

City of New Haven
Journal of the Board of Aldermen
Legislation Committee

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Thursday, April 2, 2009

7:00 PM

Aldermanic Chambers

ALDERMANIC NOTICE - NEW HAVEN

THE LEGISLATION COMMITTEE WILL MEET ON THURSDAY, APRIL 2, 2009 AT 7:00 P.M.
IN THE ALDERMANIC CHAMBER OF CITY HALL, 165 CHURCH STREET, TO HEAR:

From Robert Wechsler of the New Haven Democracy Fund submitting a report of the Democracy Fund Board for the year 2008, as required by Section 2-245 of the Democracy Fund Ordinance and Section 2 of the Democracy Fund Board Bylaws, and proposed ordinance amendments.

Favorable Report to the Board of Aldermen

THIS ITEM IS FILED WITH THE CITY CLERK, ROOM 202, 200 ORANGE STREET, WHERE IT IS AVAILABLE FOR PUBLIC INSPECTION. PER ORDER ROLAND J. LEMAR, CHAIRMAN; ATTEST: RON SMITH, CITY CLERK.

IF YOU NEED DISABILITY RELATED ACCOMMODATION, PLEASE CALL THREE BUSINESS DAYS IN ADVANCE OF THE MEETING: 946-8122 (VOICE) OR 946-8582 (TTY).

MINUTES

Legislation

April 2, 2009

Chairman Lemar called the meeting to order at 7:03 P.M. in the Aldermanic Chamber of City Hall, 165 Church Street. Also present were Committee members Aids. Lehtonen, Perez, Sandman, Antunes and Plattus. Ald. Goldfield also attended.

There was one item on the agenda: From Robert Wechsler of the New Haven Democracy Fund submitting a report of the Democracy Fund Board for the year 2008 as required by Section 2-24 of the Democracy Fund Ordinance and Section 2 of the Democracy Fund Bylaws, and proposed ordinance amendments.

Robert Wechsler, Democracy Fund Administrator spoke for the report and proposed amendments. Mr. Wechsler stated that he was a contract or hired by the Democracy Fund Board to administer its ordinance.

Mr. Wechsler gave a brief history of the Democracy Fund since its enabling ordinance was enacted in 2007. He said that the report indicates what has been learned with implementation of the Democracy Fund for the 2008 mayoral election.

He said that the Board also studied the goals of the ordinance, how other cities' programs worked and what could be changed to make it better. The report

contains these ideas. The Board also wrote regulations regarding penalties and revised the forms for mayoral elections.

These recommended changes, he said, include small technical amendments to provide greater clarity and organization. These included typographical errors and material which applied only to the first year of the Fund. Other recommendations are policy changes to enhance ability to meet the goals of the ordinance (i.e. encourage participation of meritorious candidates; reduce need for fundraising; and making even small contributions meaningful.) Some of the issues identified by the Democracy Fund Board would require change at the state level, or even between the political parties.

Mr. Wechsler then described each of the proposed changes. These included:

- Fixing technical issues for clarity and consistency.
- Placement of rules in the same sections.
- Increased access to important information for Board of Directors.
- Clarification of procedures in the event of no primary.

The technical changes were submitted as text amendments.
Appendix A contains the more substantial recommendations.

Ald. Perez asked how the improved primary procedure might work. Mr. Wechsler described recommendations regarding clear separation of process for each election, reporting requirements for candidate, and permission for remaining candidates to roll over unused funds for the general election if there is no primary (consistent with state policy). A candidate would only have to qualify once for the primary and, if successful, the general election. The changed process would speed up delivery of grants and cut down on attempts to "game" the process.

Mr. Wechsler returned to description of the recommendations according to the goals of the ordinance. He said that the minimum qualifying contribution to \$10 (instead of the current \$30) would make it easier for supporters to have an impact and easier for a candidate to qualify for a grant.

He noted recommendations to get more candidates involved, including lowering the contribution limit, improving the "trigger" that allows a participating candidate to get a second grant based on a non-participant's spending in a timely way and disclosure of independent expenditures.

Mr. Wechsler said that there was much concern about the high per capita cost of elections. He said the Board hoped to lower the expenditure ceiling. Ald. Goldfield commented that the high cost is a concern for the City's funding commitment.

Responding to questions from the Committee regarding the substantive recommendations, Mr. Wechsler made the following points:

- The Democracy Fund Board did not recommend a particular expenditure ceiling (now \$300,000.00, or \$5.45 per voter). The next highest found for comparable cities was Long Beach, CA at \$1.27 per voter. Tucson, AZ had the lowest at 40 cents for the entire election cycle. The Board felt that a higher ceiling is appropriate for the primary.

- Qualifying contributions must be at \$30-\$340 from a New Haven registered voter, with appropriate documentation.
- The Board recommends 6 additional requirements to the candidate contract, and wants the state to allow additional reporting by non-participants, and that all reporting should be available to all candidates. Chr. Lemar stated that the reporting is "onerous". Ald. Goldfield said that the lack of information sometimes stalled parts of the program, giving examples. Ald. Lehtonen noted that knowing the opposition's finances would help every candidate.
- Expenditure ceiling - Ald. Lemar said that his initial response to the ordinance was its role in containing the high cost of New Haven's municipal election, citing especially high media costs, living wage requirements and other factors. Ald. Goldfield said that the ceiling number was established as a realistic estimate of campaign cost, for both participating and non-participating candidates.
- Ald. Sandman said that the \$10 minimum eligible contribution should be subject to cost of living adjustment. Ald. Lemar noted that the state's such minimum is \$5.00. In discussion on this point, Mr. Wechsler noted that New Haven's Democracy is a "hybrid" system in that it offers both grants and matching funds - as opposed to the state's which just gives grants.
- A participating candidate could receive a second grant when a non-participating candidate reached a "trigger" point in financing - rather than having to raise \$300,000. Ald. Goldfield said that this should be a high percentage of the ceiling. Mr. Wechsler said that the participating candidate would have the option of raising the expenditure ceiling, as opposed to receiving a second grant.
- The state requires tracking of independent expenditures (by outside groups. It isn't clear whether the city would need authorization from the state for an amendment for such requirements in the municipal program.
- A spending limit for non-participating candidates must be approved by the state.
- The city already provides for disclosure of campaign contributions by city contractors.
- Write-in candidates can get matching funds but not grants.
- Post election expenditure allowance should be increased from \$250. The Democracy Fund Board recommends fundraising to be included with regular expenditures (not "post election") and those inaugural costs are excluded.
- Participating candidates may not make non-qualified expenditures.
- The Fund should have its own checking account (rather than process through the city), so that the administrator may write checks to candidates directly, saving time. Ald. Goldfield disapproved, saying that this would require additional controls.

Committee action:

Ald. Sandman, seconded by Ald. Perez moved the matter for discussion.

Ald. Sandman motioned that the cost of living adjustment not apply to the proposed \$10 minimum qualifying contribution. Chr. Lemar seconded, noting that the ordinance could be changed. Ald. Goldfield disagreed, in light of intense inflation. The amendment passed unanimously. (Ald. Goldfield not voting.)

Ald. Sandman motioned to remove the recommended additional 6 reporting requirements ("Appendix A, 1. Campaign Reporting (c) "). Ald. Perez, seconded by Ald. Lemar, motioned that, with the exception of all those which require state authorization, the recommendations in Appendix A be moved for approval and review by the Committee.

After further discussion, the Committee agreed that this specifically included:

- #1. with the exception of (c), as amended above.
- #3. Qualifying Threshold and Rules, including ballot access
- #4. Non-participating Candidate Trigger. Ald. Perez, seconded by Ald. Lemar, moved to set the trigger at 85% of the expenditure ceiling. The amendment passed.
- #8. Election Cycle Division.
- #9. Write-In Candidates.
- #11. Qualified Campaign Expenditures
- #13. Minor changes (technical amendments)
- #14. Timing of Public Financing Grants for General Election.
- #15. Qualifying for Matching Funds

Ald. Lemar, seconded by Ald. Perez, motioned that the ordinance be amended as such. The Committee voted in favor.

The Committee voted to adjourn at 8:42 P.M.

Christina Plass, Legislative Aide.