRA) 18 of those cities were identified as having restrictions on local candidate giving (see chart below).

Number of MCFI Cities That Have Cross-Candidate Contribution Limits or Prohibitions



Other Campaign Finance Regulations

Although campaign contribution limits are a common and important campaign finance reform, there are many other money-in-politics reforms that can increase public choice and candidate competition, mitigate candidate wealth and special interest advantages, check corruption, and create greater transparency and accountability in campaigning and politics. In this section and the next we will look at some of these reforms across cities in California.

Campaign Fundraising Windows

A campaign fundraising window is a designated timeframe for when a candidate can fundraise for their election or re-election campaign. For example, the City of Rolling Hills Estates has a candidate fundraising window of one year for each elected City office.¹⁴⁷ The City of Los Angeles has an eighteen-month campaign fundraising window for city council candidates.¹⁴⁸ The Ninth Circuit Court of Appeals has upheld the use of fundraising windows in California local elections.¹⁴⁹

Fundraising windows prevent year-round campaign fundraising during a term of office, which is typically two to four years. This limits opportunities for influence-peddling through campaign contributions. It also mitigates the extreme accumulation of funds in a campaign war chest, which can scare off can-

147 See Rolling Hills Estates Municipal Code §§ 1.13.020 (“Election Cycle”), 1.13.050.

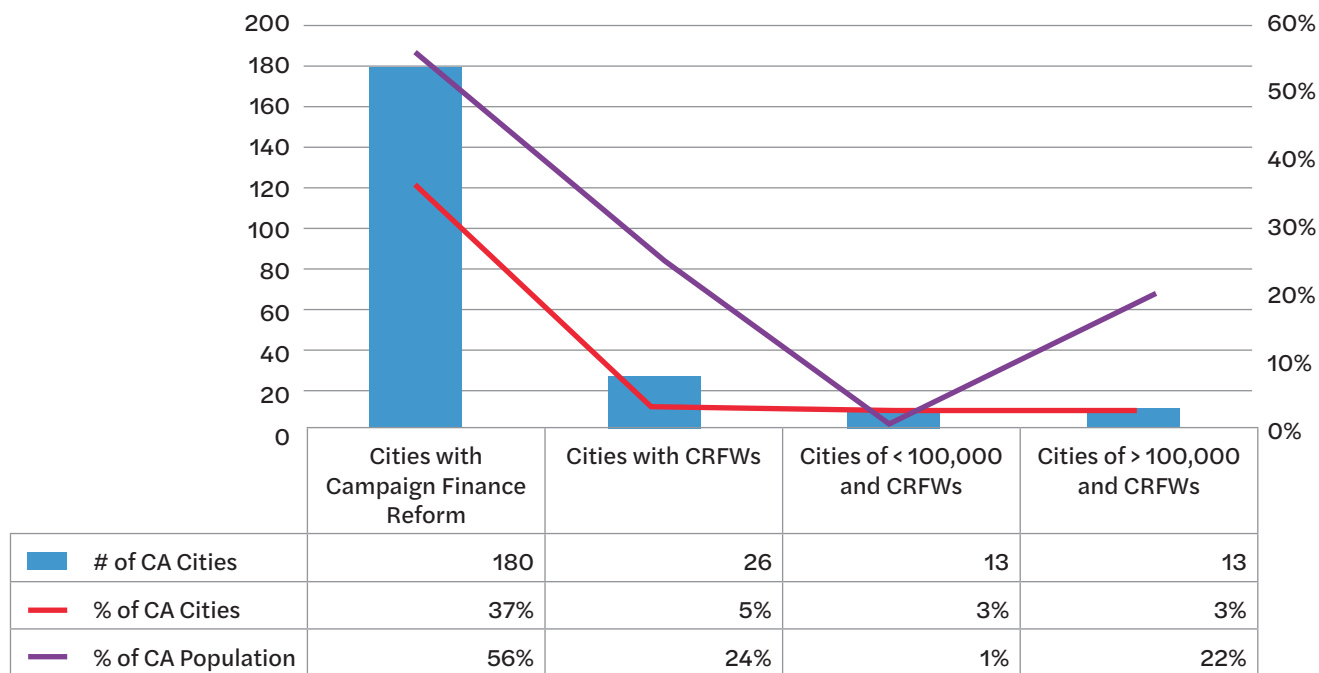
148 See Los Angeles Municipal Code § 49.7.10(A)(1).

149 *Thalheimer v. City of San Diego*, 645 F. 3d 1109 (9th Cir. 2011).

didate competition and decrease voter choice. Thus, a fundraising window is both an anti-corruption and fair-play reform.

There are currently 26 California cities with campaign fundraising windows, as identified in the MCFI. Half of those cities have populations of less than 100,000 residents.

Cities with Campaign Fund raising Windows (CFRWs)



Post-Election Campaign Account Ceilings

A post-election campaign account ceiling is a cap on how much money a winning candidate can retain in their campaign account after an election until the next election cycle for that office begins. Not to be confused with an officeholder account, which is covered later in this section of the report and can only be used for non-campaign expenses related to holding office, campaign accounts are first and foremost for campaign expenses but can also be used for officeholder expenses unless otherwise stated in city law.¹⁵⁰ (Note: default AB 571 cities do not have account ceilings but do have post-election committee and account restrictions)¹⁵¹

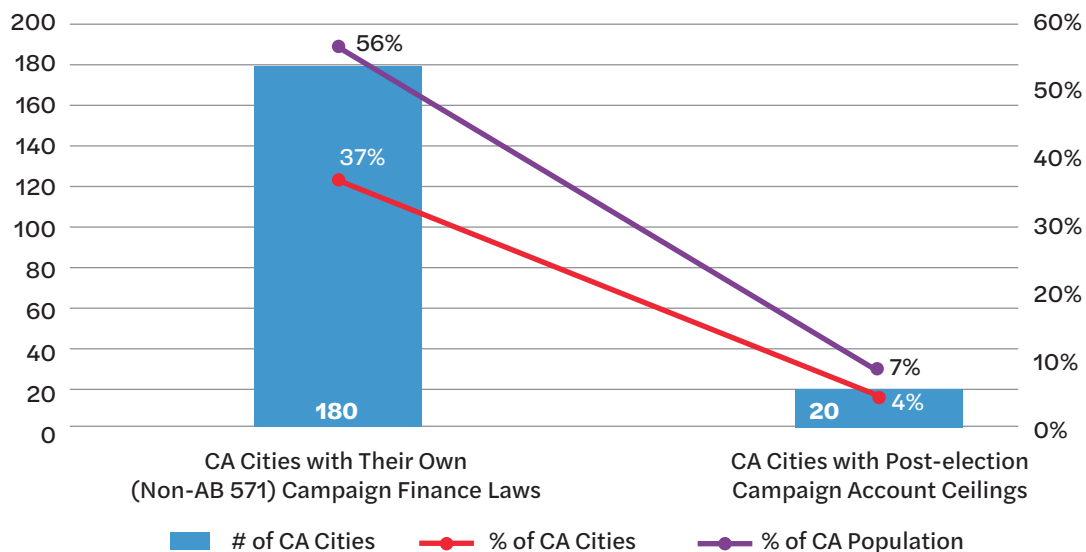
150 In general, See PRA Chapter 9.5, Art. 4. § 89510 – 89522; in particular, See Cal. Gov. Code §§ 89510(b), 89512 et seq., 89512.5 et seq., 89513 et seq., 81013.

151 Default AB-571-cities do not have account ceilings, but they have restrictions on fundraising after an election cycle (See Cal. Gov. Code §§ 85306(a & c), 85316(a & c), 85317 – 85318). For example, a candidate must continue to abide by AB 571 contribution limits for election cycles. Also, a candidate cannot fundraise for a past election unless it is to pay off net debts for their candidacy in that election. Additionally, winning candidates must establish a new campaign committee and account for each new election cycle for the same office (i.e., the next election for that office) in order to fundraise for that office or carry over surplus contributions from a previous campaign account for the same office. (See FPPC fact sheet and laws or regs: https://www.fppc.ca.gov/content/dam/fppc/NS-Documents/TAD/Campaign%20Documents/AB_571_Fact_Sheet_Final.pdf.)

Post-election campaign account ceilings act as a check on money hoarding, which can scare off potential opponents and provide an incumbent with a significant re-election advantage. Account ceilings can also act as a check on pay-to-play, especially where no fundraising window exists (covered in the above sub-section), by limiting the amount a city applicant or special interest can contribute to an elected official who may be preparing to vote on a matter of financial significance to the applicant or special-interest donor.

The MCFI identified 20 cities, or 4% of California cities consisting of 7% of the state’s population, with post-election campaign account ceilings.

Number of CA Cities with Post-Election Campaign Account Ceilings



Recusal

Recusal laws, which require a legislator to disqualify themselves from voting on a matter when the legislator has a financial conflict of interest, are a common type of anti-corruption reform. For example, under state law, local elected officials who receive gifts over a certain threshold may not participate in decisions affecting the gift-giver,¹⁵² unless certain exceptions apply.¹⁵³

Chapter 7 of California’s Political Reform Act (PRA) is devoted to conflicts of interest, which, among other things, mandates that government agencies must implement a conflict of interest code that adheres to minimum requirements outlined in the PRA.¹⁵⁴ It also requires that candidates and government officials provide annual written disclosures of their economic interests¹⁵⁵ and recuse themselves

152 See Cal. Gov. Code §§ 87100, 87103(e).

153 See Cal. Gov. Code § 87101; See Also Cal. Code of Regs. § 18703.

154 See Cal. Gov. Code §§ 87300 – 87314.

155 See Cal. Gov. Code §§ 87200 – 87210, 87500 -- 87505.

from voting on matters that may affect those economic interests.¹⁵⁶ Even though Chapter 7 of the PRA applies to most high-ranking government officials, including locally elected and appointed government officials, it does not apply to contributions made to a candidate's or officeholder's campaign or other public-office-related accounts.¹⁵⁷

However, beginning in 2023, newly implemented legislation (SB 1439, Glazer¹⁵⁸), sponsored by California Common Cause, mandates that all local electeds¹⁵⁹ and candidates for local office who sit on a governing body (e.g., city council, commission, board of supervisors, etc.) or have sole discretionary approval authority (e.g., sheriffs) must (with a few exceptions¹⁶⁰) recuse themselves from voting on a matter where a financially interested applicant and their affiliates who are seeking a license(s), permit(s), contract(s), or entitlement(s) have given that elected or candidate more than \$250 in cumulative campaign contributions at least 12 months prior to the elected or candidate voting on or attempting influencing the matter.¹⁶¹ Alternatively, the affected elected or candidate can return any disqualifying contributions in order to vote on a matter but still may not accept cumulative contributions over \$250 from the successful applicant and financially interested parties for twelve months after a final decision on the matter. Some local jurisdictions have adopted their own conflict of interest rules that include campaign contributions.¹⁶² *It is only these cities that have self-imposed anti-pay-to-play recusal laws that are included in the MCFI.*¹⁶³

Fifteen California cities, or 3% of California cities consisting of 6% of the state's population, currently have recusal laws for elected officials who receive large campaign or officeholder-related contributions from people or entities with business before the city council (see graph below). For example, the City of Glendale requires that elected City officials may not receive contributions from an interested party to a pending application for a City contract or entitlement and for 12 months after the final decision on the matter. If an elected City official does receive such a contribution during the restricted time period, then the elected official must recuse themselves from participation in and voting on the contract or entitlement.¹⁶⁴

156 See Cal. Gov. Code §§ 87100 -- 87105.

157 See Fair Political Practices Commission. (n.d.). Conflicts of Interest Rules. Retrieved August 6, 2022, from [www.fppc.ca.gov](https://www.fppc.ca.gov/learn/conflicts-of-interest-rules.html) website: <https://www.fppc.ca.gov/learn/conflicts-of-interest-rules.html>

158 See California Legislature. (2022b, October 3). *Bill Text - SB-1439 Campaign contributions: agency officers*. Leginfo.legislature.ca.gov. https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220SB1439

159 Note: the law does not encompass the courts or any agency in the judicial branch of government, the Legislature, the Board of Equalization, or constitutional officers.

160 A covered official may vote on an otherwise prohibited matter if a situation arises where they are legally required to (see 2 Cal. Code of Regs. § 18705) or a covered official learns of a disqualifying contribution less than 30 days from when they should have known about both the disqualifying contribution and the open public proceeding where the official will vote on or attempt to influence the matter, and the affected official both acknowledges the disqualifying contribution on the record of the proceeding and agrees to return it within 30 days after voting on or attempting to influence the matter at the proceeding. (see 2 Cal. Code of Regs. § 18438.7(d)).

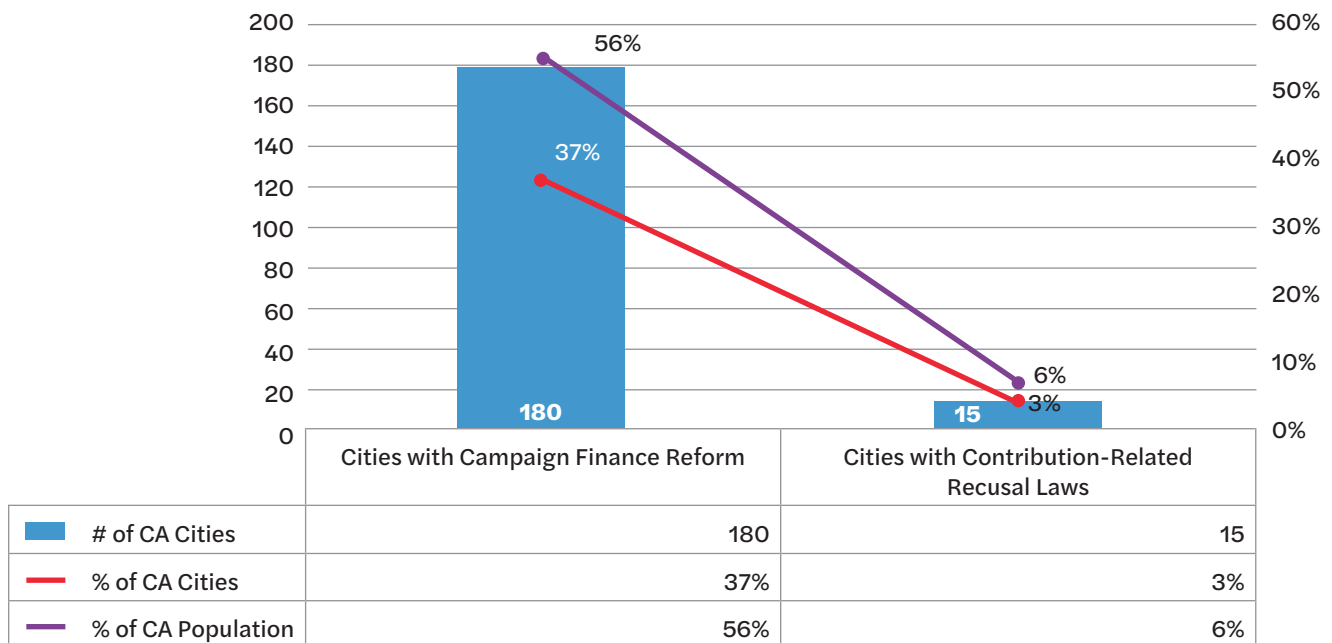
161 Prior to SB 1439, The Levine Act of 1982, which SB 1439 amended and expanded, only applied campaign-contribution-related recusals to state and local government agencies (i.e., quasi-judicial government bodies like commissions) whose members were *not directly elected by the voters*. For more details See SB 1439 legislative analyses at California Legislature. (2022a). *Bill Analysis - SB-1439 Campaign contributions: agency officers*. Leginfo.legislature.ca.gov. https://leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml?bill_id=202120220SB1439

162 See Cal. Gov. Code § 84308 et seq.; See Also California Fair Political Practices Commission. (n.d.-e). *Pay-to-Play Limits and Prohibitions*. www.fppc.ca.gov. Retrieved August 22, 2023, from <https://www.fppc.ca.gov/learn/pay-to-play-limits-and-prohibitions.html>

163 This report, and the MCFI it is based on, are reflective of laws that are other than laws mandated in the Political Reform Act.

164 See Glendale MC, Chapter 1.10, Section 1.10.060. https://library.qcode.us/lib/glendale_ca/pub/municipal_code/item/title_1-chapter_1_10-1_10_060

Cities with Self-Imposed Contribution-Related Recusal Laws



Note: This graph only represents cities that have self-imposed anti-pay-to-play recusal laws. It excludes cities that are only beholden to SB 1439.

Officeholder Accounts

Officeholder accounts are separate from campaign accounts and may be established by cities not beholden to AB 571 solely to defray the costs of holding office once elected.¹⁶⁵ Funds from an officeholder account may not be used for election and campaign-related activities.¹⁶⁶ However, the distinction between a campaign-related activity and an officeholder-related activity is not always clear.¹⁶⁷ Furthermore, officeholder accounts may not be necessary given that funds in a campaign account may be used for officeholder-related activities.¹⁶⁸ Consequently, some view officeholder accounts as

¹⁶⁵ The Political Reform Act permits state-level officeholder accounts under certain parameters. See Cal. Gov. Code § 85316(b); See Also 2 Cal. Code of Regs § 18531.62.

The PRA also allows local jurisdictions to institute campaign finance laws that are different than the laws in the PRA so long as such laws are either stricter or do not prevent the jurisdiction from complying with the PRA. See Cal Gov. Code §§ 81009.5, 81013, 85316, 85317(A), 85702.5, 85703; See Also California Fair Political Practices Commission. (n.d.-d). *Local Campaign Ordinances*. www.fppc.ca.gov. <https://www.fppc.ca.gov/the-law/local-ordinances.html>.

Jurisdictions with default contribution limits under AB 571 may not institute officeholder accounts. See Cal Gov. Code § 85316; See Also California Fair Political Practices Commission. (n.d.-a). *AB 571 Fact Sheet (bullet J)*.

¹⁶⁶ Under the Political Reform Act, state-level candidates may not use officeholder account funds to pay campaign expenses (See 2 Cal. Code of Regs § 18531.62(d)(2)). The same is generally true for California cities that establish officeholder accounts unless a municipal code or charter states otherwise.

¹⁶⁷ For example, See Clancy, M. (2020, September 9). “Anti-Corruption” Councilmember David Ryu Can’t Stop Breaking Campaign Finance Laws. Knock LA. <https://knock-la.com/la-city-council-david-ryu-campaign-finance-law-violation-ae2ede90799f/>.

¹⁶⁸ See Cal. Gov. Code, Art. 4, § 89510 – 89522 (specifically, § 89510(b): “All contributions deposited into the campaign account shall be deemed to be held in trust for expenses associated with the election of the candidate or for expenses associated with holding office.”); See Also 2 Cal. Code of Regs § 18525; Relatedly, See Cal. Gov. Code § 85317 (Carry Over of Contributions); See Also 2 Cal. Code of Regs § 18537.1; Relatedly, See Cal. Gov. Code § 89519 (Use of Surplus Campaign Funds); See Also California Fair Political Practices Commission. (2020, June). *Campaign Disclosure Manual 2* (Chapter 2: pages 43-44 & Chapter 5: pages 92-101) [www.fppc.ca.gov](https://www.fppc.ca.gov/content/dam/fppc/NS-Documents/TAD/Campaign%20Manuals/Manual_2/Final_Manual_2_Entire_Manual.pdf). https://www.fppc.ca.gov/content/dam/fppc/NS-Documents/TAD/Campaign%20Manuals/Manual_2/Final_Manual_2_Entire_Manual.pdf.

counterproductive to campaign finance reform.¹⁶⁹ If not carefully crafted with strict parameters that are vigorously overseen and enforced, officeholder accounts can be workarounds to laws like fundraising windows, contribution limits, and contribution-triggered recusal laws.¹⁷⁰

The City of South Gate is an example of a city with officeholder accounts that are narrowly tailored to decrease the appearance of pay-to-play and prevent circumvention of the City's contribution limits and fundraising windows. South Gate redesignates a winning candidate's campaign account to an officeholder account nine months after an election. Thereafter, no contributions may be solicited for or directly accepted into the officeholder account; the account may never hold more than \$5,000 at any given time; and there is strict reporting, oversight, and enforcement protocols regarding the use of funds in a South Gate officeholder account.¹⁷¹

However, some may view officeholder accounts in the City of Los Angeles as counterproductive to the goals of many of the City's good campaign finance laws.¹⁷² In L.A., officeholders can have well over \$100,000 in an officeholder account at any given time, contributions can be solicited year-round, officeholder discretion and allowable expenditures are excessive, and the line between officeholder-related activities and campaign-related activities is blurry.¹⁷³

The vast majority of California cities do not provide for officeholder accounts. Most cities, as our data shows (see [Appendix III](#) and *The Evolution of Local Campaign Finance Rules Since 2020* section of this report), are now prohibited from establishing officeholder accounts under AB 571,¹⁷⁴ and of the remaining cities that can institute officeholder accounts, most have chosen not to.

The MCFI has identified 10 California cities, as listed in the table below, that currently allow elected officials to open officeholder accounts.

169 See Wilgoren, J. (1997a, January 8). *Council Defends "Officeholder Accounts."* Los Angeles Times. <https://www.latimes.com/archives/la-xpm-1997-01-08-me-16460-story.html>.

170 For Example, See Los Angeles Times. (2022, March 6). *Buscaino spends donor funds on family trips to Hawaii and Italy.* Los Angeles Times. <https://www.latimes.com/california/story/2022-03-06/la-mayor-candidate-joe-buscaino-officeholder-account-spending-family-travel>; See Also Chou, E. (2022, September 30). *LA's Neighborhood Council leaders urge tougher ethics laws at City Hall.* Los Angeles Daily News. <https://www.dailynews.com/2022/09/30/las-neighborhood-council-leaders-urge-tougher-ethics-laws-at-city-hall/>.

171 See South Gate Municipal Code § 1.52.093.

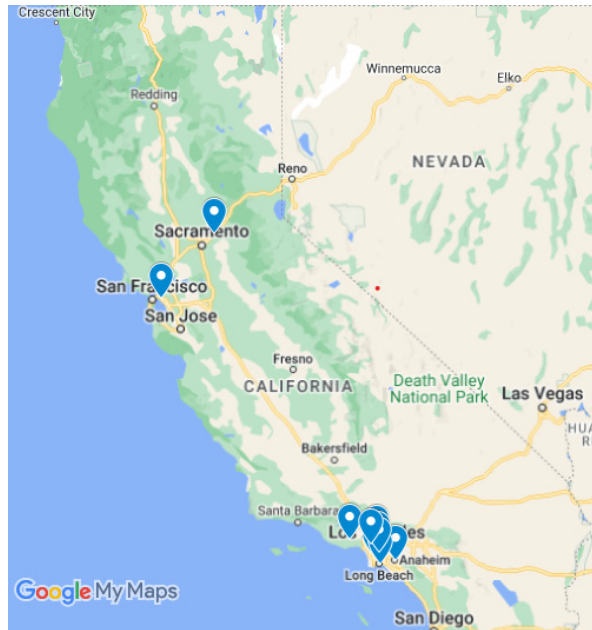
172 See Wilgoren, J. (1997, January 8). *Council Defends "Officeholder Accounts."* Retrieved August 6, 2022, from latimes.com website: <https://www.latimes.com/archives/la-xpm-1997-01-08-me-16460-story.html>; See Also Oreskes, B., & Moore, M. (2022, March 6). *Buscaino spends donor funds on family trips to Hawaii and Italy.* Retrieved August 7, 2022, from latimes.com website: <https://www.latimes.com/california/story/2022-03-06/la-mayor-candidate-joe-buscaino-officeholder-account-spending-family-travel>

173 See Los Angeles Municipal Code § 49.7.19.

174 See California Fair Political Practices Commission. (n.d.-a). *AB 571 Fact Sheet (bullet J)*. www.fppc.ca.gov; California Fair Political Practices Commission. Retrieved June 29, 2022, from https://www.fppc.ca.gov/content/dam/fppc/NS-Documents/TAD/Campaign%20Documents/AB_571_Fact_Sheet_Final.pdf

CA Cities with Officeholder Accounts

| City | Population |
|----------------|------------|
| Agoura Hills | 20,299 |
| Anaheim | 346,824 |
| Gardena | 61,027 |
| Glendale | 196,543 |
| Long Beach | 466,742 |
| Los Angeles | 3,898,747 |
| Oakland | 440,646 |
| Roseville | 147,773 |
| South Gate | 92,726 |
| West Hollywood | 35,757 |



*All populations are based on California's April 2020 Census Bureau Quick Fact population data.

Public Financing

Campaign public financing means that public funds – and in the case of Oakland, a special tax¹⁷⁵ – are used to help fund a qualifying candidate's campaign. As noted in the Background section of this report, examples of campaign public financing exist at the federal,¹⁷⁶ state,¹⁷⁷ and local levels of government. In California, public financing is currently prohibited except in charter cities.¹⁷⁸

Given SCOTUS's consistent chipping away of campaign finance laws under the Roberts Court, public financing of campaigns is likely the best reform for addressing the negative impacts of unlimited money in U.S. elections. Public financing of campaigns counters the outsized influence of wealthy special-interest money in elections, invites more candidate competition and voter choice, encourages candidates to seek small-dollar contributions from a broader base of donors, and promotes a candidate pool that is more responsive to constituents and less beholden to moneyed interests.¹⁷⁹

175 See Oakland Measure W, Section 4.56.030. <https://cao-94612.s3.amazonaws.com/documents/Measure-W-City-of-Oakland.pdf>

176 The U.S. offers a public matching funds program for presidential candidates. See Federal Election Commission. (n.d.-e). Public funding of presidential elections - FEC.gov. Retrieved August 7, 2022, from FEC.gov website: <https://www.fec.gov/introduction-campaign-finance/understanding-ways-support-federal-candidates/presidential-elections/public-funding-presidential-elections/>

177 According to the National Conference of State Legislatures, at least 14 states have some form of public campaign financing. See National Conference of State Legislatures. (2019, February 8). Public Financing of Campaigns: Overview. Retrieved August 7, 2022, from www.ncsl.org website: <https://www.ncsl.org/research/elections-and-campaigns/public-financing-of-campaigns-overview.aspx>

178 See Cal. Gov. Code § 85300(a); See Also 2 Cal. Code of Regs. § 18530.

179 See *Faces of Small Donor Public Financing 2021*. (2021, March 11). www.brennancenter.org; Brennan Center For Justice. <https://www.brennancenter.org/our-work/research-reports/faces-small-donor-public-financing-2021>; See Also Iyer, S., Genn, E., Glavin, B., & Malbin, M. J. (2012). *Donor Diversity Through Public Matching Funds*. Brennan Center for Justice & The Campaign Finance Institute. Retrieved from Brennan Center for Justice & The Campaign Finance Institute website: <http://www.cfinst.org/pdf/state/NY/DonorDiversity.pdf>; See Also Malbin, M. J., & Parrott, M. (2016). *Would Revising Los Angeles' Campaign Matching Fund System Make a Difference?* The Campaign Finance Institute. Retrieved from The Campaign Finance Institute website: http://www.cfinst.org/pdf/books-reports/LosAngeles_PublicFundingReport_2016.pdf; See Also Millar, H., & Paez, M. (2022, April 12). How Public Campaign Financing Empowers Small Donors Nationwide. Retrieved January 7, 2023, from www.brennancenter.org website: <https://www.brennancenter.org/our-work/analysis-opinion/how-public-campaign-financing-empowers-small-donors-nationwide>; See Also Griffith, A., & Noonan, T. (2021). The Effects of Public Campaign Funding: Evidence from Seattle's Democracy Voucher Program. In *SocArXiv Papers*. SocArXiv. Retrieved from SocArXiv website: <https://osf.io/preprints/socarxiv/9wtzs/>

Campaign public financing comes in multiple forms.¹⁸⁰ The most common form of campaign public financing is a “matching funds system” where a jurisdiction uses public funds to match a qualifying candidate’s contributions up to a certain dollar amount per donor at a designated ratio; for example, a two-to-one or six-to-one ratio (i.e., a private dollar is matched six times with public dollars).¹⁸¹ The newest form of campaign public financing is called a “voucher system” where all eligible voters in a jurisdiction get public vouchers worth a certain amount of money that they can distribute among candidates as they see fit.¹⁸² Another form of campaign public financing is a “lump-sum” system or “block grant” system where qualifying candidates receive a predetermined lump-sum of public funds upon qualification.¹⁸³ Minnesota has a tax-credit based public financing system – which is funded by taxpayers checking a box on their income-tax forms¹⁸⁴ -- where registered voters of Minnesota who donate to qualifying candidates are eligible to have a portion of their contribution(s) refunded by the state.¹⁸⁵ Prior to 2023, the City of Oakland, CA, had a public reimbursement system that compensated qualifying candidates for the verifiable amount of certain campaign expenditures.¹⁸⁶

For a candidate to qualify to receive public funds they typically have to first raise a certain amount of money in private contributions, usually in small-dollar amounts, then agree to certain parameters like spending and/or contribution limits, limited self-funding, public debates, and a prohibition on receiving certain types of contributions (e.g., from corporations, PACs, and unions). Additionally, the amount of public funds each candidate can receive is usually capped.

As noted above, campaign public financing is prohibited in California except in charter cities. According to the California Municipal Democracy Index, 122 of California’s 482 cities are charter cities, including most large cities.¹⁸⁷ Presently, seven charter cities in California, consisting of 16% of the state’s population, have some type of campaign public financing. Those cities are Berkeley, Long Beach, Los Angeles, Oakland, Richmond, Sacramento, and San Francisco. (See table below for population details.)

180 For an overview of the different public campaign finance systems, See Brennan Center for Justice. (2018). *Components of an Effective Public Financing Law*. Brennan Center for Justice. (2018). *Components of an Effective Public Financing Law*. Brennan Center for Justice. https://www.brennancenter.org/sites/default/files/stock/2018_10_MiPToolkit_PublicFinancingLaw.pdf.

181 The City of Los Angeles has a 6:1 matching funds program (See Los Angeles Municipal Code, §§ 49.7.22. – 49.7.30.).

182 The City of Seattle is currently the only jurisdiction with a democracy voucher program (Oakland residents approved one in Measure W in the Nov. 2022 elections but it has not yet been implemented). See City of Seattle Official Website. (2019). About the Democracy Voucher Program. Retrieved August 8, 2022, from Seattle.gov website: <https://www.seattle.gov/democracyvoucher/about-the-program>; See Also Seattle Municipal Code, Title 2, Chapter 2.04, Subchapter VIII et seq.

183 Arizona has a lump-sum campaign public financing system. See Citizens Clean Elections Commission. (n.d.). How Clean Funding Works | Citizens Clean Elections Commission. Retrieved August 8, 2022, from www.azcanelections.gov/run-for-office/how-clean-funding-works; See Also Citizens Clean elections Commission. (2019, October). Arizona Citizens Clean Elections Act & Rules Manual. Retrieved August 8, 2022, from [azcanelections.gov website: https://storage.googleapis.com/azcanelections.blob.core.usgovcloudapi.net/public/docs/747-ACTRulesManual-2022.pdf](https://storage.googleapis.com/azcanelections.blob.core.usgovcloudapi.net/public/docs/747-ACTRulesManual-2022.pdf)

184 See Minnesota Campaign Finance Board. (n.d.). Tax checkoff program: Campaign Finance Board. Retrieved August 8, 2022, from [cfb.mn.gov website: https://cfb.mn.gov/citizen-resources/board-programs/public-subsidy-of-campaigns/tax-checkoff-program/](http://cfb.mn.gov/citizen-resources/board-programs/public-subsidy-of-campaigns/tax-checkoff-program/)

185 See Blueprints for Democracy. (n.d.). Model: Minnesota’s Public Subsidy Program. Retrieved August 8, 2022, from Blueprints for Democracy: A Project of Issue One and the Campaign Legal Center website: <http://www.blueprintsfordemocracy.org/model-public-subsidy-program>; See Also Minnesota Department of Revenue. (2022, April 22). Political Contribution Refund | Minnesota Department of Revenue. Retrieved August 8, 2022, from [State.mn.us website: https://www.revenue.state.mn.us/political-contribution-refund](https://www.revenue.state.mn.us/political-contribution-refund)

186 See Oakland Municipal Code, Title 3, Chapter 3.13 (Repealed). <https://bit.ly/3GplNve>

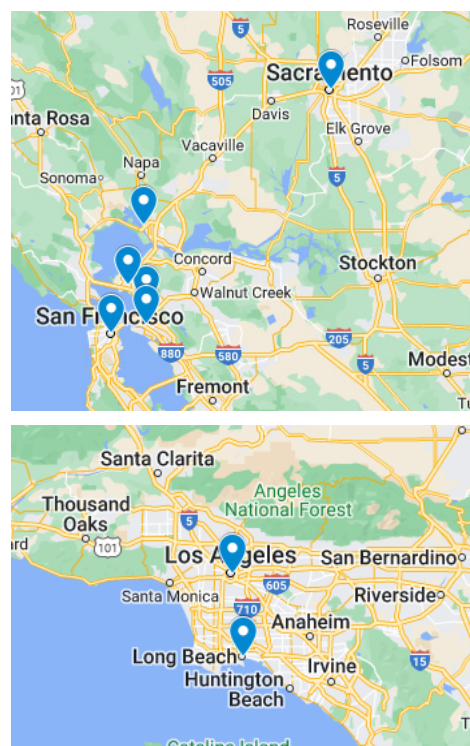
187 Heidorn, N. (2016). California Municipal Democracy Index. In *commoncause.org* (pp. 7–8). Common Cause. Retrieved from Common Cause website: <https://www.commoncause.org/california/wp-content/uploads/sites/29/2018/03/california-municipal.pdf>

California Cities with Public Campaign Financing

| | Public Financing System | Matching Funds System | Other System |
|-------------------------------|-------------------------|-----------------------|--------------|
| # of Cities | 7 | 5 | 2 |
| Total Population | 6,445,812 | 5,888,718 | 557,094 |
| Mean City Population | 920,830 | 1,177,744 | 278,547 |
| Median City Population | 466,742 | 524,943 | N/A |

Cities with Matching Funds: Berkeley (6:1 match), Long Beach (1:2 primary, 1:1 runoff), Los Angeles (6:1 match), Sacramento (1:1 match), San Francisco (6:1 match).

Cities with Other Systems: Oakland (“democracy dollar” voucher system), Richmond (tiered lump-sum match system).



Berkeley¹⁸⁸ and Los Angeles¹⁸⁹ have a 6:1 matching funds system; Long Beach has a 1:2 primary and 1:1 runoff matching funds system;¹⁹⁰ Sacramento has a 1:1 matching funds system, although it has not been funded in several election cycles;¹⁹¹ San Francisco has an initial lump-sum and then 6:1 matching funds system;¹⁹² Richmond has a staggered lump-sum disbursement system based on candidate fundraising thresholds;¹⁹³ and Oakland adopted a “democracy voucher” system in 2022 that supplies every eligible Oakland resident who is registered to vote with four \$25 vouchers from a designated City fund to distribute to qualifying candidates as each voter sees fit.¹⁹⁴ (For a detailed breakdown of each city’s public campaign finance system, see [Appendix VI](#).)

Expenditure Limits

A campaign expenditure limit is a cap on how much a campaign committee can spend in an election. Because SCOTUS has ruled that mandatory expenditure limits are unconstitutional, a jurisdiction may only implement *voluntary* expenditure limits.

188 See Berkeley Municipal Code §§ 2.12.490 – 2.12.560.

189 See Los Angeles Municipal Code, §§ 49.7.22. – 49.7.30.

190 See Long Beach Municipal Code § 2.01.410.

191 See Sacramento Municipal Code §§ 2.14.100 – 2.14.200.

192 See San Francisco Municipal Code §§ 1.136 – 1.156.

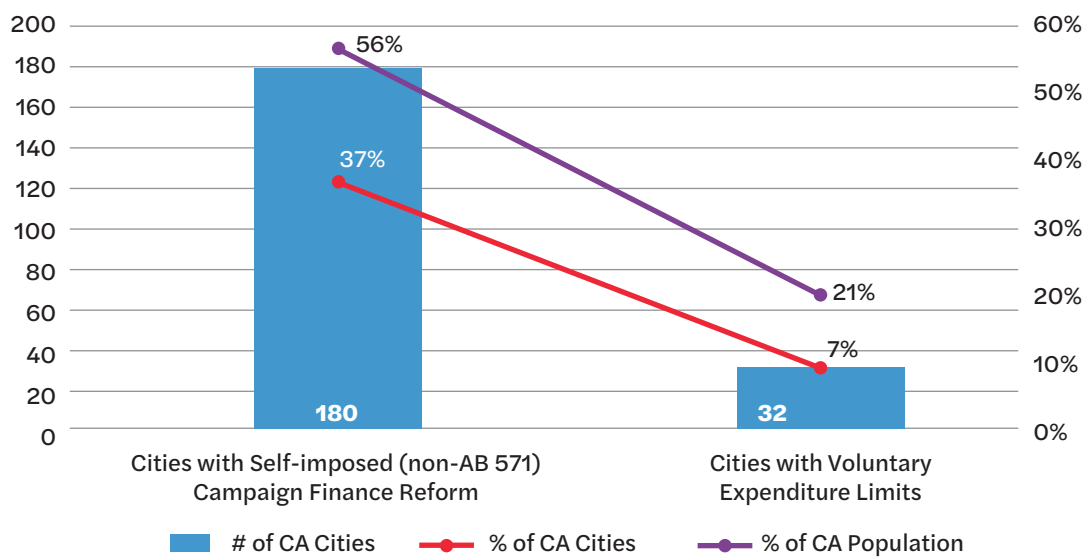
193 See Richmond MC §§ 243.010 – 2.43.050. Despite the use of the term “matching funds” in Richmond’s municipal code, its public financing system is not a matching funds system, at least not in the traditional sense (see Richmond MC, §2.43.040).

194 See Oakland MC, Title 3, Chapter 3.15; See also Oakland Measure W (2022), specifically Sec. 3.15.040(B)(1 & 7), 3.15.090(A). <https://bit.ly/3GplNve>

To induce candidates to accept expenditure limits, a jurisdiction will often provide public benefits to candidates who agree to such limits. For example, cities like Los Angeles limit participation in its campaign public financing system to candidates who accept a voluntary expenditure limit. Some cities without campaign public financing offer higher contribution limits for candidates who accept spending limits, like the City of Newark,¹⁹⁵ or pay for the candidate’s ballot statement in the sample ballot that goes out to registered voters, like the City of Lynwood.¹⁹⁶ California’s Political Reform Act has a section on voluntary expenditure limits for state candidates, who may be subject to penalties under certain conditions if they officially accept then exceed the VEL.¹⁹⁷

The MCFI has identified 32 California cities with voluntary expenditure limits.¹⁹⁸

Number of Cities with Voluntary Expenditure Limits



195 See Newark Municipal Code § 2.11.010(E).

196 See Lynwood Municipal Code § 19-1.6.

197 See PRA, Article 4. Voluntary Expenditure Ceilings. § 85400 – 85403. <https://bit.ly/45SAkvv>

198 The City of South Gate has a mandatory expenditure limit (See South Gate Municipal Code § 1.52.090.).

Increased Transparency

Transparency provides a significant check on money in politics. It helps us to know who is giving and spending in politics and likely why, which informs our vote. When big-dollar givers and spenders in politics remain anonymous or cloaked in a web of innocuous committee names and untraceable money transfers, it is harder for the public and the press to hold politicians and moneyed interests accountable. Despite the Roberts Court's consistent deregulation of campaign finance in the U.S., SCOTUS has just as consistently ruled that disclosure of donors and non-candidate spenders in politics *is* constitutional.¹⁹⁹ Indeed, the upholding of the constitutionality of disclosure laws as an adequate check on money in politics was a primary argument for deregulating corporate and other entity spending in elections in Justice Kennedy's majority opinion in *Citizens United v. FEC*.²⁰⁰ Thus, even though disclosure laws do not restrict the flow of money in elections, they are a very important aspect of campaign finance reform – especially since SCOTUS has opened the door to unlimited money in politics.

For this section, it is important to note that the MCFI only measures if a city has disclosure laws *that go above and beyond* the disclosure laws in the Political reform Act (PRA). Under the PRA, city candidates and political committees are already required to abide by robust donor, spending, and ad disclosure requirements that include,²⁰¹ amongst other things, identifying information of a campaign contributor giving over \$100 (such as name, address, occupation, employer information, and/or the committee ID number of the true/original source and [if applicable] intermediary of a contribution),²⁰² identification of owners and major donors of Limited Liability Companies (LLC) that become political committees,²⁰³ the cumulative amount a donor has given to a campaign during an election cycle,²⁰⁴ identifying information for campaign committee expenditures or money transfers,²⁰⁵ "paid for by" disclaimers on political advertisements,²⁰⁶ and on-ad identifying information of a political committee's top three donors of

199 The current Supreme Court, now with three Trump appointees, appears inclined to dismantle, if not upend, SCOTUS's long-standing view that public disclosure of political donors and spenders is constitutional. In 2021, SCOTUS ruled in *Americans For Prosperity Foundation v. Bonta* that the California Attorney General's Office could not require the secured disclosure of major donors to nonprofits soliciting funds in the state because it "burdens donors' First Amendment rights and is not narrowly tailored to an important government interest." (See *Americans For Prosperity Foundation v. Bonta*, California Attorney General, 594 U.S. ____ [2021]: <https://bit.ly/3PpkeQi>). Some believe, including the Court's minority, that SCOTUS's rationale in its majority-ruling in *Americans For Prosperity Foundation v. Bonta* – which is a blow to anti-dark-money reform – will be employed to chip away or overturn money-in-politics disclosure laws. See Vile, J. R. (2021, July 2). *Americans for Prosperity Foundation v. Bonta*. Retrieved August 14, 2022, from [www.mtsu.edu](https://www.mtsu.edu/first-amendment/article/1933/americans-for-prosperity-foundation-v-bonta) website: <https://www.mtsu.edu/first-amendment/article/1933/americans-for-prosperity-foundation-v-bonta>; See Also Massoglia, A. (2021, July 2). Supreme Court's nonprofit donor disclosure ruling may have "dark money" consequences. Retrieved August 14, 2022, from [opensecrets.org](https://www.opensecrets.org/news/2021/07/supreme-court-nonprofit-disclosure-dark-money/) website: <https://www.opensecrets.org/news/2021/07/supreme-court-nonprofit-disclosure-dark-money/>

200 See *Citizens United v. Federal Election Commission*, 558 U.S. 310 (2010): <https://bit.ly/3SQWVC8>; See Also Lau, T. (2019, December 12). Citizens United Explained. Retrieved August 13, 2022, from [brennancenter.org](https://www.brennancenter.org/our-work/research-reports/citizens-united-explained) website: <https://www.brennancenter.org/our-work/research-reports/citizens-united-explained>; See Also Evers-Hillstrom, K. (2020, January 14). More money, less transparency: A decade under Citizens United. Retrieved August 13, 2022, from [opensecrets.org](https://www.opensecrets.org/news/reports/a-decade-under-citizens-united) website: <https://www.opensecrets.org/news/reports/a-decade-under-citizens-united>

201 See Chapter 4 of the PRA (Campaign Disclosure. [Cal. Gov. Code] §§ 84100 – 84511) for a complete listing of all campaign disclosure statutes and requirements in California.

202 See Cal. Gov. Code §§ 84211(f-h, m), 84222(e)(1)(C) et seq., 84302, 85704 et seq.

203 See Cal. Gov. Code § 84109.

204 See Cal. Gov. Code §§ 82018, 84211(f-h, m).

205 See Cal. Gov. Code §§ 84302, 84306, 85704, 84211(k, m, r-s), 84222(e)(1) et seq.

206 See Cal. Gov. Code § 84502; See Also California Fair Political Practices Commission. (n.d.-b). Campaign Advertising - Requirements & Restrictions. Retrieved August 21, 2022, from [www.fppc.ca.gov](https://www.fppc.ca.gov/learn/campaign-rules/campaign-advertising-requirements-restrictions.html#:~:text=What%20is%20an%20Advertisement%20Disclosure) website: <https://www.fppc.ca.gov/learn/campaign-rules/campaign-advertising-requirements-restrictions.html#:~:text=What%20is%20an%20Advertisement%20Disclosure>; See Also FPPC 2022 Political Advertising Disclosures: <https://bit.ly/3Co4f2o>

\$50,000 or more.²⁰⁷ City candidates must regularly file campaign finance reports with their city clerk and contributions of \$1,000 or more that are received during the 90 days before an election must be reported within 24 hours.²⁰⁸ Finally, local governments must post candidate, campaign committee, and independent expenditure disclosure reports on the local jurisdiction’s website.²⁰⁹

So, even though a city may not be identified in the MCFI as having *increased* campaign transparency and/or disclosure laws, it still has to abide by the robust transparency and disclosure laws in the PRA. However, many jurisdictions have adopted local disclosure rules that are significantly stricter than the PRA. For example, the City of Agoura Hills is identified in the MCFI as having campaign finance laws that “Generally *Increase Transparency*” above that in the PRA because the City requires additional filing and disclosure for committee expenditures (e.g., a 72-hour reporting window for all non-candidate committee’s that make contributions and expenditures in City races along with mandated notification to all effected candidates and committees), a \$5 rather than a \$100 (as in the PRA) per-contributor reporting threshold (i.e., when identifying donor information must be publicly reported),²¹⁰ and additional committee disclosure reporting of late contributions over \$5.00 that are received after the PRA’s last pre-election filing deadline and up to eight days before an election. Another example is the City of Benicia which, in addition to extra reporting requirements, requires that all political ads from non-candidate controlled committees list the top three contributors to the committee paying for the ad, *regardless of contribution amount* (in contrast to the PRA’s \$50,000 threshold for top-donor listings).²¹¹

The MCFI found that, overall, 99 cities had some type of campaign transparency requirement that exceeds the requirements of the PRA. These transparency regulations can be broken down into three categories as listed below.

*Extra Filing Requirements for IEs*²¹² (other than traditional disclosure reports²¹³): There are 38 California cities with extra filing requirements for independent expenditure committees. For example, the City of Arcata requires that any person, entity, or committee that makes an independent expenditure in a City election that is over the amount of the City’s contribution limit must notify the City Clerk and all affected

207 See Cal. Gov. Code §§ 84503, 84501(c) et seq.; See Also California Fair Political Practices Commission. (n.d.-b). Campaign Advertising - Requirements & Restrictions: <https://bit.ly/3Ae7JSj>; See Also FPPC 2022 Political Advertising Disclosures: <https://bit.ly/3Co4f2o>

208 See Cal. Gov. Code §§ 84200.5, 84200.8, 82036, 82036.5, 84203, 84204; See Also California Fair Political Practices Commission. (n.d.-d). When to File Campaign Statements: State & Local Filing Schedules. Retrieved August 21, 2022, from www.fppc.ca.gov website: <https://www.fppc.ca.gov/learn/campaign-rules/where-and-when-to-file-campaign-statements/when-to-file-campaign-statements-state-local-filing-schedules.html>; See Also FPPC Local Candidate and Committee Filing Schedule for November 2022 Local Elections: <https://bit.ly/3c7Bj3K>.

209 See Cal. Gov. Code § 84616.

210 See Agoura Hills Municipal Code §§ 21006 – 21010.

211 See Benecia Municipal Code § 1.40.080.

212 Per the definition of “*Extra Filing for and/or Disclosure of Independent Expenditure Committees*” in Appendix II: “Whether a city requires additional filings and/or has additional disclosure mandates beyond what is in the Political Reform Act for persons (i.e., individuals, entities, and/or committees) that make independent expenditures (IEs) in local elections. Such reforms may include, but are not limited to, increased disclosure filings close to an election date, true-source identification and reporting of donors and spenders, mandated submission of all ads created from IE committees to the city clerk, 24-hour notification to all candidates and committees affected by the IE(s), and posting of copies or transcripts of all IE ads.”

213 Traditional disclosure reports include the disclosure forms that the PRA mandates must be filed with jurisdictions throughout the year and during the lead up to an election (e.g., Form 461, 496, etc.). These forms can be viewed on the FPPC’s website here: <https://www.fppc.ca.gov/forms.html>.

candidates within 5 days.²¹⁴

*Extra Pre-Election Disclosures:*²¹⁵ There are 50 California cities with extra pre-election disclosure requirements. For example, the City of Brentwood requires that late contributions and expenditures (i.e., contributions and expenditures occurring 90-days before an election) of \$250 or more but less than \$1,000 (as is the PRA 24-hour late-reporting threshold) must be reported to the local filing officer within twenty-four hours.²¹⁶

*Increased On-Ad Disclosures:*²¹⁷ There are 37 California cities with extra disclosure on campaign ads that goes beyond what the PRA requires. For example, the City of Hayward requires that political ads funded by independent expenditure committees disclose on the ad the committee's top four donors of \$1,000 or more (the PRA only requires on-ad disclosure of donors who give \$50,000 or more²¹⁸) along with the link to the City's webpage where all local campaign disclosure statements are posted.²¹⁹

The chart below shows the number of cities with transparency laws from the above listed categories as well as the total number of cities with transparency laws that go beyond what is required in the PRA.

214 See Arcata Municipal Code § 3012(D).

215 Per the definition of “*Extra Pre-Election Disclosure*” in Appendix II: “Whether a City requires the filing of additional pre-election campaign disclosure reports (for candidates and/or various active campaign committees – regardless of the coordinated or independent nature of the campaign activity) in the weeks or days before an election. These filings are in addition to the pre-election filings mandated in the Political Reform Act.”

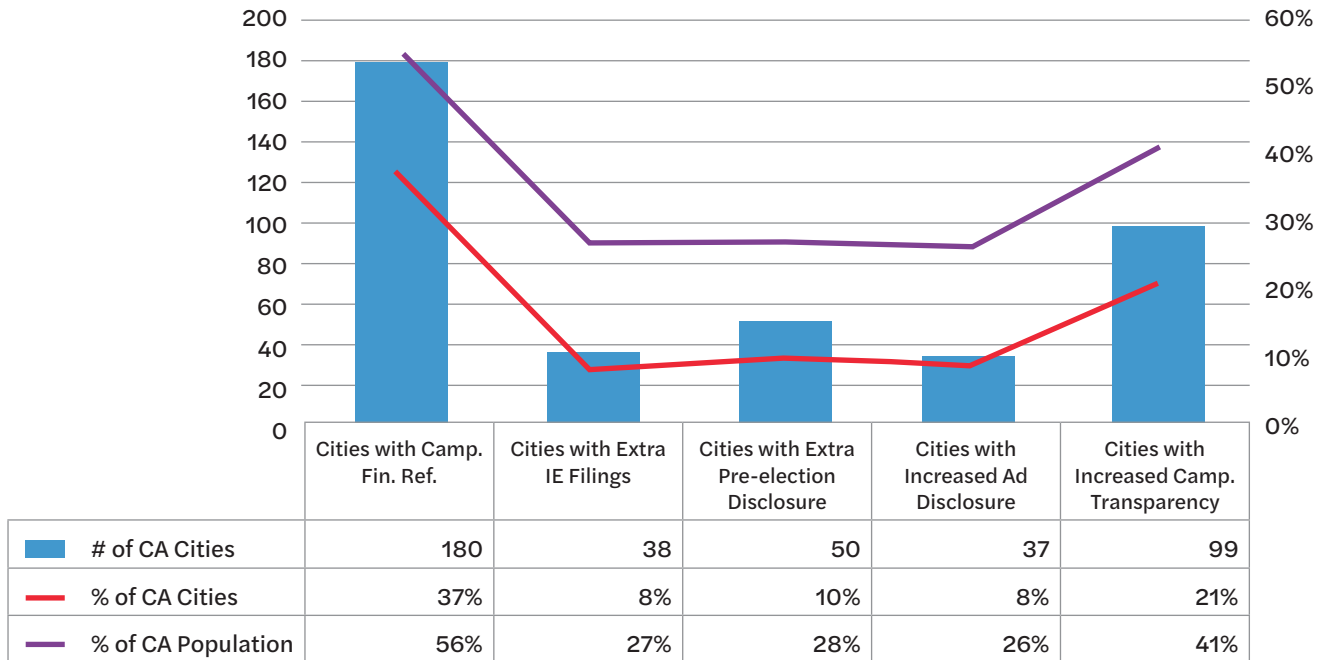
216 See Brentwood Municipal Code § 2.10.090.

217 Per the definition of “*Increased Disclosure on Certain Campaign Advertisements*” in Appendix II: Whether disclosure on political ads in a local jurisdiction goes beyond what is mandated in the Political Reform Act.”

218 See Cal. Gov. Code §§ 84501(c) et Seq., 84504(b), 84504.2(c), 84504.7(b)(3)(A, C, D).

219 See Hayward Municipal Code § 2-13.11.

Campaign Finance Transparency in CA Cities



Note 1: The chart consists of cities that have laws in addition to what is in the PRA.

Note 2: The total of 99 cities in the last (right-hand) category is less than the combined total for the previous three categories in the chart because some cities appear in multiple categories.

The Evolution of Local Campaign Finance Rules Since 2020

Before proceeding, it is worth reminding readers that the MCFI only indexes campaign finance reforms that cities, not the state, have imposed upon their respective jurisdictions. Put another way, the MCFI reflects California cities with campaign finance reforms that are separate from, and typically go above and beyond, what is in California’s Political Reform Act (PRA). State law therefore provides a necessary backdrop for properly understanding campaign finance rules at the local level.

The PRA is a floor for local reform that influences the breadth and scope of local campaign finance. Thus, the bare minimum can bring many cities into the fold of campaign finance if cities no longer have a choice to participate or not. The PRA also affects how pro-active cities are in instituting their own campaign finance laws.

With that in mind, state law has changed significantly in the past five years, resulting in more cities having to abide by meaningful campaign finance laws. Prior to 2020, if a jurisdiction had not enacted campaign finance reforms, state law imposed few regulations on local campaigns for office outside of certain reporting and disclosure rules that apply equally to state candidates. However, local campaign finance has evolved greatly since then, primarily due to new state law mandates on California cities.

Since 2019, the California Legislature and Governor have passed two local campaign finance laws – both sponsored by California Common Cause – that universally apply to cities: Assembly Bill (AB) 571 (Mullin - 2019)²²⁰ and Senate Bill (SB) 1439 (Glazer - 2022).²²¹ AB 571, which amended the PRA, applies default contribution limits to California cities and other local jurisdictions.²²² SB 1439, an anti-pay-to-play law that also amended the PRA, prevents city councilmembers and other locally elected officials from voting on no-bid contracts, entitlements, licenses, and permits if the applicants seeking those procurements have contributed more than \$250 to those individual electeds' campaign committees within the previous 12 months.²²³

This means that nearly all California cities (more on this below) now have campaign contribution limits and all California cities have an anti-pay-to-play law. If one were to include these cities in the MCFI, then every city in California would be represented in either the “Donor Limits” column (by way of AB 571) or the “Restricted Sources,” “Recusal,” or “Curing Period” columns (by way of SB 1439) of the MCFI. (See MCFI definitions in [Appendix II](#) and the MCFI itself at the following link www.commoncause.org/california/resource/cmcfi/.) This section supplements the MCFI by providing perspective and analysis of how these state laws work, in conjunction with the rules local governments have adopted that are tracked in the MCFI. Such an analysis assists in determining the effectiveness, and some would argue necessity, of state laws that impose campaign finance reforms upon local jurisdictions.

We turn now to explore how each of these two state laws, SB 1439 and AB 571, affects the local campaign finance landscape.

SB 1439 (anti-pay-to-play law)

SB 1439 (Glazer) was signed into law by Governor Newsom on September 29th, 2022, and went into effect on Jan 1, 2023. In May 2023, the law survived a legal challenge brought by two local politicians and eight of the largest special interests in the state.²²⁴

SB 1439 took an existing law within the PRA, the Levine Act, which applied only to contributions to non-elected local government officials and extended the law to now apply to locally elected officials as

220 California Legislative Information. (2019, October 9). Bill Text - AB-571 Political Reform Act of 1974: contribution limits. Retrieved October 9, 2022, from [leginfo.legislature.ca.gov](https://leginfo.legislature.ca.gov/leginfo/legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB571) website: https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB571

221 California Legislative Information. (2022, October 3). Senate Bill 1439. Retrieved October 9, 2022, from [leginfo.legislature.ca.gov](https://leginfo.legislature.ca.gov/leginfo/legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220SB1439) website: https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220SB1439

222 California Fair Political Practices Commission. (n.d.-a). AB 571 Fact Sheet. Retrieved June 29, 2022, from www.fppc.ca.gov website: https://www.fppc.ca.gov/content/dam/fppc/NS-Documents/TAD/Campaign%20Documents/AB_571_Fact_Sheet_Final.pdf

223 Matsumoto, S. (2022). SB 1439 Office of Senate Floor Analyses. In *California Legislative Information*. California Legislative Information: Senate Rules Committee. Retrieved from Senate Rules Committee website: https://leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml?bill_id=202120220SB1439

224 See *Family Business Association of California vs. Fair Political Practices Commission*, Case Number 34-2023-00335169-CU-MC-GDS, Unlimited Civil, Sacramento Superior Court, Filed 02-22-2023. (read judgement here: https://drive.google.com/file/d/10RfPjzOCco_8iWlLdSnMi4SI2ffYChEB/view?usp=drive_link);

See Also Henry, J. (2023, May 26). *Court upholds anti-pay-to-play law barring votes benefiting campaign contributors*. Daily News. <https://www.dailynews.com/2023/05/25/court-upholds-anti-pay-to-play-law-barring-votes-benefiting-campaign-contributors/>; See Also Glazer, S. (2023, May 30). *Rooting out local government corruption in California starts by ending pay-to-play*. *CalMatters*. <https://calmatters.org/commentary/2023/05/local-government-corruption-pay-play/>.

well, while also strengthening its provisions.²²⁵ This means that the elected leaders of all 482 California cities now must recuse themselves from voting on certain matters before them (no-bid contracts, development entitlements, licenses, and permits) if the party or parties to those matters contributed more than \$250 in campaign contributions in the previous 12 months to the elected officials voting on the procurements. The prohibition on campaign contributions from procurement recipients lasts for 12 months after the final vote on a matter. However, if an elected official returns any excess contributions over \$250 to an interested party at least 30-days prior to a vote on the matter, then the elected official may vote on the matter. Additionally, new regulations for the law now allow, within a limited timeframe and under limited circumstances, for a qualifying government official to vote on a matter where they would otherwise be disqualified so long as the official discovers the violating contribution just prior to voting on the matter, publicly discloses the disqualifying contribution, and agrees to return the violating contribution within 30 days after voting.²²⁶ Separately, there is a new curing period in the law where an elected official may return a prohibited contribution after voting on an applicable matter *if* the disqualifying contribution was discovered and returned within 14 days *after* the vote was taken.²²⁷

While SB 1439 is straight forward (i.e., it applies to all local jurisdictions) there is no explorable data on the law's effect on elected officials as of the time of this writing, as it has just gone into effect. Thus, we are currently not able to measure its effectiveness or identify any potentially exploitable holes in the law.

SB 571 (local contribution limits)

AB 571 (Mullin) amended the PRA in 2019²²⁸ to apply the state Assembly and Senate's inflation-adjusted individual contribution limits (\$4,900 in 2021-2022) to all campaigns for elected city and county offices²²⁹ by default, unless those local jurisdictions adopt their own local contribution limits. In addition to the legislation's default contribution limits,²³⁰ which also apply to candidate-to-candidate contributions, local candidates under AB 571 may only loan their campaigns up to \$100,000; must

225 SB 1439 extended the blackout period for contributions from successful procurement applicants from three months to 12 months after a final vote on the procurement and added a 14-day post-vote curing period for covered officials who violated the law by illegally voting on a matter. The cure period allows a violating official to return a violating contribution within 14-days of a vote on the applicable matter. For details, See California Fair Political Practices Commission. (2023, February). *2023 Changes to Section 84308*. [www.fppc.ca.gov](https://www.fppc.ca.gov/content/dam/fppc/NS-Documents/TAD/Campaign%20Documents/Changes_to_Section_84308_Final.pdf). https://www.fppc.ca.gov/content/dam/fppc/NS-Documents/TAD/Campaign%20Documents/Changes_to_Section_84308_Final.pdf

226 To qualify for this exemption, an official must 1) have learned about the violating contribution less than 30 days before the official knows or should have known about the violating contribution and the open public meeting or hearing where the matter will be voted on, 2) disclose the contribution on the record of the open public meeting or hearing where the matter will be voted on, and 3) return the excess contribution within 30 days after having voted on the matter at the open public hearing or meeting where the contribution was disclosed. For details, See 2 Cal. Code of Regs. § 18438.7(d) (<https://www.fppc.ca.gov/content/dam/fppc/NS-Documents/AgendaDocuments/law-and-policy/2023/june/18438.7-Adopt%20LP%20Agenda.pdf>).

227 For more details about SB 1439 and updated regulations for the Levin Act, See California Fair Political Practices Commission. (n.d.-e). *Pay-to-Play Limits and Prohibitions*. www.fppc.ca.gov. Retrieved August 22, 2023, from <https://www.fppc.ca.gov/learn/pay-to-play-limits-and-prohibitions.html>.

228 AB 571 was signed into law in 2019 but went into effect in 2021 (the law had a grace period to allow cities to prepare for its implementation).

229 All other local jurisdictions, including school districts and special districts are exempt from AB 571. However, as of this writing, SB 328 (Dodd – 2023) is making its way through the California legislature, and, if passed, would apply AB 571's default contribution limits to all local government agencies (e.g., school boards and special districts). See California Legislative Information. (2023, March 27). *Bill Text - SB-328 Political Reform Act of 1974: contribution limits*. [leginfo.ca.gov](https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=202320240SB328). https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=202320240SB328

230 Of note, the FPPC is the enforcement body for local jurisdictions that officially or by default adopt AB 571. Local jurisdictions with differing contribution limits must enforce their own laws or may contract with the FPPC to do so if the jurisdiction's population is less than three million residents.

use all post-election funds – also subject to contribution limits – to pay down debt on the campaign for which they were given; and must abide by restrictions and disclosure rules when transferring campaign funds from one candidate committee to another campaign committee controlled by the same candidate. Because of AB 571, nearly all California Cities now have campaign contribution limits.²³¹

As a result of the AB 571 limits, plus the limits adopted by local jurisdictions, our data shows that 469 out of 482 California cities (or 97% of California cities) now have campaign contribution limits.²³² Those 469 cities account for over 37 million residents or 96% of all California residents.²³³ For comparison, the California Municipal Democracy Index²³⁴ showed that 108 California cities (or 22% of California cities) had contribution limits in 2016, which accounted for 16,782,485 residents or 42% of all California residents.²³⁵ (See table below.)

Effectiveness of AB 571

| | |
|---|------------|
| CA Cities with Contribution Limits in 2022 | 469 |
| % of CA Cities with Contribution Limits in 2022 | 97% |
| CA Cities with Contribution Limits in 2016 (Pre-AB 571) | 108 |
| % of CA Cities with Contribution Limits in 2016 (Pre-AB 571) | 22% |
| CA Population with Contribution Limits in 2022 | 37,826,652 |
| % of CA Population with Contribution Limits in 2022 | 96% |
| CA Population with Contribution Limits in 2016 (Pre-AB 571) | 16,782,485 |
| % of CA Population with Contribution Limits in 2016 (Pre- AB 571) | 42% |

Sources: California Municipal Campaign Finance Index data, United States Census Bureau (2020 population data), and the California Municipal Democracy Index (2016).

As noted earlier in this report, AB 571 does not apply if a jurisdiction adopts its own contribution limits – of any amount. This has resulted in some cities instituting ridiculously high contribution limits to circumvent AB 571’s restrictions. Our data in the table below shows that six California cities, which account for 462,388 total residents, have contribution limits higher than the \$4,900 (2022) inflation-adjusted limits in AB 571.²³⁶

231 Of note, if a city or county passes an ordinance codifying into local law “no” contribution limits then the state’s default contribution limit, and all other sections of AB 571, do not apply to that local jurisdiction.

232 This includes cities that 1) have adopted their own contribution limits outside of AB 571, 2) cities that have formally adopted AB 571’s contribution limits, and 3) cities that have adopted AB 571’s contribution limits by default (i.e., cities that remained silent on local contribution limits in their municipal codes).

233 The numbers are rounded and based on California’s April 2020 Census Bureau Quick Fact population data, which shows a total population of 39,538,223 residents. <https://www.census.gov/quickfacts/CA>

234 See <https://www.commoncause.org/california/wp-content/uploads/sites/29/2018/03/california-municipal.pdf>

235 These findings are based on 2020 census population data.

236 All six cities adopted their contribution limits in 2020, 2021, or 2022 to circumvent AB 571 (Dixon = \$25,000, El Cajon = \$10,000, Hawthorne = \$100,000, Inglewood = \$100,000, Montebello = \$5,000, Perris = \$20,000).

CA Cities with Contribution Limits Higher than AB 571

| City | Donor Limit | Population | Election Type |
|---------------------------|-------------|----------------|---------------|
| Dixon | \$25,000 | 18,988 | By-District |
| El Cajon | \$10,000 | 106,215 | By-District |
| Hawthorne | \$100,000 | 88,083 | At-Large |
| Inglewood | \$100,000 | 107,762 | By-District |
| Montebello | \$5,000 | 62,640 | By-District |
| Perris | \$20,000 | 78,700 | By-District |
| Total Population = | | 462,388 | |

There are also a small number of cities whose city councils have expressly adopted campaign finance ordinances with NO contribution limits to opt out of AB 571. MCFI data shows that 13 California cities currently have adopted ordinances or resolutions instituting unlimited or no contribution limits in local elections. Those cities make up a total of 1,711,571 residents and represent 4% of California's population.²³⁷ (See table below.)

Cities with No Donor Limit to Avoid AB 571

| City | Population |
|-----------------|------------------|
| Bakersfield | 403,455 |
| Clovis | 120,124 |
| Danville | 43,582 |
| Huntington Park | 54,883 |
| Hawthorne | 88,083 |
| Moreno Valley | 208,634 |
| Montclair | 37,865 |
| Riverside | 314,998 |
| Santa Maria | 109,707 |
| Compton | 95,740 |
| Ontario | 175,265 |
| Palm Desert | 51,163 |
| Pismo Beach | 8,072 |
| Total | 1,711,571 |

By contrast, MCFI data (see table below) shows that there are nine cities with a total population of 756,263 residents that have officially adopted, by ordinance or resolution, either all or significant portions of AB 571. While this was not legally necessary, it may provide greater notice to candidates of the applicability of state law to their campaigns.

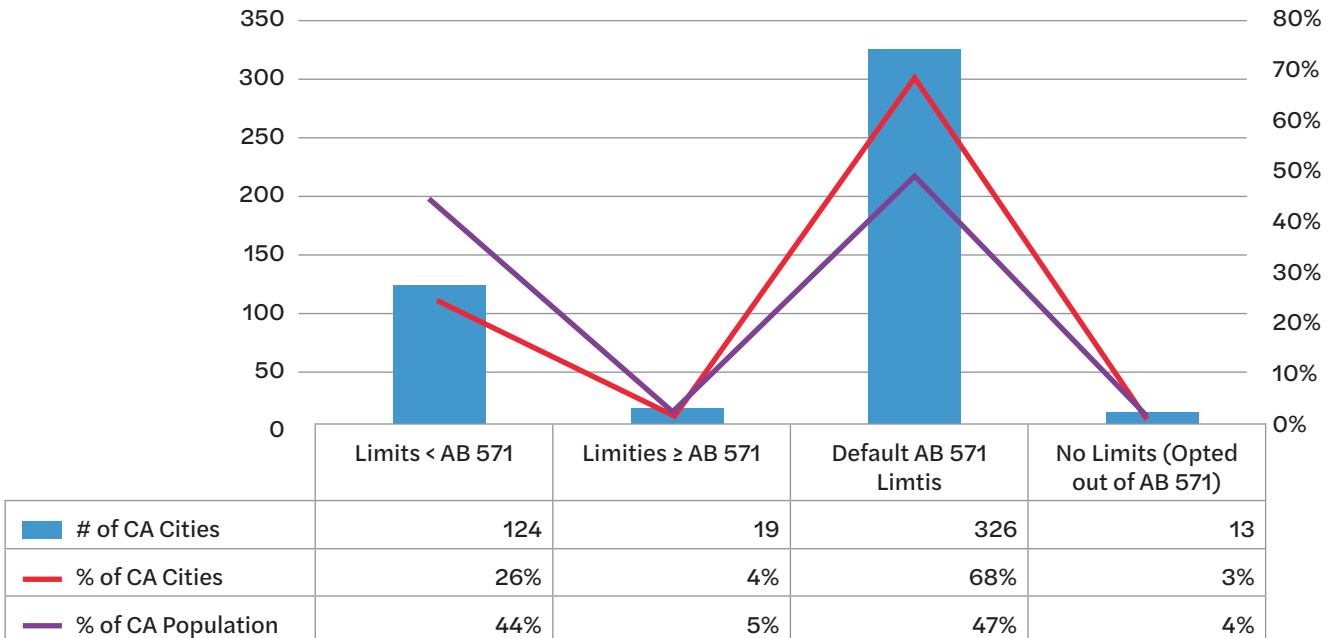
²³⁷ Numbers and percentages are based on 2020 Census Bureau data.

CA Cities that Officially Adopted All or Some of AB 571

| City | Population |
|----------------|----------------|
| Fontana | 208,393 |
| La Habra | 63,097 |
| La Puente | 38,062 |
| Manteca | 83,498 |
| Morgan Hill | 45,483 |
| San Bernardino | 222,101 |
| San Gabriel | 39,568 |
| South El Monte | 19,567 |
| Temple City | 36,494 |
| Total | 756,263 |

Considering the above data, our analysis determined that 326 California cities (see table and chart below) with a total population of 18,532,596 residents²³⁸ (or 47% of CA's Pop.) have adopted AB 571 by default (i.e., by taking no action in light of AB 571).

Cities with Contribution Limits Relevant to AB 571



238 Note: this is based on 2020 U.S. Census Bureau data.

AB 571 has had a tremendous impact on the campaign finance landscape in California, specifically on the number of jurisdictions with campaign contribution limits. Out of 482 California cities, only 13 do not have some type of contribution limit, and only 19 have non-default contribution limits that are higher than (six cities)²³⁹ or equal to (thirteen cities)²⁴⁰ the limits imposed by AB 571. That means that in 2022, 37,825,667, or 96% of all California residents live in a city with contribution limits at or below AB 571's (2022) \$4,900 inflation adjusted contribution limit.

AB 571's near universal contribution limits for cities and SB 1439's universal anti-pay-to-play statutes are game changers for local campaign finance reform in California. While neither law is a panacea, each law is a huge step in the right direction towards reigning in money and increasing accountability in local politics.

239 California cities with contribution limits higher than Ab 571's 2022 default contribution limits include Dixon = \$25,000, El Cajon = \$10,000, Hawthorne = \$100,000, Inglewood = \$100,000, Montebello = \$5,000, Perris = \$20,000.

240 California cities with contribution limits in their municipal codes that are equal to AB 571's 2022 default contribution limits, either because they officially adopted all or parts of AB 571 or already had limits identical to AB 571's 2022 limits, include Fontana, Fresno, La Habra, La Puente, Lynwood, Manteca, Morgan Hill, San Bernardino, San Gabriel, Santa Barbara, South El Monte, Temple City, Victorville.

THE STATE AND FUTURE OF LOCAL REFORM

Given the information presented in this report, what is the state of and prospects for campaign finance reform in California?

There is good news and bad news.

The bad news is that the current Supreme Court of the United States (SCOTUS), is likely to continue to chip away at campaign finance regulation for the foreseeable future – as the court with varying membership has done for decades (see the *Background* section of this report). A majority of the Roberts Court views money as speech. As such, the Court has been hostile to restrictions on money in politics on First Amendment (free speech) grounds. The Court’s majority also believes that corporations and unions are afforded the same First Amendment rights as individuals. These two controversial sentiments held by a majority of the Roberts Court -- money as speech and entities as people -- have resulted in unfettered money in U.S. politics through “independent expenditures” that are often anonymized through a web of political committees and shell entities such as 501(c)4 corporations and Limited Liability Companies (LLCs). Given that the Roberts Court is on their side, the pro-money-in-politics forces will continue to challenge campaign finance reforms all the way to the Supreme Court in the coming decades. But all is not lost.

The good news is that much can still be done to combat the undue influence of money in politics – especially at the local level where voters can more easily organize and hold their politicians accountable. The MCFI is an example – or a roadmap – of what can be done to rein in money and create greater accountability in local politics. As one can see in this report, there are an array of reforms that can be instituted to curb money’s influence in local politics, such as limits on direct contributions to a candidate’s campaign, fundraising windows, campaign public financing systems, and on-ad disclosure of the top funders of independent campaign expenditures. Similarly, reforms like the prohibition of contributions from special interests who have business before local governments, recusal protocols for even the appearance of a conflict of interest, and the adoption of by-district elections (which decreases the area of campaigning) can mitigate the effects of unlimited money in local politics.

State of Play

Because of state laws, California cities have a strong foundation to build upon for addressing money’s undue influence in politics. California’s Political Reform Act (PRA) is one of the best state disclosure and accountability laws in the country with much of it applying to local jurisdictions. It is not without flaws, but as a living document, the PRA is amended -- and often improved upon -- year after year.

AB 571 (2019), which is part of the PRA, has established contribution limits in nearly every city in California. Even so, cities can and should adopt limits that are much lower than the limits in AB 571, which are pegged to limits established for state senate and assembly candidates, not city candidates who typically run in much smaller electoral areas.²⁴¹ For context, the average California senate district en-

²⁴¹ AB 571’s 2022 inflation adjusted contribution limits are \$4,900.

compasses about 1 million residents and the average assembly district encompasses about 500,000 residents.²⁴² As a rough measure, the average California city is composed of about 64,000 residents with a median city size of about 29,000 residents (the smallest CA city is Vernon with 112 residents and the largest CA city is Los Angeles with around 3.8 million residents),²⁴³ but in reality, local constituent populations are often much lower given that so many California cities have converted to by-district elections²⁴⁴ (i.e., elections where only the residents of a city’s council district get to vote for their councilmember, which is often one-fourth to one-fifth of the jurisdiction’s total population).²⁴⁵ Thus, an inflation-adjusted \$4,900 contribution limit is much too high for most cities in California. Perhaps the state legislature will lower AB 571’s donor limit at some point,²⁴⁶ but local jurisdictions should not wait for that to happen. Cities should take the initiative and institute reasonable contribution limits based on a city’s size and electoral system (at-large or by-district). As of this writing, only two cities were identified as having adopted lower contribution limits than the limits in AB 571 *directly in response to AB 571* (Cathedral City and Hollister).²⁴⁷

SB 1439 (2022), also part of the PRA, has established a universal anti-pay-to-play law for all local jurisdictions in California. It mandates recusal of electeds who would vote on procurements if a party to the procurement has given the voting elected more than \$250 in campaign contributions in the previous 12 months. But, again, this is a starting point. Cities can and should go above and beyond what is in SB 1439. For example, using SB 1439’s statutes as a framework, cities can prohibit interested parties from contributing to the campaigns of local politicians while they *have* active contracts with the jurisdiction, rather than just 12 months before and after a contract is received. Similarly, cities could include within their anti-pay-to-play ordinances contributions from unions that seek to influence city matters where they have a financial interest, which SB 1439 currently does not do.

An often-overlooked election law that also affects campaign finance is the California Voting Rights Act of 2001, which,²⁴⁸ as of the time of this writing, has resulted in by-district elections in at least 189 California cities (more than one-third of CA cities), consisting of over 60% of the state’s population (24,003,623 residents)²⁴⁹ (see [Appendix VII](#)). For context, only 59 out of 482 California cities had

242 See 2020 California Citizens redistricting Commission. (2021). Report on Final Maps: 2020 California Citizens Redistricting Commission. In *wedrawthelinesca.org* (pp. 50–51). 2020 California Citizens redistricting Commission. <https://bit.ly/3W21fQr>.

243 This is based on October 2021 U.S. Census population data for each California city as listed on Wikipedia. See List of municipalities in California. (2022, September 27). In *Wikipedia*. https://en.wikipedia.org/wiki/List_of_municipalities_in_California

244 Our data shows that as of 2022, there are 189 California cities that have converted to by-district elections (see Appendix VII for details and data).

245 For context, our data show (see Appendix VII) that the average population for a California city with by-district elections is 127,679 with a median population of 70,191. For most by-district cities we would divide those numbers by four or five, meaning the average district population would be around 25,000 – 32,000 residents with a median district population of around 14,000 – 18,000 residents. And, of course, not all of these residents are registered voters.

246 One way to do this might be for the state legislature to devise a mathematical formula that considers city-size and election-type (i.e., whether a city has by-district or at-large elections). For example, such a formula might entail dividing a city’s population, or the average population of its political districts, by the average assembly district population times the current contribution limit for state legislators. Alternatively, such a formula could be applied more broadly across cities based on where they fall within one of multiple population-tiered groupings of cities (e.g., cities with population between 100-20k, 21k-50k, 51k-100k, 101k-200k, 201k-300k, more than 300k).

247 Note: in 2022, the City of Windsor adopted lower contribution limits than AB 571 but not because of AB 571. Rather, Windsor’s \$500 contribution limits were imposed as a product of local political scandals and community advocacy.

248 California Legislature. (2003, January 1). California Voting Rights Act of 2001. Retrieved October 23, 2022, from California Legislative Information website: <https://bit.ly/3TOxCQD>

249 Based on 2020 U.S. Census Bureau data.

by-district elections in 2016 according to the California Municipal Democracy Index.²⁵⁰ Dividing a city up into districts where only those who live in the district get to vote for the councilmember of that district, as opposed to at-large or from-district elections where all residents of a city get to vote for all city councilmembers, reduces the cost of running a viable campaign, especially for grassroots candidates. This, in turn, produces an environment that is more conducive to candidate competition and voter choice. It may also help small-donor candidates better counter big-money candidates, resulting in candidates and electeds who are more beholden to their constituents than their big donors. Thus, as California cities continue to adopt by-district election systems, so too will cities be embracing a type of campaign finance reform that may reduce the cost of winning elected office.

Looking Forward: Priorities and Best Practices

STATE LAWS: Two reforms to the Political Reform Act (PRA) that would do a lot to reign in the undue influence of unlimited money in local politics are **lowering the contribution limits in AB 571 for local elections and removing the ban on campaign public financing systems for general-law city offices.**

As noted in the above sub-section, **AB 571's contribution limits are the same limits for state senate and assembly candidates and are much too high for cities**, particularly small and medium cities. For context, according to MCFI data, 143 California cities, as of 2022, have adopted their own contribution limits. Of those cities, 124 have limits lower than the limits in AB 571, with an average contribution limit of about \$700. The median (i.e., middle) *and* mode (i.e., most common) contribution limits of those 124 cities is \$500.

Proposition 73 (1988), as noted in the *Background* section of this report, amended the PRA to prohibit public financing for elections to public office in California.²⁵¹ Charter cities like Los Angeles, San Francisco, and Berkeley, which are exempt from the prohibition, have implemented well-functioning campaign public financing systems. **General law cities (as well as the state and all other local jurisdictions) should also be allowed to implement campaign public finance systems if they wish.** Public financing of campaigns is perhaps the best check against unlimited money in elections. Jurisdictions should not be prohibited from instituting this important reform.

Even though a 2020 state law (AB 2151) now mandates that all local government agencies must post the PRA-mandated disclosure statements of local candidates on the local agency's website, these documents are not always easy to find or search for since jurisdictions are not bound by any posting and formatting requirements.²⁵² Thus, **what is needed is a one-stop-shop for all local PRA filings that is user-friendly and searchable across donors and filers.** The state legislature recognizes this and has mandated the creation of a publicly-accessible electronic database with campaign information for all state candidates, and with the future option of including the campaign information for local candidates,²⁵³ but its creation and implementation has been wrought with delay and cost overruns. That said, once this statutorily-mandated public transparency portal (known as the CAL-ACCESS Replacement

250 See California Municipal Democracy Index 2016 (PDF page 7): <https://bit.ly/3TybhHw>

251 See Cal. Gov. Code, Section 85300. https://california.public.law/codes/ca_gov't_code_section_85300

252 See Cal. Gov. Code § 84616. <http://bit.ly/3WXd328>; See also Cal Gov. Code § 84602. <http://bit.ly/3fXdz4t>

253 See SB 1349 (Hertzberg, 2016). <http://bit.ly/3fZFDnN>

System – CARS) is fully implemented, state law should be amended to require local candidates to use this system as well, creating a one-stop portal for all California campaign finance information.²⁵⁴

INDEPENDENT EXPENDITURES: A primary area of policy focus going forward must be how to **address the corrupting effects of unlimited money in politics by way of independent expenditures (IEs)**. This should be a priority because 1) IEs are a glaring exemption in campaign finance reform that decrease public faith in our political system and delegitimize democracy, and 2) politicians too often use the unlimited, unrestrained nature of IEs as an excuse to do nothing on the reform front – despite the existence of many tried and true reforms that increase accountability and trust in government, level the political playing field, and lessen the undue influence of unlimited IE money in politics.

Because a majority of the U.S. Supreme Court deemed IEs uncorruptible and thus not regulable,²⁵⁵ the primary means for combating IEs is transparency. Cities should be bold on this front and not be afraid to expand upon already good disclosure laws to better address the dark-²⁵⁶ and gray-money²⁵⁷ loopholes that IE committees exploit.

For example, cities can require original-source disclosure of expenditures made by and contributions made to independent expenditure committees (i.e., mandate that the IE committee untangle the web of shell entities its contributions may have been funneled through to disclose to the public the true sources of its funding).²⁵⁸ Similarly, jurisdictions could mandate that all spending in local elections be attributable or traceable to living persons who maintain ownership and control over the contribution(s) and expenditure(s).²⁵⁹ Local jurisdictions could also require on-ad disclosure of top funders of IE advertisements, like the state does, but with a funder disclosure threshold that is much lower than the state’s \$50,000 threshold. For example, the City of Benicia requires on-ad disclosure of funders who contribute at least \$2,500 towards an IE ad for a local race or ballot measure.²⁶⁰

254 See AB 2528 (Bigelow, 2022). <http://bit.ly/3Xanu02>

255 See Federal Election Commission. (n.d.-b). *Citizens United v. FEC*. Retrieved June 19, 2022, from FEC.gov website: <https://www.fec.gov/legal-resources/court-cases/citizens-united-v-fec/>. Excerpt: “The Court [SCOTUS] also rejected an anticorruption rationale as a means of banning independent corporate political speech. In *Buckley v. Valeo*, the Court found the anti-corruption interest to be sufficiently important to allow limits on contributions, but did not extend that reasoning to overall expenditure limits because there was less of a danger that expenditures would be given as a quid pro quo for commitments from that candidate. The Court ultimately held in this case that the anti-corruption interest is not sufficient to displace the speech in question from *Citizens United* and that ‘independent expenditures, including those made by corporations, do not give rise to corruption or the appearance of corruption.’”

256 Dark Money is “money donated to politically active nonprofit organizations or anonymous corporate entities, which spend this money to influence political campaigns or other special interests but are not required to reveal their donors.” See Dictionary.com <https://www.dictionary.com/browse/dark-money>

257 “Gray money is spending by super PACs that disclose other PACs as donors, making it impossible for the public to identify the actual funders without sifting through multiple layers of PAC disclosures.” See Lee, C., & Keith, D. (2016b, June 28). The Rise of “Gray Money” in American Politics. Retrieved November 1, 2022, from The Atlantic website: <https://www.theatlantic.com/politics/archive/2016/06/the-rise-of-gray-money-in-politics/489002/>.

258 The Political Reform Act (See PRA Sections 84109 [LLCs], 84222 [multipurpose organizations]) and a new Arizona law (See Arizona Proposition 211 [2022] <http://bit.ly/3EnMVJY>) provide models for true-source donor and spender identification that cities can use as a starting point for adopting their own city-specific reforms that are stricter and provide more disclosure (e.g., with lower monetary-triggering disclosure thresholds and baked in true-source identification by the filer).

259 Mandated true-source donor identification could occur in multiple ways. One way would be to implement a “people only” direct contribution system like San Diego has. Another would be to mandate that an entity identify, along with the entity’s name, the owner, majority shareholder, and/or the individual at the entity that decides how and when political money is spent. *Ibid*; See *also* the City of San Diego’s “people only” campaign finance system that prohibits entities (other than sole proprietorships and political party’s) from contributing directly to city candidates (See San Diego MC, Chap. 2, Art. 7, Div. 29, §§ 27.2950 - 27.2951: <http://bit.ly/3OitoPS>).

260 See Benicia MC, Sec. 1.40.070. <https://bit.ly/3OBoQWV>

Finally, cities could devote a webpage to exposing the independent expenditures made in local elections. Such webpages should allow the public to view mandated disclosure reports of IE committees and the actual ads they produced, see the names of top funders of IEs, and find links to useful resources, such as the California Secretary of State's Business Entity and CAL-ACCESS search engines and corporationwiki.com, which assist the public and press in tracking down who is behind the entities giving to IE committees. In other words, shine a light on who wants to influence elections and candidates, rather than allow this information to remain in the dark.

Some examples of cities with strong IE disclosure laws include Los Angeles, Hayward, and Benicia. Los Angeles requires that IEs for a race or measure be reported to the City's Ethics Commission within 24 hours of publication of the ad along with a list of 11 different disclosure details and a copy of the communication, which is sent to all affected candidates and committees and posted on the Ethics Commission's website along with other disclosure details within 24 hours.²⁶¹ The City of Hayward requires that political ads funded by independent expenditure committees disclose on the ad the true source of the committee's top four donors of \$1,000 or more, their city of domicile, and the URL to the City's webpage where all local campaign disclosure statements are posted.²⁶² The City of Benicia requires that all IE committees active in City elections do the following: 1) file disclosure statements with the City Clerk inclusive of filing obligations under state and federal law; 2) supply within 24 hours of publication of an IE ad the City Clerk with detailed information about an IE that is made at least 45 days prior to an election, which the City Clerk supplies to all affected candidates and committees within 24 hours of receipt; 3) disclose on any IE ad the committee's top three donors along with all donors who contributed \$2,500 or more to the committee; and 4) supply the City Clerk with a copy of the IE literature or script within 24 hours of its publication.²⁶³

The state could also do more on this front. Some examples of reforms to the Political Reform Act that could increase transparency around and accountability for IEs across the state are outlined in a California Common Cause report by Andrew Albright from February 2024, called *All Hope is Not Lost: Effectively Regulating Independent Expenditures in a Post-Citizens United World*.²⁶⁴ In the report, Albright recommends expanding the definition of what constitutes coordination between candidates and independent political spenders, expanding the types of political ads covered under the law to include "issue advocacy" (i.e. ads that promote a candidate without directly asking you to vote for them), and disallowing political committees to both give directly to candidates and make independent expenditures.

STRONG LOCAL PRESS: As independent local press publications die out, so too does local reporting on money in politics and government accountability. Therefore, it is crucial that we support local journalism to check big money in our local politics. The layperson typically does not have the time or wherewithal to track down, scour, and interpret campaign finance laws and lengthy disclosure reports. We rely on investigative reporters to do this for us. In turn, such reporting places local politicians on

261 See L.A. MC, Sec. 49.7.31. https://codelibrary.amlegal.com/codes/los_angeles/latest/lamc/0-0-0-224189

262 See Hayward MC, Sec. 2-13.11. <https://bit.ly/3gYoQBy>

263 See Benicia MC, Chapter 1.40. <https://www.codepublishing.com/CA/Benicia/#!/Benicia01/Benicia0140.html#1.40>

264 Albright, A. (2024). *All Hope is Not Lost: Effectively Regulating Independent Expenditures in a Post-Citizens United World*. (link to report)

notice and incentivizes them to seek out and accept fewer big-money contributions from special interests. The state ought to help where they can on this front with legislation and hands-off funding,²⁶⁵ but the public should also take matters into their own hands by supporting local news publications, writing and publishing op-eds, and electronically posting campaign finance data with sources and summaries for the public to consume.

The future of local campaign finance reform

In sum, the future of local campaign finance reform is promising – even if constrained by the U.S. Supreme Court. State law in California has laid a solid foundation for cities to build upon. Furthermore, charter cities have significant autonomy to go above and beyond what state law allows general law cities to implement by way of money-in-politics reform.

Considering that all California cities have a state-mandated anti-pay-to-play law (SB 1439 – Grazer, 2022) and internet posting requirements for campaign finance reports (AB 2151 – Gallagher, 2022), and most California cities have minimum contribution limits (AB 571 – Mullin, 2019), local jurisdictions should look to do the following:

1. Improve upon the foundational campaign finance laws the state has established for cities.
 - *For example: implement contribution limits lower than AB 571's exceedingly high limits that were meant for state office, make internet-posted campaign finance reports well-organized and searchable, and strengthen AB 1439's anti-pay-to-play mandates.*
2. Implement auxiliary laws that increase the efficacy of foundational laws.
 - *For example: fundraising windows, post-election candidate account ceilings, increased number of pre-election campaign finance disclosure filings, meaningful penalties that compel compliance, and independent third-party arbiters of the laws.*
3. Implement laws that better expose independent expenditures and hold those who utilize them more accountable to the public.
 - *For example: increase the frequency of local disclosure filings for active IE committees, mandate true-source spender and donor disclosure on all filings, require the disclosure of top donors on ads, post all IE filings and ads online, mandate 24-hour reporting of local IEs to city halls and affected candidates/committees, and require entities that make IEs and donate to IEs to show proof of living ownership.*
4. Implement public campaign financing systems to increase the candidate field and voter choice and to counter wealthy and/or special-interest-backed candidates from buying elections and influence.
 - *For example: public matching funds or democracy voucher public financing systems.*

265 SB 911 (2022 – Glazer) was a valiant attempt at a state funded program to support independent local news media, but it failed to make it out of the arduous legislative process (<http://bit.ly/3Ec7y06>). However, a version of SB 911 was introduced into the state Budget Act of 2022 (See AB 179, Chapter 249, Sec. 19.56(c)(2)(E) <https://bit.ly/3BTVUC6>) that allocated \$25 million to UC Berkeley to provide up to 40 fellowships per year to journalists who cover local news in underrepresented areas in California (<https://bit.ly/45p2ZrN>).

Reforms should be progressive in nature compared to the bare minimum mandated by state law, well-formulated, and enforceable. Window-dressing laws that don't meaningfully prevent corruption or its appearance, or good ordinances with weak penalties or lax enforcement, only perpetuate skepticism in reforms, cynicism in politics, and distrust in government. The good news is the public consistently supports anti-corruption reform, especially when it mitigates big money in politics.²⁶⁶ So, move the ball forward and be bold. It is more likely than not that the public will support it.

266 See Jones, B. (2018, May 8). *Most Americans want to limit campaign spending, say big donors have greater political influence*. Pew Research Center. <https://www.pewresearch.org/short-reads/2018/05/08/most-americans-want-to-limit-campaign-spending-say-big-donors-have-greater-political-influence/>; See Also Pino, M. (2023, February 27). *Poll: New Yorkers Support Public Campaign Finance* | Brennan Center for Justice. www.brennancenter.org. <https://www.brennancenter.org/our-work/analysis-opinion/poll-new-yorkers-support-public-campaign-finance>; See Also Campaign Legal Center. (2019, November 18). *Bipartisan Poll Finds Voters Want Stronger Enforcement of Campaign Finance Laws, Increased Transparency in Elections*. www.campaignlegal.org. <https://campaignlegal.org/update/bipartisan-poll-finds-voters-want-stronger-enforcement-campaign-finance-laws-increased>; See Also Saad, L. (2013, June 24). *Half in U.S. Support Publicly Financed Federal Campaigns*. www.gallup.com. <https://news.gallup.com/poll/163208/half-support-publicly-financed-federal-campaigns.aspx>; See Also Confessore, N., & Thee-Brenan, M. (2015, June 2). *Poll Shows Americans Favor an Overhaul of Campaign Financing*. www.nytimes.com. <https://www.nytimes.com/2015/06/03/us/politics/poll-shows-americans-favor-overhaul-of-campaign-financing.html>; See Also Ipsos. (2017, August 31). *Majority of Americans Support Campaign Finance Reform*. www.ipsos.com. <https://www.ipsos.com/en-us/news-polls/center-for-public-integrity-2017-08-31>; See Also Beckel, M. (2013, December 3). *Don't support "campaign finance reform"? Try combating "corruption."* Center for Public Integrity. <https://publicintegrity.org/politics/dont-support-campaign-finance-reform-try-combating-corruption/>

APPENDIX I: RATING METHODOLOGY

The MCFI utilizes the intent and purpose statement below as a guiding principle in the assessment of campaign finance laws in California cities, followed by a qualitative evaluation rubric for the MCFI’s rating system.

| | |
|--|---|
| <p>Intent and purpose of campaign finance reforms =</p> | <p>Campaign finance reforms are meant to improve representative government and increase public trust and participation in the democratic process through laws that check corruption and its potential. Reforms typically do this by 1) increasing campaign transparency and political accountability and 2) mitigating big-dollar special-interest money and its influence over candidates, elections, and politicians in power.</p> |
| <p>Strong = cities with laws that generally do some or all of the following:</p> <p>→</p> <p>→</p> <p>→</p> | <p><i>Note: While a few of the cities receiving a “Strong” rating in the MCFI have all of the categorized traits below, the reforms in most cities with a “Strong” rating in the MCFI consist of some of the traits below.</i></p> <p>Level the campaign playing field i.e., reforms that increase competition by lowering barriers to candidate entry and viable campaigning, often by mitigating money-and-power advantages that are typically held by incumbent and wealthy candidates, such as:</p> <ul style="list-style-type: none"> ▪ public financing of elections, ▪ meaningful contribution limits, i.e., limits that are not so high that they achieve little-to-nothing, ▪ fundraising windows, i.e., specified periods of time in which campaign fundraising is permitted, thus limiting the money hunt for candidates, ▪ post-election account ceilings, i.e., a cap on total funds an elected can retain in their campaign account until the next election cycle for the same office kicks in. ▪ a cap on personal loans to one’s own campaign, ▪ restrictions on candidate-to-candidate contributions, ▪ restrictions on contributions from persons with business before the city, <p>Promote transparency</p> <ul style="list-style-type: none"> ▪ Increase transparency through ease of public access to candidate and committee campaign fundraising and spending information, <ul style="list-style-type: none"> ▪ e.g., reforms that mandate organized online archives of campaign filings, ▪ e.g., reforms that require online campaign filings to be word-searchable, ▪ Increase campaign fundraising and expenditure disclosure, <ul style="list-style-type: none"> ▪ e.g., reforms that require additional disclosure filings in the weeks and days leading up to an election, ▪ e.g., reforms that require the listing of top donors on political ads (beyond what is required in the PRA), ▪ Expose independent expenditures, <ul style="list-style-type: none"> ▪ e.g., reforms that mandate or facilitate true-source donor identification on disclosure filings and on-ad disclosures, ▪ e.g., reforms that require additional fundraising and expenditure filings, ▪ e.g., reforms that establish an online public database of independent expenditure filings and ads, ▪ Increase accountability of candidates and electeds, <ul style="list-style-type: none"> ▪ e.g., reforms that mandate recusal when voting on matters that financially effect the major donors of an elected or candidate, ▪ e.g., reforms that restrict contributions from certain moneyed interests — particularly parties with business before the city. <p>Are comprehensive and robustly designed</p> <ul style="list-style-type: none"> ▪ Are separately and collectively comprehensive in scope (i.e., reforms with more than one law and/or with multiple subsections to individual laws), ▪ Are well-designed to account for multiple factors and circumstances, <ul style="list-style-type: none"> ▪ e.g., reforms with statutes that preempt circumvention or exploitation of the reforms, ▪ e.g., reforms that are progressively amendable to account for change in political and/or campaign environments. |

| | |
|--|---|
| <p>→</p> <p>→</p> | <p><u>Have strong enforcement and fair due process</u></p> <ul style="list-style-type: none"> ▪ Employ adequate enforcement (i.e., reforms that establish a designated enforcement authority that is unbiased and, ideally, independent), ▪ Have adequate penalties to deter flouting of reforms, <ul style="list-style-type: none"> ▪ e.g., reforms with meaningful fines and/or sanctions, ▪ e.g., reforms that apply multiple types of liability (i.e., criminal, civil, and administrative) based on circumstances, ▪ Institute sound due process procedures (i.e., reforms with review, dispute, and resolution processes that are comprehensive and fair), ▪ Have clear complaint procedures (i.e., reforms that outline how and where a member of the public may file a complaint for an alleged violation(s) and how the complaint is handled thereafter), ▪ Provide safeguards for honest mistakes, <ul style="list-style-type: none"> ▪ e.g., reforms with a violation curing period, ▪ e.g., reforms that employ city clerk oversight and committee outreach. <p><u>Are not easily overturned or weakened</u></p> <ul style="list-style-type: none"> ▪ Apply guardrails against regressive amendments or the repeal of reforms, <ul style="list-style-type: none"> ▪ e.g., reforms that are amendable only by a supermajority of the city council and only if it furthers the ordinance’s/act’s purpose, ▪ e.g., reforms that can only be repealed by the voters. |
| <p>Average/Decent (meaning adequate but less than ideal) = cities with laws that are generally:</p> <p>→</p> <p>→</p> <p>→</p> <p>→</p> | <p><i>Note: the reforms in cities with an Average rating in the MCFI consist, to varying degrees, of one or more of the below or similar traits. The term “good” as used here means well-designed reforms that are typically facilitative in achieving our methodology’s intent and purpose statement. (Note that a reform is not automatically “good” -- a city and its reforms earn a “good” label through careful design and effective implementation, not simply by having a reform on the books.)</i></p> <ul style="list-style-type: none"> ▪ Good but not comprehensive, <ul style="list-style-type: none"> ▪ e.g., a city has meaningful contribution limits and enforcement but is without other good reforms like fundraising windows, banned or limited contributions from donors with business before the city, and prohibitions on candidate-to-candidate contributions, ▪ Comprehensive but not all good, <ul style="list-style-type: none"> ▪ e.g., a city has strong reporting and ad disclosure laws but weak contribution limits, ▪ e.g., a city has meaningful contribution limits and recusal laws but weak enforcement and/or penalties, ▪ Good but could be easily improved, <ul style="list-style-type: none"> ▪ e.g., a city could improve its reforms by implementing stronger penalties, ▪ e.g., a city could improve its reforms by implementing contribution limits that adjust to the Consumer Price Index, ▪ Strong but diminished by unaddressed or built-in loopholes, <ul style="list-style-type: none"> ▪ e.g., a city has meaningful contribution limits and campaign fundraising windows but also has officeholder accounts that provide donors with an alternative means for giving that diminishes the effectiveness of donor limits and fundraising windows, ▪ e.g., a city has contribution limits and/or fundraising windows but no restrictions on the transfer of funds across a candidate’s different campaign accounts. |

| | |
|--|--|
| <p>Weak = cities with laws that generally:</p> <p>→</p> <p>→</p> <p>→</p> | <p><i>Note: the reforms in cities with a “weak” rating in the MCFI consist, to varying degrees, of one or more of the below or similar traits.</i></p> <ul style="list-style-type: none"> ▪ Have little-to-no impact for various reasons, <ul style="list-style-type: none"> ▪ e.g., a city’s reforms are unenforceable or poorly enforced, <ul style="list-style-type: none"> » e.g., a city’s reforms are voluntary or are non-binding pledges, including non-enforceable voluntary expenditure limits, » e.g., a city council or city attorney has discretionary enforcement authority over the laws and/or penalties for violations are optional, ▪ e.g., a city’s penalties for breaking its reform laws are weak, resulting in little-to-no incentive to observe the laws, <ul style="list-style-type: none"> » e.g., a city imposes a \$100 fine for a prohibited \$5,000 contribution – or any prohibited amount over the city’s contribution limit, ▪ Have contribution limits that are too high to be meaningful, <ul style="list-style-type: none"> ▪ e.g., a city (especially a small city or a city with small council districts) has a \$3,000 or \$4,000 contribution limit, ▪ Have poor, unclear, or non-existent enforcement and/or penalties, <ul style="list-style-type: none"> ▪ e.g., a city has reforms that do not codify penalties within the reforms or clearly designate applicable penalties in other sections of a city’s municipal code, ▪ e.g., a city does not clearly designate an enforcement authority in its reforms, ▪ e.g., a city grants the city council discretionary approval of any penalties for reform violations. |
|--|--|

APPENDIX II: MCFI DEFINITIONS

Municipal Campaign Finance Index Categories with Definitions

(in Index column order from left to right)

City: Displays the California jurisdiction with campaign finance reform.

Population: Shows a city's population based on April 1, 2020, Census Bureau data.

At-Large or By-District: Whether councilmembers are elected by residents from across the city (at-large) or only by the residents in a councilmember's city council district (by-district).

Link to Laws: Displays where a city's campaign finance laws are located (e.g., municipal code and/or charter, resolution or ordinance) with hyperlinks to those laws (some cities may have more than one link).

Overall Strength – Strong/Average/Weak: A subjective grade of the efficacy of a city's campaign finance laws, based on a qualitative methodology outlined in [Appendix I](#) of this report.

Comprehensive: Whether a city's campaign finance laws are multiple and meaningful. Reforms are considered comprehensive in the MCFI if a city has more than one but generally more than two meaningful reforms. For example, a city has multiple campaign finance reforms, its contribution limits are not exorbitant, compliance with its campaign finance laws is not voluntary, enforcement of its campaign finance laws is viable, and penalties for violating its campaign finance laws are deterrent. Classification is based on a qualitative analysis and is therefore subjective.

Public Financing: Whether candidates have access to public campaign financing or not. Public campaign financing is explained in the reforms section of this report.

Donor Limits: If a city has contribution limits, and the amount of the contribution limit if a city has one. Donor/contribution limits are explained in the reforms section of this report.

Different Limits for Mayor: If a city has different contribution limits for mayor than the city's contribution limits for councilmembers.

Different Contribution Limits Based on the Giver: Whether a city has different contribution limits based on who is giving the contribution (e.g., a contribution from a political party or small contributor committee versus an individual).

Limits Adjust to Inflation or Deflation: Whether a city's contribution limits adjust between elections to an increase or decrease in inflation, which is typically based on changes to the Consumer Price Index (CPI).

Different Limits Apply Under Certain Conditions: Whether contribution limits in a city are different for

candidates based on factors that affect spending in a race, such as a candidate's acceptance of a voluntary expenditure limit (VEL), or how much a candidate loans their campaign.

Limits Apply to Multiple Committee Types: Whether a city's contribution limits apply to more than just direct contributions to a candidate's controlled committee (as defined in the Political Reform Act). For example, some cities require that donors who give to primarily formed or general purpose committees (as defined in the Political Reform Act) that are active in local elections must also adhere to the city's contribution limits.

Limits on Candidate Loans to his/her Campaign: Whether a city limits the amount a candidate can loan their campaign for city office. Such limits do not prevent a candidate from *contributing/giving* (i.e., not loaning) an unlimited amount of personal funds to their campaigns for city office.

Voluntary Expenditure Limit (VEL): Whether a city has *voluntary* limits on how much a candidate's campaign can spend in a single election for city office. Often a candidate's acceptance of these limits comes with perks, such as a higher contribution limit. A VEL is typically binding once accepted by a candidate unless an opponent in the same race breaches certain spending or contribution thresholds.

Restrictions on Campaign Contributions Between Candidates and/or Their Committees: Whether a city restricts the amount a local candidate's campaign can contribute to another candidate's campaign, or the amount a local candidate may transfer between their other (if they have them) campaign accounts.

Restricted Sources: Whether a city bans or restricts certain persons with business before the city, such as lobbyists, city contractors, or developers, from contributing to a local candidate or elected official's campaign. Such bans or restrictions are meant to be a check on – real or perceived -- pay-to-play corruption.

Recusal: Whether a city requires an elected official to recuse themselves from participation and/or voting on a matter that affects a person or persons who gave a campaign contribution (typically a minimum amount) within a specific timeframe to the elected official's campaign.

Curing Period: Whether a city has a grace period for a candidate or committee to correct a campaign finance violation without incurring a penalty. The curing period often begins once a candidate or committee is notified of a violation(s) or within a fixed period once a candidate or committee receives a violating-contribution or makes a violating-expenditure.

Fundraising Window: Whether a city has limits on when a candidate can fundraise for city office. In other words, a candidate cannot raise campaign funds for the full duration of a term of city office in between elections for that city office. (A term of local office is typically four years.)

Post-Election/Post-Withdrawal Account Restriction: Whether a city has restrictions on fundraising efforts, campaign expenditures, and/or campaign account transfers after an election date or after a candidate withdraws from a race. Such restrictions could include, but are not limited to, post-election campaign account ceilings (i.e., a candidate or elected can only maintain a certain amount of campaign funds in their committee account until the fundraising window for the next election for the same office

kicks in); limits on campaign fundraising after an election or withdrawal from a race (e.g., no or minimal fundraising, or fundraising only to pay down campaign debt); or restrictions on transferring campaign funds post-election or post-withdrawal (e.g., no or minimal funds from a previous city campaign can be transferred to a new campaign account for the same office).

Office holder Accounts: Whether a city allows electeds to have officeholder accounts. An officeholder account is in addition to and separate from an electeds campaign account, which is used to get elected, whereas an officeholder account is used to pay for costs that may be incurred while carrying out the duties of elected representative. Electeds can typically raise funds, separate from campaign fundraising, for officeholder accounts. Funds from a campaign account can usually be transferred to an officeholder account but not vice versa. Officeholder accounts are explained further in the reforms section of this report.

Extra Filing and/or Disclosure Requirements for Independent Expenditures: Whether a city requires additional filings and/or has additional disclosure mandates beyond what is in the Political Reform Act for persons (i.e., individuals, entities, and/or committees) that make independent expenditures (IEs) in local elections. Such reforms may include, but are not limited to, increased disclosure filings close to an election date, true-source identification and reporting of donors and spenders, mandated submission of all ads created from IE committees to the city clerk, 24-hour notification to all candidates and committees affected by the IE(s), and posting of copies or transcripts of all IE ads.

Extra Pre-Election Disclosure: Whether a city requires the filing of additional pre-election campaign disclosure reports (for candidates and/or various active campaign committees – regardless of the coordinated or independent nature of the campaign activity) in the weeks or days before an election. These filings are in addition to the pre-election filings mandated in the Political Reform Act.

Generally Increases Transparency: Whether a city's campaign finance laws have the effect of increasing transparency beyond what is mandated in the Political Reform Act, such as but not limited to extra pre-election filings, donor disclosure on local political ads, and posting of a committee's donors in a local news publication. While such criteria are fairly objective, classification is qualitative in nature and therefore subjective.

Increased Disclosure on Certain Campaign Advertisements: Whether disclosure on political ads in a local jurisdiction goes beyond what is mandated in the Political Reform Act.

Meaningful/Deterrent Penalties: Whether a city's penalties are meaningful or not (i.e., have a deterring effect). Things considered when making a determination in this category include, but are not limited to, level of liability imposed (e.g., criminal, civil, administrative); type of penalty(s) (e.g., a fine, removal from office); amount of any monetary fine; amount of discretion granted to the prosecuting authority (e.g., the prosecuting authority may decide not to impose any penalties if a violation is found); strict liability versus liability based on a showing of one's mental state (i.e., intentional/"knowingly and willingly" versus unintentional/negligent); who enforces the law(s) (e.g., the city attorney, an independent third-party counsel, the city council, a commission, city clerk); and enforceability of the laws (i.e., if the statutory language of the reforms provide for viable enforcement). Classification is based on a qualitative analysis and is therefore subjective.

Subject to Criminal or Civil Penalties or Both: Whether a city invokes criminal or civil penalties or both for violations of its campaign finance laws. The difference between these levels of liability is explained in the section of the report where this data is analyzed.

Subject to Administrative Penalties: Whether a city's campaign finance laws are subject to administrative penalties, which often consist of an agency fine that does not carry with it a criminal or misdemeanor offense. Some cities may only impose administrative penalties for violations of their campaign finance laws, while other cities may have administrative penalties as an option or in addition to civil and/or criminal penalties for violations of their campaign finance laws. Administrative penalties are further explained in the section of the report where this data is analyzed.

Designated Prosecuting Authority: Whether it is clear who a city's prosecuting authority is for its campaign finance laws. Some cities clearly specify in their charters or municipal codes who is responsible for the enforcement of their campaign finance laws, while other cities are vague or absent on the matter. (Where cities are absent on enforcement within the section(s) of code containing their campaign finance laws but designate a prevailing enforcement authority in the general provisions of their municipal codes, that enforcement authority was assumed to enforce a city's campaign finance laws.)

Enforcement Authority Type: District Attorney (DA), City Attorney (CA), Independent Counsel (IC), Ethics Commission (EC), City Clerk (CL), Unspecified (U), Other (O): Lists who enforces a city's campaign finance laws. In some cases, a city will have more than one enforcement authority for its campaign finance laws. For example, a city may list the DA as the prosecutor for criminal violations, the CA as the prosecutor for civil violations, and/or the city clerk for administrative violations. A city may also provide that *either* the DA or CA can be the prosecuting authority. When a city's enforcement authority is listed as "other" (O), it typically means the Fair Political Practices Commission (FPPC) enforces the city's campaign finance laws, either because the city has contracted with them or the city has officially adopted AB 571 in its municipal code.

Complaint Procedures: Whether a city has a procedure for the public to file complaints regarding alleged violations of the city's campaign finance laws.

City Clerk Outreach & Oversight: Whether a city clerk plays a significant role in overseeing compliance with, and in some instances enforcement of, a city's campaign finance laws. For example, a city clerk may monitor campaign disclosure reports and notify a filer of missing information or any violations that need to be cured. A city clerk may also be the designated authority to accept and initially review complaints of alleged campaign finance violations. Some city clerks have the authority to administer fines for violations of a city's campaign finance laws.

Ethics Commissions: Whether a city has an ethics commission to oversee and/or enforce campaign finance laws. Ethics commissions are explained in the section of this report that analyzes enforcement data.

APPENDIX III: KEY FINDINGS AND DATA SUMMARY TABLE

| | | Number of Cities | | City Population | | | | Electoral System | | | | | |
|-------------------------------------|---|------------------|-------------|-------------------|-------------|---------------|---------------|------------------|-------------------|-----------------|-------------|-------------------|-----------------|
| | | Total | % | Total | % | Mean | Median | At-Large | A-L Pop. | % of Total Pop. | By-District | B-D Pop. | % of Total Pop. |
| Totals | | 482 | 100% | 39,538,223 | 100% | 68,456 | 30,887 | 293 | 15,534,600 | 39% | 189 | 24,003,623 | 61% |
| Non-AB 571 Camp. Fin. Reforms | With Campaign Finance Reform | 180 | 37% | 21,961,026 | 56% | 122,006 | 61,639 | 87 | 4,491,444 | 11% | 93 | 17,469,582 | 44% |
| | With Campaign Contribution Limits | 143 | 30% | 19,294,056 | 49% | 134,923 | 62,640 | 68 | 3,555,360 | 9% | 75 | 15,738,696 | 40% |
| | With Strong Reforms | 64 | 13% | 12,224,177 | 31% | 191,003 | 63,939 | 35 | 1,705,157 | 4% | 29 | 10,519,020 | 27% |
| | With Average Reforms | 47 | 10% | 3,649,498 | 9% | 77,649 | 61,271 | 18 | 658,851 | 1.7% | 29 | 2,990,647 | 8% |
| | With Weak Reforms | 69 | 14% | 6,087,351 | 15% | 88,222 | 62,088 | 34 | 2,127,436 | 5% | 35 | 3,959,915 | 10% |
| | With Comprehensive Reforms | 63 | 13% | 13,560,673 | 34% | 215,249 | 82,868 | 29 | 1,479,695 | 4% | 34 | 12,080,978 | 31% |
| | With Public Financing | 7 | 1% | 6,445,812 | 16% | 920,830 | 466,742 | 0 | - | 0% | 7 | 6,445,812 | 16% |
| Non-AB 571 Cities | With Donor Limits Below \$500 | 42 | 9% | 2,347,476 | 6% | 55,892 | 32,044 | 25 | 718,985 | 1.8% | 17 | 1,628,491 | 4% |
| | With Donor Limits of \$500-\$1,000 | 67 | 14% | 12,904,391 | 33% | 192,603 | 72,589 | 29 | 1,951,528 | 5% | 38 | 10,952,863 | 28% |
| | With Donor Limits of \$1,001-\$4,000 | 15 | 3% | 1,990,691 | 5% | 132,713 | 85,239 | 7 | 532,711 | 1.3% | 8 | 1,457,980 | 4% |
| | With Donor Limits Above \$4,000 | 19 | 4% | 2,051,498 | 5% | 107,974 | 78,700 | 7 | 352,136 | 0.9% | 12 | 1,699,362 | 4% |
| | With Different Donor Limits for Mayor | 12 | 2% | 8,110,079 | 21% | 675,840 | 176,888 | 0 | - | 0% | 12 | 8,110,079 | 21% |
| | With Different Donor Limits Based on the Giver | 14 | 3% | 3,105,414 | 8% | 221,815 | 90,583 | 5 | 126,798 | 0.3% | 9 | 2,978,616 | 8% |
| | With Donor Limits that Adjust to CPI | 69 | 14% | 14,242,869 | 36% | 206,418 | 85,239 | 25 | 1,860,782 | 5% | 44 | 12,382,087 | 31% |
| | With Conditional Donor Limit Tiers | 12 | 2% | 828,292 | 2% | 69,024 | 60,590 | 8 | 447,302 | 1.1% | 4 | 380,990 | 1.0% |
| | With Limits on Candidate Loans | 40 | 8% | 11,469,857 | 29% | 286,746 | 86,059 | 11 | 812,274 | 2.1% | 29 | 10,657,583 | 27% |
| | That Restrict Contributions Between Candidate Committees | 18 | 4% | 3,695,104 | 9% | 205,284 | 107,550 | 7 | 610,461 | 1.5% | 11 | 3,084,643 | 8% |

| | | Number of Cities | | City Population | | | | Electoral System | | | | | |
|-------------------|---|------------------|-------------|-------------------|-------------|---------------|---------------|------------------|-------------------|-----------------|-------------|-------------------|-----------------|
| | | Total | % | Total | % | Mean | Median | At-Large | A-L Pop. | % of Total Pop. | By-District | B-D Pop. | % of Total Pop. |
| Totals | | 482 | 100% | 39,538,223 | 100% | 68,456 | 30,887 | 293 | 15,534,600 | 39% | 189 | 24,003,623 | 61% |
| Prior to SB 1439 | That Restrict Certain Donors | 35 | 7% | 9,854,721 | 25% | 281,563 | 62,088 | 16 | 778,875 | 2.0% | 19 | 9,075,846 | 23% |
| | With Recusal Requirements | 15 | 3% | 2,358,212 | 6% | 157,214 | 110,763 | 6 | 397,932 | 1.0% | 9 | 1,960,280 | 5% |
| | That Grant Time to Cure Violations | 58 | 12% | 6,981,040 | 18% | 120,363 | 82,622 | 22 | 1,339,992 | 3.4% | 36 | 5,641,048 | 14% |
| Non-AB 571 Cities | With Fundraising Windows | 26 | 5% | 9,418,248 | 24% | 362,240 | 100,032 | 14 | 836,152 | 2.1% | 12 | 8,582,096 | 22% |
| | With Post-Election/ Campaign Account Restrictions | 20 | 4% | 2,814,626 | 7% | 140,731 | 80,784 | 11 | 787,806 | 2.0% | 9 | 2,026,820 | 5% |
| | With Officeholder Accounts | 10 | 2% | 5,707,084 | 14% | 570,708 | 172,158 | 5 | 406,352 | 1.0% | 5 | 5,300,732 | 13% |
| | With Increased Oversight of Independent Expenditures | 38 | 8% | 10,865,631 | 27% | 285,938 | 85,521 | 18 | 992,659 | 2.5% | 20 | 9,872,972 | 25% |
| | With Extra Pre-Election Disclosure | 50 | 10% | 11,052,025 | 28% | 221,041 | 74,999 | 20 | 891,666 | 2.3% | 30 | 10,160,359 | 26% |
| | With Reforms that Generally Increases Transparency | 99 | 21% | 16,145,907 | 41% | 163,090 | 68,336 | 47 | 2,443,889 | 6% | 52 | 13,702,018 | 35% |
| | With Extra Ad Disclosure | 37 | 8% | 10,444,319 | 26% | 282,279 | 88,665 | 18 | 882,526 | 2.2% | 19 | 9,561,793 | 24% |
| | Meaningful / Deterrent Penalties | 131 | 27% | 18,447,742 | 47% | 140,822 | 67,265 | 61 | 2,884,165 | 7% | 70 | 15,563,577 | 39% |
| | With Complaint Procedures | 54 | 11% | 12,939,564 | 33% | 239,622 | 76,506 | 24 | 1,133,996 | 2.9% | 30 | 11,805,568 | 30% |
| | With City Clerk Outreach & Oversight | 51 | 11% | 6,710,495 | 17% | 131,578 | 84,292 | 20 | 976,907 | 2.5% | 31 | 5,733,588 | 15% |
| | With Ethics Commissions* | 9 | 2% | 8,881,249 | 22% | 986,805 | 524,943 | 0 | - | 0% | 9 | 8,881,249 | 22% |

| | | Number of Cities | | City Population | | | | Electoral System | | | | | |
|---------------|--|------------------|-------------|-------------------|-------------|---------------|---------------|------------------|-------------------|-----------------|-------------|-------------------|-----------------|
| | | Total | % | Total | % | Mean | Median | At-Large | A-L Pop. | % of Total Pop. | By-District | B-D Pop. | % of Total Pop. |
| Totals | | 482 | 100% | 39,538,223 | 100% | 68,456 | 30,887 | 293 | 15,534,600 | 39% | 189 | 24,003,623 | 61% |
| AB 571 Cities | Default AB 571 Cities | 326 | 68% | 18,532,596 | 47% | N/A | N/A | 216 | N/A | N/A | 110 | N/A | N/A |
| | All Cities (AB 571 + Others) with Contribution Limits | 469 | 97% | 37,826,652 | 96% | N/A | N/A | 284 | N/A | N/A | 185 | N/A | N/A |
| | All Cities with NO Campaign Contribution Limits | 13 | 3% | 1,711,571 | 4% | 131,735 | 95,740 | 9 | 733,321 | 1.9% | 4 | 979,235 | 2.5% |

* Ethics commissions (ECs) in this table only represent ECs with campaign finance oversight (including advisory powers) and/or enforcement powers. Thus, the City of Chula Vista is not represented in the totals of this table's EC category.

Note 1: All percentages are rounded.

Note 2: All populations are based on April 2020 Census Bureau data.

Note 3: All non-population totals are based on data compiled for the MCFI, as of December 2022.

APPENDIX IV: CALIFORNIA MUNICIPAL CAMPAIGN FINANCE INDEX (ABRIDGED)

The unabridged MCFI can be downloaded in Excel format at the following link: www.commoncause.org/california/resource/cmcfi/

| City | Population | At-Large or By-District Elections | Overall Strength: Strong/Average/Weak | Comprehensive | Public Financing | Donor Limits | Limits on Candidate Loans to his/her Campaign | Restrictions on Contributions from Certain Sources (e.g., lobbyists, contractors, developers) | Fundraising window (i.e., restrictions on when a candidate can fundraise) | Extra Disclosure for Independent Expenditures | Extra Pre-Election Disclosure (i.e., more disclosure in the weeks before an election) | Meaningful / Deterrent Penalties | Complaint Procedures |
|-----------------|-------------------------|-----------------------------------|---------------------------------------|---------------|------------------|-------------------------|---|---|---|---|---|----------------------------------|----------------------|
| Agoura Hills | 20,299 | At-Large | Strong | Yes | No | \$250 | No | No | Yes | Yes | Yes | Yes | No |
| Albany | 20,271 | At-Large | Average | No | No | No | No | Yes | No | No | No | No | No |
| Alhambra | 82,868 | By-District (5-D) | Strong | Yes | No | \$250 | Yes | Yes | Yes | No | No | Yes | Yes |
| American Canyon | 21,837 | At-Large | Weak | No | No | No | No | No | No | No | No | No | Yes |
| Anaheim | 346,824 | Both (6-D) | Weak | No | No | \$2,200 | No | No | No | No | No | Yes | Yes |
| Arcadia | 56,681 | By-District (5-D) | Weak | No | No | No | No | No | No | No | No | N/A | No |
| Arcata | 18,157 | At-Large | Strong | No | No | \$210 | No | No | No | Yes | No | Yes | No |
| Azusa | 50,000 | At-Large | Weak | No | No | No | No | No | No | No | No | N/A | No |
| Baldwin Park | 72,176 | At-Large | Strong | Yes | No | \$750 | Yes | Yes | Yes | Yes | No | Yes | No |
| Belmont | 28,335 | Both (4-D) | Weak | No | No | \$500 | No | No | No | No | No | No | No |
| Benicia | 27,131 | At-Large | Strong | Yes | No | \$640 | No | No | No | Yes | Yes | Yes | No |
| Berkeley | 124,321 | Both (8-D) | Strong | Yes | Yes | \$250 | No | Yes | No | Yes | No | Yes | Yes |
| Beverly Hills | 32,701 | At-Large | Strong | No | No | \$450 | No | No | No | No | No | Yes | No |
| Brentwood | 64,292 | Both (4-D) | Weak | No | No | No | No | No | No | No | Yes | Yes | No |
| Buena Park | 84,034 | By-District (5-D) | Weak | No | No | \$4,000 | Yes | No | No | No | No | Yes | No |
| Burbank | 107,337 | At-Large | Strong | Yes | No | \$500 | Yes | No | Yes | No | Yes | Yes | No |
| Burlingame | 31,386 | By-District (5-D) | Weak | No | No | \$350 | Yes | No | No | No | No | No | No |

| City | Population | At-Large or By-District Elections | Overall Strength: Strong/Average/Weak | Comprehensive | Public Financing | Donor Limits | Limits on Candidate Loans to his/her Campaign | Restrictions on Contributions from Certain Sources (e.g., lobbyists, contractors, developers) | Fundraising window (i.e., restrictions on when a candidate can fundraise) | Extra Disclosure for Independent Expenditures | Extra Pre-Election Disclosure (i.e., more disclosure in the weeks before an election) | Meaningful / Deterrent Penalties | Complaint Procedures |
|-----------------|-------------------------|-----------------------------------|---------------------------------------|---------------|------------------|-------------------------|---|---|---|---|---|----------------------------------|----------------------|
| California City | 14,973 | At-Large | Weak | No | No | No | No | No | No | No | No | Yes | No |
| Calistoga | 5,228 | At-large | Weak | No | No | No | No | No | No | No | No | Yes | No |
| Capitola | 9,938 | At-Large | Average | No | No | \$200 | No | No | No | No | No | No | No |
| Carlsbad | 114,746 | Both (4-D) | Weak | No | No | No | No | No | No | No | No | Yes | No |
| Cathedral City | 51,493 | By-District (5-D) | Weak | No | No | \$2,500 | No | No | No | No | No | No | No |
| Chico | 101,475 | By-District (7-D) | Strong | Yes | No | \$500 | No | No | No | No | Yes | Yes | No |
| Chula Vista | 275,487 | Both (4-D) | Strong | Yes | No | \$360 | Yes | No | Yes | No | No | Yes | Yes |
| Claremont | 37,266 | By-District (5-D) | Strong | No | No | \$250 | No | Yes | No | No | No | Yes | No |
| Clovis | 120,124 | At-Large | Weak | No | No | No | No | No | No | No | No | N/A | N/A |
| Commerce | 12,378 | At-Large | Weak | No | No | \$2,500 | No | No | No | No | No | No | No |
| Concord | 125,410 | By-District (5-D) | Strong | Yes | No | \$1,000 | No | Kind of | No | No | Yes | Yes | No |
| Coronado | 20,192 | At-Large | Strong | Yes | No | \$200 | No | Yes | No | No | No | No | Yes |
| Corte Madera | 10,222 | At-Large | Weak | No | No | \$500 | No | No | No | No | No | No | No |
| Costa Mesa | 111,918 | Both (6-D) | Strong | No | No | No | No | Yes | No | No | No | Yes | No |
| Cotati | 7,584 | At-Large | Strong | Yes | No | \$350 | No | No | No | No | Yes | Yes | Yes |
| Culver City | 40,779 | At-Large | Strong | Yes | No | \$1,070 | No | Yes | No | No | No | Yes | Yes |
| Cypress | 50,151 | At-Large | Weak | No | No | No | No | No | No | Yes | Yes | Yes | No |
| Dana Point | 33,107 | By-District (5-D) | Average | No | No | \$880 | No | No | No | No | No | Yes | No |
| Danville | 43,582 | At-Large | Weak | No | No | No | No | No | No | No | No | Yes | No |
| Davis | 66,850 | By-District (5-D) | Strong | Yes | No | \$150 | No | No | No | Yes | Yes | Yes | No |
| Del Mar | 3,954 | At-Large | Strong | Yes | No | \$200 | No | No | No | No | No | Yes | Yes |

| City | Population | At-Large or By-District Elections | Overall Strength: Strong/Average/Weak | Comprehensive | Public Financing | Donor Limits | Limits on Candidate Loans to his/her Campaign | Restrictions on Contributions from Certain Sources (e.g., lobbyists, contractors, developers) | Fundraising window (i.e., restrictions on when a candidate can fundraise) | Extra Disclosure for Independent Expenditures | Extra Pre-Election Disclosure (i.e., more disclosure in the weeks before an election) | Meaningful / Deterrent Penalties | Complaint Procedures |
|-----------------|-------------------------|-----------------------------------|---------------------------------------|---------------|------------------|-------------------------|---|---|---|---|---|----------------------------------|----------------------|
| Dixon | 18,988 | Both (4-D) | Weak | No | No | \$25,000 | No | No | No | No | No | No | No |
| Downey | 114,355 | Both (4-D) | Average | No | No | \$1,000 | Yes | No | No | No | No | Yes | No |
| Dublin | 72,589 | At-Large | Average | No | No | \$500 | No | No | No | No | No | No | No |
| East Palo Alto | 30,034 | At-Large | Weak | No | No | \$500 | No | No | No | No | No | No | No |
| El Cajon | 106,215 | Both (4-D) | Weak | No | No | \$10,000 | No | No | No | No | No | Yes | No |
| El Segundo | 17,272 | At-large | Weak | No | No | No | No | No | No | No | Yes | No | No |
| Encinitas | 62,007 | Both (4-D) | Average | No | No | \$250 | No | No | No | No | No | No | No |
| Escondido | 151,038 | Both (4-D) | Strong | Yes | No | \$1,000 | Yes | No | No | No | No | Yes | Yes |
| Eureka | 26,512 | Both (5-D) | Average | No | No | \$500 | No | No | No | No | No | No | No |
| Fillmore | 16,419 | At-Large | Average | No | No | \$250 | No | No | No | No | No | Yes | No |
| Folsom | 80,454 | By-District (5-D) | Strong | No | No | \$150 | Yes | No | No | No | No | Yes | No |
| Fontana | 208,393 | Both (4-D) | Weak | No | No | \$4,900 | No | No | No | No | No | No | No |
| Fountain Valley | 57,047 | At-Large | Weak | No | No | \$500 | No | No | No | No | No | No | No |
| Fremont | 230,504 | By-District (6-D) | Strong | Yes | No | \$730 | No | No | No | No | Yes | Yes | Yes |
| Fresno | 542,107 | Both (7-D) | Weak | Yes | No | \$4,900 | Yes | No | No | No | No | Yes | Yes |
| Galt | 25,383 | At-Large | Strong | Yes | No | \$100 | No | No | No | Yes | Yes | Yes | No |
| Gardena | 61,027 | At-Large | Strong | Yes | No | \$1,000 | No | Yes | No | No | No | Yes | No |
| Gilroy | 59,520 | At-Large | Strong | Yes | No | \$750 | No | No | No | No | Yes | Yes | Yes |
| Glendale | 196,543 | At-Large | Strong | Yes | No | \$1,140 | Yes | Yes | Yes | No | No | Yes | Yes |
| Grand Terrace | 13,150 | At-Large | Average | No | No | \$250 | No | No | No | No | No | No | No |
| Half Moon Bay | 11,795 | Both (4-D) | Average | No | No | \$250 | Yes | No | No | No | No | Yes | No |

| City | Population | At-Large or By-District Elections | Overall Strength: Strong/Average/Weak | Comprehensive | Public Financing | Donor Limits | Limits on Candidate Loans to his/her Campaign | Restrictions on Contributions from Certain Sources (e.g., lobbyists, contractors, developers) | Fundraising window (i.e., restrictions on when a candidate can fundraise) | Extra Disclosure for Independent Expenditures | Extra Pre-Election Disclosure (i.e., more disclosure in the weeks before an election) | Meaningful / Deterrent Penalties | Complaint Procedures |
|------------------|-------------------------|-----------------------------------|---------------------------------------|---------------|------------------|-------------------------|---|---|---|---|---|----------------------------------|----------------------|
| Hawthorne | 88,083 | At-Large | Weak | No | No | \$100,000 | Yes | No | No | No | No | Yes | No |
| Hayward | 162,954 | At-Large | Strong | Yes | No | \$1,620 | Yes | No | No | Yes | No | Yes | Yes |
| Healdsburg | 11,340 | At-Large | Average | Yes | No | \$500 | No | No | No | Yes | No | No | Yes |
| Hermosa Beach | 19,728 | At-Large | Average | No | No | \$250 | No | No | No | No | No | Yes | No |
| Hesperia | 99,818 | By-District (5-D) | Weak | No | No | \$500 | No | No | No | No | No | No | No |
| Hollister | 41,678 | Both (4-D) | Average | No | No | \$250 | No | No | No | No | No | No | No |
| Huntington Beach | 198,711 | At-Large | Weak | No | No | \$620 | No | No | No | No | No | No | No |
| Inglewood | 107,762 | Both (4-D) | Weak | No | No | \$100,000 | Yes | No | No | No | No | No | No |
| Irvine | 307,670 | At-Large | Weak | No | No | \$550 | No | No | No | No | No | No | No |
| La Habra | 63,097 | At-Large | Weak | No | No | \$4,900 | Yes | No | No | No | No | Yes | Yes |
| La Mesa | 61,121 | At-Large | Weak | No | No | No | No | No | No | No | No | No | No |
| La Mirada | 48,008 | By-District (5-D) | Weak | No | No | No | No | No | No | No | No | N/A | No |
| La Puente | 38,062 | At-Large | Weak | No | No | \$4,900 | Yes | No | No | No | No | Yes | Yes |
| Laguna Beach | 23,032 | At-Large | Strong | Yes | No | \$440 | No | No | No | No | No | Yes | Yes |
| Laguna Hills | 31,374 | At-Large | Weak | No | No | \$1,000 | No | No | No | No | No | No | No |
| Laguna Niguel | 64,355 | At-Large | Weak | No | No | \$1,000 | No | No | No | No | No | No | No |
| Laguna Woods | 17,644 | At-Large | Weak | No | No | \$250 | No | No | No | No | No | No | No |
| Lemon Grove | 27,627 | At-Large | Average | No | No | \$1,115 | No | No | No | No | No | Yes | Yes |
| Livermore | 87,955 | Both (4-D) | Weak | No | No | No | No | No | No | No | Yes | No | No |
| Long Beach | 466,742 | Both (9-D) | Strong | Yes | Yes | \$400 | Yes | No | Yes | Yes | Yes | Yes | Yes |

| City | Population | At-Large or By-District Elections | Overall Strength: Strong/Average/Weak | Comprehensive | Public Financing | Donor Limits | Limits on Candidate Loans to his/her Campaign | Restrictions on Contributions from Certain Sources (e.g., lobbyists, contractors, developers) | Fundraising window (i.e., restrictions on when a candidate can fundraise) | Extra Disclosure for Independent Expenditures | Extra Pre-Election Disclosure (i.e., more disclosure in the weeks before an election) | Meaningful / Deterrent Penalties | Complaint Procedures |
|-----------------|---------------------------|-----------------------------------|---------------------------------------|---------------|------------------|-----------------------|---|---|---|---|---|----------------------------------|----------------------|
| Los Angeles | 3,898,747 | Both (15-D) | Strong | Yes | Yes | \$800 | Yes | Yes | Yes | Yes | Yes | Yes | Yes |
| Lynwood | 67,265 | At-Large | Weak | No | No | \$4,900 | No | No | No | No | No | Yes | Yes |
| Malibu | 10,654 | At-Large | Strong | Yes | No | \$250 | No | Yes | No | No | No | Yes | No |
| Mammoth Lake | 7,191 | At-Large | Weak | No | No | \$3,000 | No | No | No | No | No | Yes | No |
| Manhattan Beach | 35,506 | At-Large | Average | No | No | \$300 | No | No | No | No | No | Yes | No |
| Manteca | 83,498 | Both (4-D) | Weak | No | No | \$4,900 | Yes | No | No | No | No | Yes | Yes |
| Menlo Park | 33,780 | By-District (5-D) | Weak | No | No | No | No | No | No | No | No | Yes | No |
| Merced | 86,333 | Both (6-D) | Average | No | No | \$716 | No | No | No | No | No | Yes | No |
| Milpitas | 80,273 | At-Large | Average | No | No | \$250 | No | No | No | No | No | No | No |
| Modesto | 218,464 | Both (6-D) | Average | No | No | No | No | No | No | No | Yes | Yes | No |
| Morgan Hill | 45,483 | Both (4-D) | Weak | No | No | \$4,900 | No | No | No | No | No | Yes | Yes |
| Montebello | 62,640 | By-District (5-D) | Weak | No | No | \$5,000 | Yes | No | No | No | No | Yes | No |
| Monterey | 30,218 | Both (4-D) | Average | Yes | No | \$520 | No | No | No | No | Yes | Yes | No |
| Mountain View | 82,376 | At-Large | Strong | No | No | \$1,000 | No | No | No | Yes | Yes | Yes | No |
| Murrieta | 110,949 | By-District (5-D) | Average | No | No | \$1,310 | No | No | No | No | No | Yes | No |
| National City | 56,173 | By-District (5-D) | Average | Yes | No | \$1,000 | No | Yes | No | No | No | Yes | Yes |
| Newark | 47,529 | At-Large | Strong | No | No | \$500 | No | No | No | No | No | Yes | No |
| Newport Beach | 85,239 | From-District | Average | No | No | \$1,200 | No | No | No | No | No | Yes | No |
| Novato | 53,225 | By-District (5-D) | Average | Yes | No | \$750 | Yes | No | No | Yes | Yes | No | Yes |
| Oakland | 440,646 | Both (7-D) | Strong | Yes | Yes | \$600 | Yes | Yes | No | Yes | No | Yes | Yes |

| City | Population | At-Large or By-District Elections | Overall Strength: Strong/Average/Weak | Comprehensive | Public Financing | Donor Limits | Limits on Candidate Loans to his/her Campaign | Restrictions on Contributions from Certain Sources (e.g., lobbyists, contractors, developers) | Fundraising window (i.e., restrictions on when a candidate can fundraise) | Extra Disclosure for Independent Expenditures | Extra Pre-Election Disclosure (i.e., more disclosure in the weeks before an election) | Meaningful / Deterrent Penalties | Complaint Procedures |
|------------------|-------------------------|-----------------------------------|---------------------------------------|---------------|------------------|--------------|---|---|---|---|---|----------------------------------|----------------------|
| Ontario | 175,265 | At-Large | Weak | No | No | No | No | No | No | No | No | No | No |
| Orange | 139,911 | Both (6-D) | Strong | Yes | No | \$1,000 | Yes | No | No | No | No | Yes | Yes |
| Oxnard | 202,063 | Both (6-D) | Average | No | No | \$500 | No | No | No | No | No | Yes | No |
| Pacific Grove | 15,090 | At-Large | Strong | Yes | No | \$728 | No | Yes | No | No | No | Yes | Yes |
| Pacifica | 38,640 | By-District (5-D) | Average | No | No | No | No | No | No | Yes | No | Yes | No |
| Palmdale | 169,450 | Both (4-D) | Weak | No | No | No | No | No | No | Yes | Yes | Yes | No |
| Palo Alto | 68,572 | At-Large | Weak | No | No | No | No | No | No | No | No | Yes | No |
| Pasadena | 138,699 | Both (7-D) | Average | No | No | No | No | Yes | No | No | No | Yes | No |
| Patterson | 23,781 | Both (4-D) | Weak | No | No | No | No | No | No | No | No | Yes | No |
| Perris | 78,700 | Both (4-D) | Weak | No | No | \$20,000 | Yes | No | No | No | No | Yes | No |
| Petaluma | 59,776 | At-Large | Strong | Yes | No | \$200 | No | No | No | Yes | Yes | Yes | No |
| Pico Rivera | 62,088 | At-Large | Weak | No | No | No | No | Yes | No | No | No | Yes | No |
| Pinole | 19,022 | At-Large | Strong | No | No | \$500 | No | No | Yes | No | No | Yes | No |
| Pleasant Hill | 34,613 | At-Large | Strong | Yes | No | \$500 | No | No | Yes | No | Yes | Yes | No |
| Pleasanton | 79,871 | At-Large | Weak | No | No | No | No | No | No | No | Yes | No | No |
| Pomona | 151,713 | Both (6-D) | Weak | Yes | No | \$2,450 | No | No | No | No | No | Yes | No |
| Poway | 48,841 | Both (4-D) | Strong | Yes | No | \$250 | No | Yes | No | No | No | Yes | No |
| Rancho Cucamonga | 174,453 | Both (4-D) | Weak | No | No | No | No | No | No | No | No | Yes | No |
| Redondo Beach | 71,576 | Both (5-D) | Strong | Yes | No | \$1,500 | Yes | No | Yes | No | No | No | No |
| Redwood City | 84,292 | By-District (7-D) | Average | No | No | \$1,000 | No | No | No | No | No | Yes | Yes |

| City | Population | At-Large or By-District Elections | Overall Strength: Strong/Average/Weak | Comprehensive | Public Financing | Donor Limits | Limits on Candidate Loans to his/her Campaign | Restrictions on Contributions from Certain Sources (e.g., lobbyists, contractors, developers) | Fundraising window (i.e., restrictions on when a candidate can fundraise) | Extra Disclosure for Independent Expenditures | Extra Pre-Election Disclosure (i.e., more disclosure in the weeks before an election) | Meaningful / Deterrent Penalties | Complaint Procedures |
|-----------------------|---------------------------|-----------------------------------|---------------------------------------|---------------|------------------|-----------------------|---|---|---|---|---|----------------------------------|----------------------|
| Richmond | 116,448 | Both (6-D) | Average | Yes | Yes | \$2,500 | No | No | No | No | Yes | Yes | No |
| Rohnert Park | 44,390 | By-District (5-D) | Strong | No | No | \$500 | No | No | No | No | Yes | Yes | No |
| Rolling Hills Estates | 8,280 | At-Large | Strong | Yes | No | \$250 | Yes | Yes | Yes | Yes | Yes | Yes | Yes |
| Roseville | 147,773 | By-District (5-D) | Average | Yes | No | \$500 | No | No | Yes | No | No | No | No |
| Sacramento | 524,943 | Both (8-D) | Average | Yes | Yes | \$1,800 | No | No | No | Yes | No | Yes | Yes |
| San Anselmo | 12,830 | At-Large | Average | No | No | No | No | No | No | Yes | Yes | Yes | Yes |
| San Bernardino | 222,101 | Both (7-D) | Average | No | No | \$4,900 | No | Yes | No | No | No | Yes | Yes |
| San Buenaventura | 110,763 | By-District (7-D) | Strong | Yes | No | \$350 | Yes | No | Yes | Yes | Yes | Yes | Yes |
| San Diego | 1,386,932 | Both (9-D) | Strong | Yes | No | \$650 | Yes | Yes | Yes | Yes | Yes | Yes | Yes |
| San Fernando | 23,946 | At-Large | Average | No | No | \$500 | No | No | No | No | No | Yes | No |
| San Francisco | 873,965 | Both (11-D) | Strong | Yes | Yes | \$500 | Yes | Yes | Yes | Yes | Yes | Yes | Yes |
| San Gabriel | 39,568 | At-Large | Weak | No | No | \$4,900 | Yes | No | No | No | No | Yes | Yes |
| San Jose | 1,013,240 | Both (10-D) | Strong | Yes | No | \$700 | Yes | Yes | Yes | Yes | Yes | Yes | Yes |
| San Juan Capistrano | 35,196 | By-District (5-D) | Average | No | No | \$610 | Yes | No | No | No | No | Yes | No |
| San Luis Obispo | 47,063 | At-Large | Strong | No | No | \$300 | No | No | No | Yes | No | Yes | Yes |
| San Marcos | 94,833 | Both (4-D) | Strong | Yes | No | \$250 | No | Yes | No | No | Yes | Yes | Yes |
| San Mateo | 105,661 | By-District (5-D) | Average | No | No | \$500 | Yes | No | No | No | No | No | No |
| San Pablo | 32,127 | At-Large | Weak | No | No | No | No | Yes | No | No | No | No | No |
| San Rafael | 61,271 | Both (4-D) | Average | No | No | No | No | No | No | Yes | No | No | No |

| City | Population | At-Large or By-District Elections | Overall Strength: Strong/Average/Weak | Comprehensive | Public Financing | Donor Limits | Limits on Candidate Loans to his/her Campaign | Restrictions on Contributions from Certain Sources (e.g., lobbyists, contractors, developers) | Fundraising window (i.e., restrictions on when a candidate can fundraise) | Extra Disclosure for Independent Expenditures | Extra Pre-Election Disclosure (i.e., more disclosure in the weeks before an election) | Meaningful / Deterrent Penalties | Complaint Procedures |
|----------------|-------------------------|-----------------------------------|---------------------------------------|---------------|------------------|-----------------------|---|---|---|---|---|----------------------------------|----------------------|
| San Ramon | 84,605 | Both (4-D) | Weak | No | No | No | No | No | No | No | No | Yes | No |
| Santa Ana | 310,227 | Both (6-D) | Weak | No | No | \$1,000 | No | Yes | No | No | No | No | No |
| Santa Barbara | 88,665 | Both (6-D) | Average | No | No | \$4,900 | No | No | No | Yes | Yes | Yes | Yes |
| Santa Clara | 127,647 | Both (6-D) | Strong | Yes | No | \$630 | No | No | Yes | Yes | Yes | Yes | No |
| Santa Clarita | 228,673 | At-Large | Weak | No | No | \$1,000 | No | No | No | No | No | Yes | No |
| Santa Cruz | 62,956 | At-Large* | Average | No | No | \$400 | No | No | No | No | Yes | No | No |
| Santa Monica | 93,076 | At-Large | Strong | Yes | No | \$410 | No | Yes | No | Yes | No | Yes | No |
| Santa Rosa | 178,127 | By-District (7-D) | Strong | Yes | No | \$500 | No | No | No | Yes | Yes | Yes | No |
| Santee | 60,037 | Both (4-D) | Strong | No | No | \$700 | Yes | Yes | No | No | No | Yes | Yes |
| Sausalito | 7,269 | At-Large | Strong | No | No | \$500 | No | No | Yes | No | No | Yes | No |
| Scotts Valley | 12,224 | At-Large | Strong | No | No | \$100 | No | Yes | No | No | No | Yes | No |
| Seal Beach | 25,242 | By-District (5-D) | Average | No | No | \$500 | No | No | No | No | No | No | No |
| Signal Hill | 11,848 | At-Large | Weak* | Yes | No | \$700 | No | No | No | Yes | Yes | Yes | No |
| Simi Valley | 126,356 | Both (4-D) | Weak* | Yes | No | \$1,000 | No | No | Yes | Yes | Yes | Yes | No |
| Solana Beach | 12,941 | Both (4-D) | Strong | Yes | No | \$210 | Yes | Yes | No | Yes | Yes | Yes | Yes |
| Sonoma | 10,739 | At-Large | Strong | No | No | \$200 | No | No | No | No | Yes | Yes | No |
| Suisun City | 29,518 | At-Large | Weak | No | No | No | No | Yes | No | No | No | No | No |
| South El Monte | 19,567 | At-Large | Weak | No | No | \$4,900 | Yes | No | No | No | No | Yes | Yes |
| South Gate | 92,726 | At-Large | Strong | Yes | No | \$1,000 | No | No | Yes | Yes | No | Yes | Yes |
| South Pasadena | 26,943 | By-District (5-D) | Weak | No | No | \$1,000 | No | No | No | No | No | Yes | No |
| Sunnyvale | 155,805 | Both (6-D) | Weak | No | No | No | No | No | No | No | No | Yes | No |

| City | Population | At-Large or By-District Elections | Overall Strength: Strong/Average/Weak | Comprehensive | Public Financing | Donor Limits | Limits on Candidate Loans to his/her Campaign | Restrictions on Contributions from Certain Sources (e.g., lobbyists, contractors, developers) | Fundraising window (i.e., restrictions on when a candidate can fundraise) | Extra Disclosure for Independent Expenditures | Extra Pre-Election Disclosure (i.e., more disclosure in the weeks before an election) | Meaningful / Deterrent Penalties | Complaint Procedures |
|-----------------|-------------------------|-----------------------------------|---------------------------------------|---------------|------------------|-----------------------|---|---|---|---|---|----------------------------------|----------------------|
| Temple City | 36,494 | At-Large | Strong | Yes | No | \$4,900 | No | Yes | No | No | No | Yes | No |
| Thousand Oaks | 126,966 | At-Large | Strong | Yes | No | \$580 | No | No | Yes | Yes | Yes | Yes | No |
| Torrance | 147,067 | Both (6-D) | Average | Yes | No | \$1,000 | Yes | No | No | No | Yes | No | No |
| Ukiah | 16,607 | At-Large | Strong | Yes | No | \$500 | Yes | No | Yes | No | Yes | Yes | Yes |
| Union city | 70,143 | At-Large | Average | No | No | \$720 | No | No | No | No | No | Yes | Yes |
| Upland | 79,040 | Both (4-D) | Average | No | No | \$1,000 | No | No | No | No | No | Yes | No |
| Vacaville | 102,386 | Both (6-D) | Average | No | No | \$1,000 | No | No | No | No | No | Yes | No |
| Vernon | 130 | At-Large | Average | No | No | \$100 | No | No | No | No | No | Yes | No |
| Victorville | 134,810 | By-District (5-D) | Weak | No | No | \$4,900 | Yes | No | No | No | No | Yes | Yes |
| Vista | 98,381 | Both (4-D) | Weak | No | No | \$500 | No | No | No | No | Yes | Yes | Yes |
| Walnut | 28,430 | At-Large | Average | Yes | No | \$1,000 | No | No | Yes | No | No | Yes | No |
| Walnut Creek | 70,127 | At-Large | Strong | Yes | No | \$215 | No | No | Yes | Yes | Yes | Yes | No |
| Watsonville | 52,590 | By-District (7-D) | Strong | Yes | No | \$525 | No | Yes | No | No | Yes | Yes | Yes |
| West Covina | 109,501 | By-District (5-D) | Strong | Yes | No | \$530 | No | Yes | No | Yes | No | Yes | Yes |
| West Hollywood | 35,757 | At-Large | Strong | Yes | No | \$1,000 | No | No | Yes | No | No | Yes | No |
| West Sacramento | 53,915 | Both (4-D) | Weak | No | No | \$250 | No | No | No | No | No | No | No |
| Whittier | 87,306 | Both (4-D) | Weak | No | No | No | No | No | No | No | Yes | Yes | No |
| Windsor | 26,344 | Both (4-D) | Average | No | No | \$250 | No | No | No | No | Yes | Yes | No |
| Woodland | 61,032 | By-District (5-D) | Weak | No | No | No | No | No | No | No | Yes | No | No |
| Yorba Linda | 68,336 | At-Large | Average | No | No | No | No | Yes | No | No | No | Yes | Yes |
| Yountville | 2,918 | At-large | Weak | No | No | No | No | No | No | No | No | Yes | No |

APPENDIX V: CONTRIBUTION LIMITS BASED ON CITY SIZE AND ELECTORAL SYSTEM

The tables below show the average and median city populations for cities with contribution limits as of 2022 as well as the average, maximum, minimum, median, and mode contribution limits for all cities, at-large cities, and by-district cities. The first set of tables represent all California cities with campaign contribution limits below AB 571's (2022) \$4,900 default contribution limit. The rest of the tables provide the same data but for cities with less than 100,000 residents, more than 100,000 residents, less than 50,000 residents, and between 50,000 and 100,000 residents respectively. The last table is a summary of all tables in this appendix.

Note 1: Populations are based on April 1, 2020, census data.

Note 2: At-large cities include from-district cities where the whole city votes for every district-based councilmember.

Note 3: By-district includes cities with at-large mayors if the city council is elected by-district.

CA Municipalities with Contribution Limits Less than \$4,900/AB 571 Limits

| All Cities | |
|---------------------------|------------------|
| # of Cities | 124 |
| Total Population | 17,242,558 |
| Largest City | 3,898,747 (L.A.) |
| Smallest City | 130 (Vernon) |
| Avg. City Population | 139,053 |
| Median City Population | 59,907 |
| Avg Contribution Limit | \$711 |
| Max Contribution Limit | \$4,000 |
| Min Contribution Limit | \$100 |
| Median Contribution Limit | \$500 |
| Mode Contribution Limit | \$500 |
| At-Large Cities | |
| # At Large | 61 |
| Total Population | 3,203,224 |
| Largest City | 307,670 (Irvine) |
| Smallest City | 130 (Vernon) |
| Avg Pop | 52,512 |

| Median City Population | 30,034 |
|---------------------------|------------------------|
| Avg Contribution Limit | \$624 |
| Max Contribution Limit | \$3,000 |
| Min Contribution Limit | \$100 |
| Median Contribution Limit | \$500 |
| Mode Contribution Limit | \$500 |
| By-District Cities | |
| # By District | 63 |
| Total Population | 14,039,334 |
| Largest City | 3,898,747 (L.A.) |
| Smallest City | 11,795 (Half Moon Bay) |
| Avg Pop | 222,847 |
| Avg By-District Pop / 5* | 44,569 |
| Avg By-District Pop / 4* | 55,712 |
| Median City Population | 98,381 |
| Avg Contribution Limit | \$795 |
| Max Contribution Limit | \$4,000 |
| Min Contribution Limit | \$150 |
| Median Contribution Limit | \$530 |

| | |
|-----------------------------------|--------------------|
| Mode Contribution Limit | \$500 |
| Avg. 5-D by-D Pop** | 68,447 (22 cities) |
| Avg 5-D by-D Pop / 5*** | 13,689 |
| Avg. 4-D by-D Pop** | 77,388 (17 cities) |
| Avg 4-D by-D Pop / 4*** | \$19,347 |
| Cities with more than 5 districts | 24 |

*Represents the average district population of all by-district cities with contribution limits less than \$4,900 if all of them had (either) 5 (or 4) council districts (i.e., avg. pop. of all by-district cities divided by 5 or 4).

**Represents the average population of all cities with by-district elections that have (either) 5 (or 4) council districts and donor limits less than \$4,900.

***Represents the average population of city districts with (either) 5 (or 4) council districts and donor limits less than \$4,900.

CA Municipalities with Contribution Limits < \$4,900/AB 571 Default and Populations Less Than 100,000

| All Cities | |
|---------------------------|-------------------|
| # of Cities | 37 |
| Total Population | 13,590,075 |
| Largest City | 3,898,747 (L.A.) |
| Smallest City | 101,475 (Chico) |
| Avg. City Population | 367,299 |
| Median City Population | 151,713 |
| Avg Contribution Limit | \$899 |
| Max Contribution Limit | \$2,500 |
| Min Contribution Limit | \$250 |
| Median Contribution Limit | \$700 |
| Mode Contribution Limit | \$1,000 |
| At-Large Cities | |
| # At Large | 7 |
| Total Population | 1,328,854 |
| Largest City | 307,670 (Irvine) |
| Smallest City | 107,337 (Burbank) |
| Avg Pop | 189,836 |
| Median City Population | 196,543 |
| Avg Contribution Limit | \$859 |
| Max Contribution Limit | \$1,620 |
| Min Contribution Limit | \$500 |
| Median Contribution Limit | \$620 |
| Mode Contribution Limit | N/A |

| By-District Cities | |
|-----------------------------------|--------------------|
| # By District | 30 |
| Total Population | 12,261,221 |
| Largest City | 3,898,747 (L.A.) |
| Smallest City | 101,475 (Chico) |
| Avg Pop | 408,707 |
| Avg By-District Pop / 5* | 81,741 |
| Avg By-District Pop / 4* | 102,177 |
| Median City Population | 149,406 |
| Avg Contribution Limit | \$909 |
| Max Contribution Limit | \$2,500 |
| Min Contribution Limit | \$250 |
| Median Contribution Limit | \$715 |
| Mode Contribution Limit | \$1,000 |
| Avg. 5-D by-D Pop** | 119,859 (5 cities) |
| Avg 5-D by-D Pop / 5*** | 23,972 |
| Avg. 4-D by-D Pop** | 166,809 (4 cities) |
| Avg 4-D by-D Pop / 4*** | 41,702 |
| Cities with more than 5 districts | 21 |

*Represents the average district population of all by-district cities with contribution limits less than \$4,900 if all of them had (either) 5 (or 4) council districts (i.e., avg. pop. of all by-district cities divided by 5 or 4).

**Represents the average population of all cities with by-district elections that have (either) 5 (or 4) council districts and donor limits less than \$4,900.

***Represents the average population of city districts with (either) 5 (or 4) council districts and donor limits less than \$4,900.

CA Municipalities with Contribution Limits < \$4,900/AB 571 Default and Populations Less Than 50,000

| All Cities | |
|---------------------------|-----------------|
| # of Cities | 54 |
| Total Population | 1,251,158 |
| Largest City | 48,841 (Poway) |
| Smallest City | 130 (Vernon) |
| Avg. City Population | 23,170 |
| Median City Population | 23,489 |
| Avg Contribution Limit | \$537 |
| Max Contribution Limit | \$3,000 |
| Min Contribution Limit | \$100 |
| Median Contribution Limit | \$475 |
| Mode Contribution Limit | \$500 |
| At-Large Cities | |
| # At Large | 39 |
| Total Population | 790,964 |
| Largest City | 47,529 (Newark) |
| Smallest City | 130 (Vernon) |
| Avg Pop | 20,281 |
| Median City Population | 18,157 |
| Avg Contribution Limit | \$568 |
| Max Contribution Limit | \$3,000 |
| Min Contribution Limit | \$100 |
| Median Contribution Limit | \$450 |
| Mode Contribution Limit | \$500 |

| By-District Cities | |
|---------------------------|------------------------|
| # By District | 15 |
| Total Population | 460,194 |
| Largest City | 48,841 (Poway) |
| Smallest City | 11,795 (Half Moon Bay) |
| Avg Pop | 30,680 |
| Avg By-District Pop / 5* | 6,136 |
| Avg By-District Pop / 4* | 7,670 |
| Median City Population | 30,218 |
| Avg Contribution Limit | \$455 |
| Max Contribution Limit | \$1,000 |
| Min Contribution Limit | \$210 |
| Median Contribution Limit | \$500 |
| Mode Contribution Limit | \$250 |
| Avg. 5-D by-D Pop** | 32,505 (8 cities) |
| Avg 5-D by-D Pop / 5*** | 6,501 |
| Avg. 4-D by-D Pop** | 28,593 (7 cities) |
| Avg 4-D by-D Pop / 4*** | 5,720 |

*Represents the average district population of all by-district cities with contribution limits less than \$4,900 if all of them had (either) 5 (or 4) council districts (i.e., avg. pop. of all by-district cities divided by 5 or 4).

**Represents the average population of all cities with by-district elections that have (either) 5 (or 4) council districts and donor limits less than \$4,900.

***Represents the average population of city districts with (either) 5 (or 4) council districts and donor limits less than \$4,900.

CA Municipalities with Contribution Limits < \$4,900/AB 571 Default and Populations Between 50,000 - 100,000

| All Cities | |
|------------------------|-------------------------|
| # of Cities | 33 |
| Total Population | 2,401,325 |
| Largest City | 99,818 (Hesperia) |
| Smallest City | 51,493 (Cathedral City) |
| Avg. City Population | 72,767 |
| Median City Population | 71,576 |

| Avg Contribution Limit | \$784 |
|---------------------------|---------|
| Max Contribution Limit | \$4,000 |
| Min Contribution Limit | \$150 |
| Median Contribution Limit | \$700 |
| Mode Contribution Limit | \$1,000 |
| At-Large Cities | |
| # At Large | 15 |

| | |
|---------------------------|--------------------------|
| Total Population | 1,083,406 |
| Largest City | 93,076 (Santa Monica) |
| Smallest City | 57,047 (Fountain Valley) |
| Avg Pop | 72,227 |
| Median City Population | 70,143 |
| Avg Contribution Limit | \$660 |
| Max Contribution Limit | \$1,200 |
| Min Contribution Limit | \$200 |
| Median Contribution Limit | \$720 |
| Mode Contribution Limit | \$1,000 |
| By-District Cities | |
| # By District | 18 |
| Total Population | 1,317,919 |
| Largest City | 99,818 (Hesperia) |
| Smallest City | 51,493 (Cathedral City) |
| Avg Pop | 73,218 |
| Avg By-District Pop / 5* | 14,644 |
| Avg By-District Pop / 4* | 18,305 |

| | |
|-----------------------------------|-------------------|
| Median City Population | 75,308 |
| Avg Contribution Limit | \$888 |
| Max Contribution Limit | \$4,000 |
| Min Contribution Limit | \$150 |
| Median Contribution Limit | \$613 |
| Mode Contribution Limit | \$250 |
| Avg. 5-D by-D Pop** | 71,832 (9 cities) |
| Avg 5-D by-D Pop / 5*** | 14,366 |
| Avg. 4-D by-D Pop** | 74,702 (6 cities) |
| Avg 4-D by-D Pop / 4*** | 18,676 |
| Cities with more than 5 districts | 3 |

*Represents the average district population of all by-district cities with contribution limits less than \$4,900 if all of them had (either) 5 (or 4) council districts (i.e., avg. pop. of all by-district cities divided by 5 or 4).

**Represents the average population of all cities with by-district elections that have (either) 5 (or 4) council districts and donor limits less than \$4,900.

***Represents the average population of city districts with (either) 5 (or 4) council districts and donor limits less than \$4,900.

CA Municipalities with Contribution Limits < \$4,900/AB 571 Default and Populations < 50k, between 50-100k, & > 100k (respectively)

| All Cities | Cities with Populations < 50k | Cities with Populations between 50-100k | Cities with Populations > 100k |
|---------------------------|-------------------------------|---|--------------------------------|
| # of Cities * | 54 | 33 | 37 |
| Total Population | 1,251,158 | 2,401,325 | 13,590,075 |
| Largest City | 48,841 (Poway) | 99,818 (Hesperia) | 3,898,747 (L.A.) |
| Smallest City | 130 (Vernon) | 51,493 (Cathedral City) | 101,475 (Chico) |
| Avg. City Population | 23,170 | 72,767 | 367,299 |
| Median City Population | 23,489 | 71,576 | 151,713 |
| Avg Contribution Limit | \$537 | \$784 | \$899 |
| Max Contribution Limit | \$3,000 | \$4,000 | \$2,500 |
| Min Contribution Limit | \$100 | \$150 | \$250 |
| Median Contribution Limit | \$475 | \$700 | \$700 |
| Mode Contribution Limit | \$500 | \$1,000 | \$1,000 |
| At-Large Cities | | | |
| # At Large ** | 39 | 15 | 7 |
| Total Population | 790,964 | 1,083,406 | 1,328,854 |
| Largest City | 47,529 (Newark) | 93,076 (Santa Monica) | 307,670 (Irvine) |
| Smallest City | 130 (Vernon) | 57,047 (Fountain Valley) | 107,337 (Burbank) |
| Avg Pop | 20,281 | 72,227 | 189,836 |
| Median City Population | 18,157 | 70,143 | 196,543 |
| Avg Contribution Limit | \$568 | \$660 | \$859 |
| Max Contribution Limit | \$3,000 | \$1,200 | \$1,620 |
| Min Contribution Limit | \$100 | \$200 | \$500 |
| Median Contribution Limit | \$450 | \$720 | \$620 |
| Mode Contribution Limit | \$500 | \$1,000 | N/A |
| By-District Cities | | | |
| # By District *** | 15 | 18 | 30 |
| Total Population | 460,194 | 1,317,919 | 12,261,221 |
| Largest City | 48,841 (Poway) | 99,818 (Hesperia) | 3,898,747 (L.A.) |

| | | | |
|--|---------------------------|----------------------------|-----------------------|
| Smallest City | 11,795 (Half Moon Bay) | 51,493 (Cathedral City) | 101,475 (Chico) |
| Avg Pop | 30,680 | 73,218 | 408,707 |
| Avg By-District Pop / 5**** | 6,136 | 14,644 | 81,741 |
| Avg By-District Pop / 4**** | 7,670 | 18,305 | 102,177 |
| Median City Population | 30,218 | 75,308 | 149,406 |
| Avg Contribution Limit | \$455 | \$888 | \$909 |
| Max Contribution Limit | \$1,000 | \$4,000 | \$2,500 |
| Min Contribution Limit | \$210 | \$150 | \$250 |
| Median Contribution Limit | \$500 | \$613 | \$715 |
| Mode Contribution Limit | \$250 | \$250 | \$1,000 |
| Avg. 5-D by-D Pop***** | 32,505 (8 cities) | 71,832 (9 cities) | 119,859 (5 cities) |
| Avg 5-D by-D Pop / 5***** | 6,501 | 14,366 | 23,972 |
| Avg. 4-D by-D Pop***** | 28,593 (7 cities) | 74,702 (6 cities) | 166,809 (4 cities) |
| Avg 4-D by-D Pop / 4***** | 5,720 | 18,676 | 41,702 |
| Cities with more than 5 districts***** | 0 | 3 | 21 |

* Populations are representative of April 1, 2020, U.S. Census Bureau data.

** At-larges cities include from-district city councils, (i.e., election systems where council members must reside in their respective districts but all city residents get to vote for them).

*** The data includes cities with by-district city councils even if their mayor is elected at-large.

**** Represents the column-specific average population (see "Avg Pop" cell above data point) of all by-district cities (regardless of the # of districts per city) with contribution limits less than \$4,900 divided by 5 and 4 respectively (to get the average size of each district if all the cities had only 5 or only 4 districts).

***** Represents the average population per column (<50k, ≥50k & ≤100k, >100k) of all cities respectively with five (5) and four (4) by-district city council seats and donor limits less than \$4,900.

***** Represents the average population per column (<50k, ≥50k & ≤100k, >100k) of all cities respectively with five (5) and four (4) by-district city council seats and donor limits less than \$4,900 divided respectively by 5 and 4 (to get the average column-specific size of each district from cities that have only 5 or 4 districts).

***** Represents the number of by-district cities in each column with more than five (5) districts.

APPENDIX VI: SUMMARY OF CAMPAIGN PUBLIC FINANCE SYSTEMS IN CALIFORNIA

| | Qualification | System | Maximum allowed funds per Candidate | Expenditure limit | Other Requirements | Adjustable Limits | Enforcement |
|--------------------|--|---|--|---|--|---|---|
| Berkeley | Collect at least 30 contributions between \$10-\$50 from unique natural-person city residents that total at least \$500. | 6:1 matching funds for contributions up to \$50 per unique City-resident-donor. | \$43,000 | None | \$50 donor limit, restrict use of personal funds to \$250, no loans, no transfer of committee funds to other committees, make no IEs, have no outstanding campaign violations. | All limits adjust to CPI every odd-numbered year. | Berkeley Fair Campaign Practices Commission. |
| Long Beach | Raise at least \$5,000 in contributions of \$400 or less of which only the first \$100 from each unique contributor may be counted towards the qualifying threshold. | Matching funds: 1:2 match for Primary and 1:1 match for Runoff for contributions up to \$400 per unique donor. | \$23,760 - \$28,380 for Primary, \$18,000 - \$21,500 for Runoff (varies by district: 33% [Primary] and 50% [Runoff] of the expenditure limit). | \$72,000 - \$86,000 in Primary, \$36,000 - \$43,000 in Runoff (varies by council district based on voter registration). | Must be opposed by a viable candidate. | All limits adjust to CPI every odd-numbered year. | City Attorney with Ethics Commission's assistance. |
| Los Angeles | Raise at least \$11,400 in in-district contributions between \$5-\$800 of which only the first \$114 from each unique contributor may be counted towards the qualifying threshold. | 6:1 matching funds for contributions up to \$114 per unique City-resident-donor. | \$161,000 for Primary, \$201,000 for Runoff. | \$571,000 for Primary, \$476,000 for Runoff. | Qualify for the ballot with at least 500 in-district signatures, candidate must limit the amount they contribute or lend to their campaign to \$37,000, have an opponent on the ballot, attend at least one debate or town hall meeting, and attend ethics training. | All limits adjust annually to CPI. | Los Angeles City Ethics Commission. |
| Oakland | Receive at least 125 contributions from unique voting-age City residents, with at least 25 coming from a candidate's district, that are between \$10-\$600. | Vouchers: each eligible resident registered to vote receives four \$25 public vouchers to distribute to candidates. | 2/3 of expenditure limit (\$150,000) for competitive races, no more than 10,000 for noncompetitive races. | \$150,000 | Have no outstanding election law penalties, qualify for the ballot, attend ethics training, must not solicit funds for local IEs, and must not use more than \$12,000 (adjustable) in personal funds for their campaign. | All limits adjust to rounded CPI increases every odd-numbered year. | Oakland Public Ethics Commission and City Attorney. |

| | | | | | | | |
|----------------------|--|--|--|---|--|--|--|
| Richmond | Raise at least \$10,000. | Lump-sum matching funds (\$2,500 for the first 10k raised and each 5k raised thereafter). | \$12,500 | \$75,000 (may not raise or expend more than this amount). | Certified to appear on the ballot and opposed by at least one other candidate on the ballot, only use matched funds for campaign expenses. | None. | City Attorney. |
| Sacramento | Raise \$7,500 in contributions of \$250 or less per source from sources other than the candidate's self and immediate family. | 1:1 matching funds for contributions up to \$250 per unique donor. | \$35,200 | \$88,000 | Comply with the City's Code of Fair Campaign Practices, be opposed by at least one viable candidate, agree to participate in at least one public forum where opponents are invited, must not contribute or spend more than \$7,500 in personal funds for one's own campaign (including funds from immediate family). | None. | City Council and the public. |
| San Francisco | Non-incumbents raise at least \$10,000 and incumbents raise at least \$15,000 in contributions of \$10-\$100 from unique city residents. | Lump-sum and matching funds: \$60,000 upon qualification & 6:1 match thereafter for contributions of up to \$150 per unique City-resident-donor. | Incumbent: \$252,000 Non-Incumbent: \$255,000 | \$350,000 | Must not contribute more than \$5,000 in personal funds to one's own campaign, must not accept outside loans, must participate in at least three debates with opponents, have no outstanding campaign finance penalties, be opposed by a viable candidate, and only use funds for campaign expenses. | The Ethics Commission may adjust all limits by rounding to changes in CPI. | San Francisco Ethics Commission, City Attorney, District Attorney. |

APPENDIX VII: CALIFORNIA CITIES WITH BY-DISTRICT ELECTIONS

The tables below represent cities in California, as of 2022, with by-district elections, which means that only the residents within a district of a city can vote for the councilmembers representing their district as opposed to at-large or from-district elections where the entire city votes for all city councilmembers.

Because of the consistent trend of California cities converting to by-district elections, it is likely that more cities than are listed below have by-district elections as of the time of this publication. For that reason, one can visit a living table at the following link, where one can also report updates to the table. www.commoncause.org/california/resource/cmcfi/

Summary

Cities with By District Elections

| | |
|--------------------|------------|
| # of Cities | 189 |
| Total Population | 24,003,623 |
| % of Population | 61% |
| Average Population | 127,679 |
| Median Population | 70,191 |

*Both = by-district city councilmembers and an at-large mayor.

| City | Population | By-District Elections | City | Population | By-District Elections |
|---------------|------------|-----------------------|----------------|------------|-----------------------|
| Alhambra | 82,868 | By-District | Buena Park | 84,034 | By-District |
| Anaheim | 346,824 | Both | Burlingame | 31,386 | By-District |
| Antioch | 115,291 | Both | Camarillo | 70,741 | By-District |
| Arcadia | 56,681 | By-District | Campbell | 43,959 | By-District |
| Atwater | 31,970 | Both | Carlsbad | 114,746 | Both |
| Bakersfield | 403,455 | Both | Carson | 95,558 | Both |
| Banning | 29,505 | By-District | Cathedral City | 51,493 | By-District |
| Barstow | 25,415 | Both | Ceres | 49,302 | Both |
| Bellflower | 79,190 | By-District | Chico | 101,475 | By-District |
| Belmont | 28,335 | Both | Chino | 91,403 | Both |
| Berkeley | 124,321 | Both | Chino Hills | 78,411 | By-District |
| Big Bear Lake | 5,046 | By-District | Chula Vista | 275,487 | Both |
| Bradbury | 921 | By-District | Citrus Heights | 87,583 | By-District |
| Brentwood | 64,292 | Both | Claremont | 37,266 | By-District |
| Buellton | 5,161 | Both | Coalinga | 17,590 | By-District |

| City | Population | By-District Elections |
|-------------------|-------------------------|-----------------------------|
| Colton | 53,909 | Both |
| Concord | 125,410 | By-District |
| Corona | 157,136 | By-District |
| Costa Mesa | 111,918 | Both |
| Covina | 51,268 | By-District |
| Dana Point | 33,107 | By-District |
| Davis | 66,850 | By-District |
| Dinuba | 24,563 | By-District |
| Dixon | 18,988 | Both |
| Downey | 114,355 | Both |
| Duarte | 21,727 | By-District |
| Eastvale | 69,757 | By-District |
| El Cajon | 106,215 | Both |
| El Monte | 109,450 | Both |
| El Paso De Robles | 31,490 | Both |
| Elk Grove | 176,124 | Both |
| Encinitas | 62,007 | Both |
| Escondido | 151,038 | Both |
| Eureka | 26,512 | Both |
| Exeter | 10,321 | By-District |
| Fairfield | 119,881 | Both |
| Folsom | 80,454 | By-District |
| Fontana | 208,393 | Both |
| Fortuna | 12,516 | Both |
| Fremont | 230,504 | By-District |
| Fresno | 542,107 | Both |
| Fullerton | 143,617 | By-District |
| Garden Grove | 171,949 | Both |
| Glendora | 52,558 | By-District |
| Grover Beach | 12,701 | Both |
| Half Moon Bay | 11,795 | Both |
| Hanford | 57,990 | By-District |
| Hemet | 89,833 | By-District |
| Hesperia | 99,818 | By-District |

| City | Population | By-District Elections |
|----------------|---------------------------|-----------------------------|
| Highland | 56,999 | By-District |
| Hollister | 41,678 | Both |
| Imperial Beach | 26,137 | Both |
| Indio | 89,137 | By-District |
| Inglewood | 107,762 | Both |
| Jurupa Valley | 105,053 | By-District |
| Kerman | 16,016 | By-District |
| King City | 13,332 | By-District |
| Kingsburg | 12,380 | By-District |
| La Mirada | 48,008 | By-District |
| La Verne | 31,334 | By-District |
| Lake Elsinore | 70,265 | By-District |
| Lake Forest | 85,858 | By-District |
| Lakewood | 82,496 | By-District |
| Lemoore | 27,038 | By-District |
| Lincoln | 49,757 | By-District |
| Livermore | 87,955 | Both |
| Lodi | 66,348 | By-District |
| Lompoc | 44,444 | Both |
| Long Beach | 466,742 | Both |
| Los Alamitos | 11,780 | By-District |
| Los Angeles | 3,898,747 | Both |
| Los Banos | 45,532 | Both |
| Madera | 66,224 | Both |
| Manteca | 83,498 | Both |
| Martinez | 37,287 | Both |
| Menifee | 102,527 | Both |
| Menlo Park | 33,780 | By-District |
| Merced | 86,333 | Both |
| Mission Viejo | 93,653 | By-District |
| Modesto | 218,464 | Both |
| Montebello | 62,640 | By-District |
| Monterey | 30,218 | Both |
| Monterey Park | 61,096 | By-District |
| Moorpark | 36,284 | Both |

| City | Population | By-District Elections |
|------------------|-------------------------|---------------------------------------|
| Moreno Valley | 208,634 | Both |
| Morgan Hill | 45,483 | Both |
| Murrieta | 110,949 | By-District |
| Napa | 79,246 | Both |
| National City | 56,173 | By-District |
| Novato | 53,225 | By-District |
| Oakland | 440,646 | Both |
| Oakley | 43,357 | By-District |
| Oceanside | 174,068 | Both |
| Ojai | 7,637 | Both |
| Orange | 139,911 | Both |
| Oroville | 20,042 | Both |
| Oxnard | 202,063 | Both |
| Pacifica | 38,640 | By-District |
| Palm Desert | 51,163 | By-District & RCV |
| Palm Springs | 44,575 | By-District |
| Palmdale | 169,450 | Both |
| Parlier | 14,576 | Both |
| Pasadena | 138,699 | Both |
| Patterson | 23,781 | Both |
| Perris | 78,700 | Both |
| Placentia | 51,824 | By-District |
| Pomona | 151,713 | Both |
| Porterville | 62,623 | By-District |
| Poway | 48,841 | Both |
| Rancho Cucamonga | 174,453 | Both |
| Redlands | 73,168 | By-Districts |
| Redondo Beach | 71,576 | Both |
| Redwood City | 84,292 | By-District |
| Richmond | 116,448 | Both |
| Riverbank | 24,865 | Both |
| Riverside | 314,998 | Both |
| Rohnert Park | 116,448 | By-District |
| Roseville | 147,773 | By-District |

| City | Population | By-District Elections |
|---------------------|---------------------------|-----------------------------|
| Sacramento | 524,943 | Both |
| Salinas | 163,542 | Both |
| San Bernardino | 222,101 | Both |
| San Bruno | 43,908 | Both |
| San Buenaventura | 110,763 | By-District |
| San Diego | 1,386,932 | Both |
| San Dimas | 34,924 | Both |
| San Francisco | 873,965 | Both |
| San Jose | 1,013,240 | Both |
| San Juan Capistrano | 35,196 | By-District |
| San Marcos | 94,833 | Both |
| San Mateo | 105,661 | By-District |
| San Rafael | 61,271 | Both |
| San Ramon | 84,605 | Both |
| Sanger | 26,617 | Both |
| Santa Ana | 310,227 | Both |
| Santa Barbara | 88,665 | Both |
| Santa Clara | 127,647 | Both |
| Santa Rosa | 178,127 | By-District |
| Santee | 60,037 | Both |
| Seal Beach | 25,242 | By-District |
| Selma | 24,674 | Both |
| Simi Valley | 126,356 | Both |
| Solana Beach | 12,941 | Both |
| Solvang | 6,126 | Both |
| South Pasadena | 26,943 | By-District |
| South San Francisco | 66,105 | By-District |
| Stanton | 37,962 | Both |
| Stockton | 320,804 | Both |
| Sunnyvale | 155,805 | Both |
| Tehachapi | 12,939 | By-District |
| Temecula | 110,003 | By-District |
| Torrance | 147,067 | Both |

| City | Population | By-District Elections |
|------------------|-------------------------|-----------------------------|
| Tulare | 68,875 | By-District |
| Turlock | 72,740 | Both |
| Tustin | 80,276 | Both |
| Twentynine Palms | 28,065 | By-District |
| Upland | 79,040 | Both |
| Vacaville | 102,386 | Both |
| Vallejo | 126,090 | Both |
| Victorville | 134,810 | By-District |
| Visalia | 141,384 | By-District |
| Vista | 98,381 | Both |
| Wasco | 27,047 | By-District |
| Watsonville | 52,590 | By-District |
| West Covina | 109,501 | By-District |
| West Sacramento | 53,915 | Both |
| Westminster | 90,911 | Both |
| Whittier | 87,306 | Both |
| Wildomar | 36,875 | By-District |
| Windsor | 26,344 | Both |
| Woodland | 61,032 | By-District |
| Woodside | 5,309 | By-District |
| Yuba City | 70,117 | By-District |
| Yucaipa | 54,542 | By-District |
| Yucca Valley | 21,738 | By-District |