



ETHICS REVIEW COMMISSION RECOMMENDATION NO. 20151110-03b

Date: November 10, 2015

Subject: Dark Money Recommendation

Motioned By: Commission Member Quinzi

Seconded By: Commission Member Smith

Recommendation

The Commission joins in the Audit and Finance Committee's resolution directing the City Manager to draft an ordinance and commentary regulating non-profit entities that are not required to disclose their funding sources (hereinafter, "dark money").

Description of Recommendation to Council

1. Review other jurisdictions' dark money laws and proposals;
2. Identify timely and effective laws that ensure comprehensive disclosure of election contributions and expenditures that are funneled through 501(c)(4) non-profit organizations and other non-disclosing entities and persons, and;
3. Recommend a proposed comprehensive, effective dark money ordinance that includes provisions such as:
 - a. define political activity;
 - b. set an appropriate level of entity political activity to trigger disclosure;
 - c. specify the form and timing of disclosure;
 - d. distinguish among political contributions, restricted non-political funds and general operational funds used for political purposes;
 - e. use last-in, first-out accounting or other means for identifying the source of political expenditures, and;
 - f. regulate covered transactions and other means to use multiple entities to evade disclosure, ensure effective enforcement, and integrate the proposed ordinance effectively with the state and city's other campaign disclosure laws.

Vote: 7-0-1

For: Chair Austin Kaplan, Vice Chair Peter Einhorn, and Commission Members Meagan Harding, Donna Beth McCormick, Paul Quinzi, Kenneth Smith, and Brian Thompson

Against: None

Abstain: Commission Member Matthew Lamon

Absent: Commission Members J. Michael Ohueri, Dennis Speight, and Robert "Ben" Stratmann

Attest:


Cynthia Tom, Commission Executive Liaison