

**ELECTION CAMPAIGN FINANCE REFORM
CITY OF PALM SPRINGS, CALIFORNIA**



**CITY COUNCIL DISCUSSION
November 3, 2010**

City Council Subcommittee Members

Ginny Foat, Councilmember
Chris Mills, Councilmember

City Staff Liaisons

Douglas Holland, City Attorney
James Thompson, City Clerk

RECOMMENDATIONS

The City Council Subcommittee recommends that the City Council direct staff to prepare a local elections ordinance with the following provisions:

- (i) Requires candidates to provide "proof of residency" at the time of pulling Nomination Papers;
- (ii) Establishes a process and criteria for qualified candidates to post on the City's website a biographical statement for all qualified candidates, at the close of the nomination period;
- (iii) Requires a candidate to obtain not less than 200, nor more than 250, signatures for nomination;
- (iv) Provides for all candidates to file a Candidate Statement to be printed in the sample ballot, and incorporate the costs into the filing fee;
- (v) Establishes a filing fee for all candidates filing a Nomination Paper, proportionate to the costs of processing a candidate nomination paper and candidate statement;
- (vi) Authority for staff to waive City fees for use of Council Chamber and limited access to public access television staff for limited qualified candidate debate(s) during the election cycle.

INTRODUCTION

In February 2009, the City Council Ad Hoc Subcommittee of Mayor Pro Tem Hutcheson and Councilmember Weigel made recommendations to the City Council with respect to Campaign Finance Reform, for Palm Springs local elections for the directly

elected Mayor and Members of the City Council. At that time, the City Council could not reach a consensus on Campaign Finance Reform proposals.

In 2010 the City Council appointed Councilmember Foat and Councilmember Mills, as their term is not up for election in 2011, to serve as an ad hoc subcommittee to further study Election and Campaign Finance Reform proposals.

Campaign funds enable candidates to disseminate their messages and communicate with voters. Campaign finance laws are typically advanced to promote more open, honest, and accountable government. In addition, certain techniques are emphasized as a means to achieving the constitutional ideal of political equality.

As a result of the current economy, the City Council Ad Hoc Subcommittee was not supportive of techniques of limiting campaign contributions or voluntary expenditure limits. Unless strict limits were set, such limitations would only affect a very small percentage of campaign donors, which would not reduce any perceived special interest influence without restricting political free speech.

Notwithstanding the above, the Subcommittee was supportive of recommending other election reforms. Article VIII of the City of Palm Springs Charter, adopted by a vote of the people in 1994, reserves to the voters the setting of the regular municipal election date, and the powers of initiative and referendum and the recall of municipal elective officers.

However, Section 802 of the City Charter provides the City Council may by ordinance enact further procedures for the conduct of municipal elections. Section 5(b) of Article XI of the California Constitution allows Charter Cities to provide for government within the city, and the conduct of city elections. In other words, the City

may enact regulations for the conduct of local elections as a matter of local concern, consistent with the "municipal affairs" doctrine, so long as such regulations do not disenfranchise a qualified candidate from running for local office, or abridge any constitutional privilege.

DISCUSSION POINTS

Proof of Residency

Should the City of Palm Springs require "Proof of Residency" to pull a Nomination Paper to run for municipal elective office?

Currently, to hold elective office in the City of Palm Springs, a person must be at the time of assuming office an elector of the City, and must have been a registered voter of the City at the time the nomination papers were issued. As a matter of fact, several candidates file a Voter Registration Form at the time they pull their Nomination Papers. The election official may only determine status by checking for voter registration. As Palm Springs is in-part a seasonal community and voter registration may not accurately depict one's residency, as evidenced by a recent criminal case filed against a candidate for voter fraud and perjury. The Subcommittee recommends candidates provide "proof of residency" sufficient to the election official to determine residency. Such proof may be in the form as a California issued driver license, California issued ID card, passport, utility bill, mortgage statement, lease agreement, or a combination of such documents to document bona fide residency in the City of Palm Springs. Additionally, an appeal process would be provided, should the election official not be able to make a clear and final determination on residency based on the documents provided by the candidate.

Candidate Biographical Statement

Should the City require and/or accept a biographical statement from each candidate (or similar qualification document at least as detailed as the City's Commissioner Application), that would be posted on the City's website?

Candidates are eager to communicate with voters in a cost effective manner and voters want more objective information about candidates. The Subcommittee recommends that additional information be accepted from qualified candidates and posted on the City's website at the close of the nomination period. The Subcommittee anticipates that additional regulations regarding such information would be developed by the election official for adoption by the City Council, similar to the current restrictions and limitations applicable to candidate statements.

Required Signatures for Nomination

Should the City enact regulations more restrictive than the California Election Code for the number of signatures required to be nominated for public office?

The Subcommittee recommends the City enact requirements that provide that each candidate obtain not less than 200, nor more than 250 signatures of qualified electors. Currently, a candidate is only required to secure 20 signatures. The Subcommittee believes that the proposed requirement would indicate a qualified base of community support to signify a qualified candidate. The Subcommittee recommends that additional regulations such as the ability for more than one person to circulate a Nomination Paper would be developed by the election official for adoption by the City Council.

Required Candidates Statement

Should the City require all candidates to submit a candidate statement for printing in the Sample Ballot, mailed to all voters?

One of the most important tools for public participation and education in the election process is providing as much information to the electorate, which would allow voters to identify the interests to which the candidates are likely to be responsive. The Subcommittee recommends that each candidate be required to file a candidate statement as part of the nomination process. The cost of the required candidate statement would be calculated into the filing fee as discussed below.

Candidate Filing Fee

Should the City of Palm Springs charge a filing fee?

Currently, the City does not charge a filing fee for nomination documents. Should the City enact regulations requiring additional signatures, the cost of verifying a nomination paper would increase dramatically. Additionally, the City would include the cost of the required Candidate Statement in the filing fee. The Subcommittee recommends the City charge a fee to file, not to exceed the cost of providing the service.¹

Waiver of Use Fees

In past elections, the Palm Springs Chamber of Commerce Sponsors a televised candidate debate. The Subcommittee recommends the City Council enable provisions for the waiver of fees for use of City facilities for a limited number of candidate debates.

¹ A time and materials study would have to be prepared to calculate the filing fee. At first blush the City Clerk estimates the filing fee would be approximately \$750 to include: nomination paper review, signature verification, and review, translation, and printing the candidate statement in the Sample Ballot.

during the election cycle. Additional regulations would be developed by the election official for approval by the City Council to qualify the waiver of fees for the use of a City facility for a candidate debate.

CONCLUSION

The proposals outlined in this Report are made sufficiently in advance of the 2011 City of Palm Springs election cycle that will ensure that any approaches the City Council may adopt can be fully implemented and any prospective candidate can be appropriately informed of any changes and requirements. The Subcommittee believes that the City Council has a unique opportunity to adopt meaningful election reform, and encourages the Members of the City Council to direct the preparation of a local election ordinance consistent with the concepts and approaches provided in this Report and as may be augmented through collective deliberation.