

RESOLUTION NO.

WHEREAS, to help ensure fair and transparent city elections, Austin's voters have a right to know before they vote the persons and entities that are funding election activity; and

WHEREAS, the United States Supreme Court has held repeatedly that disclosure of campaign funding is constitutional and essential to the public's faith in our democratic process; and

WHEREAS, in an attempt to hide their funding of election activity, large political actors across the country have been funding such activity through non-profit organizations and other entities that generally do not have to disclose their funding sources (hereafter "dark money"); and

WHEREAS, the rise of dark money undermines our election disclosure laws, preventing transparency of campaign contributions and expenditures; and

WHEREAS, dark money has grown exponentially at the federal and state levels, has begun to be employed in City of Austin elections, and is likely to expand rapidly in the future in the city's elections if not addressed; and

WHEREAS, other jurisdictions, such as California, have passed and implemented effective laws that require timely public disclosure of heretofore dark money; and

WHEREAS, an effective dark money city ordinance needs to be in place at least 6 months before the city's November 2016 election to help ensure funding transparency; **NOW, THEREFORE**,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

The City Manager is directed to work with the City Attorney and any necessary departments to: (1) review other jurisdictions' dark money laws and proposals, and (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.

BE IT FURTHER RESOLVED:

The City Manager is directed to develop a comprehensive, effective dark money ordinance for Council consideration that includes provisions that: (1) define political activity; (2) set an appropriate level of an entity's political activity to trigger disclosure; (3) specify the form and timing of disclosure; (4) distinguish among political contributions, restricted non-political funds and general operational funds used for political purposes; (5) use last-in/first-out accounting or other means for identifying the source of political expenditures; and (6) 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.

ADOPTED: _____, 2015

ATTEST: _____

Jannette S. Goodall
City Clerk