

Financing of Election Campaigns Cross-Functional Team *Update*

12.05.2022

What we will cover

- 1. Overview** (Robert Cortinas)
- 2. Key Considerations** (Karla Nieman)
- 3. Team Lead Reports:**
 - a. Operations Overview** (Laura Prine, Team Lead)
 - b. Research + Comparative Analysis** (Edward K. McDonald III, Kristen Karam-Hamilton and Karla Saenz)
- 4. Next Steps** (Laura Prine)

1. Overview

Robert Cortinas

City Council Action

October 11, 2022

Direct the City Manager and City Attorney's office to create a cross-functional team to explore and develop a fair campaign elections ordinance that are within the legal parameters established by the federal, state, local laws and that are prescribed by the City of El Paso's strategic plan and present an update at a work session meeting for the first meeting in December 2022.

Timeline

**November to
December**

Research Best
Practices and
Requirements



**Beginning in Early
2023**

Schedule and Host
Stakeholder
Roundtables



Spring/Summer 2023

Recommendations to
Council

2. Key Considerations

Karla Nieman



Legal Guidelines

Campaign Contribution Limitations

- 1st Amendment to the U.S. Constitution protects campaign contributions (Association and Expression)
- Courts have allowed contribution limits to prevent quid pro quo corruption (intermediate scrutiny)
- Must have evidence that the City faces the problem of corruption
- Limitation shall not be too low, but must allow campaigns to be viable
- Strict scrutiny applies for limits on expenditures by candidates





Legal Guidelines

Public Financing

- Texas Constitution prohibits the use of public funds for private purpose
- Texas Elections Code prohibits officers from spending public funds on political advertising
- Even if funds other than the general fund, need a process that would not expend City resources

3. Team Lead Reports

a) CFT Operations Overview

Laura Prine, Team Lead

Core Team Members

- Karla Nieman (City Attorney's Office)
- Laura Prine (City Clerks)
- Laura Cruz-Acosta (Strategic Communications)
- Mark Weber (Community + Human Development)
- Kristen Karam-Hamilton and Karla Saenz (City Attorney's Office)
- Lindsey Adams (Economic Development)
- Edward K. McDonald III, Ed.D. (Enterprise Risk & Safety Office)
- Carlos Olmedo (International Bridges)
- Tammy Fonce (Strategic Communications)

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1. **Research requirements and best practices for ordinances similar to those prepared by the Fair Elections Initiative Petitioners**
 - **Proposition A:** Imposing campaign contribution limits and require disclosure of contributor's employer or place of employment
 - **Proposition B:** Establishment of public financing for candidates for those who voluntarily agree to limit their contributions and expenditures
 - **Proposition C:** Institute ranked choice voting so long as permitted by state law
2. **Identify main points regarding election opportunities across the various segments of the community**
3. **Determine the pros and cons of similar legislation enacted in other Texas cities**

Financing of Election Campaigns CFT

4. **Determine costs of City Council campaigns and balance contribution limits against needs to raise adequate funding by candidates.**
5. **Research to identify any quid pro quo corruption to justify any campaign contribution limitations that Council enacts.**
6. **Research and recommend enforcement processes and penalties to address violations of proposed ordinances.**
7. **Research which type of funds are legal under the State law for public campaign fund financing.**

Team Organizational Chart

Robert Cortinas

Executive Champion

Laura Prine

CFT Operations Team
Lead

**Research + Comparative
Analysis**

Edward K. McDonald III,
Kristen Karam-Hamilton &
Karla Saenz

**Campaign
& Contribution Limit
Comparison**

Lindsey Adams
& Mark Weber

**Elections
Cost Analysis**

Carlos Olmedo
& Laura Prine

**Communication
Focus**

Laura Cruz-Acosta
& Tammy Fonce

3. Team Lead Reports

b) Research and Comparative Analysis

Kristen Karam-Hamilton
Edward K. McDonald III, Ed.D.
Karla Saenz

Approach

- Risk and benefit analysis of practices by other municipalities
- Research vulnerabilities and risks in City Council campaign and election finance in El Paso
- Determine if there is corruption or an appearance of corruption related to campaign contributions to Council members
- Comparative analysis – Study cities with campaign contributions limits or public financing
 - Learn why limits or financing were instituted
 - Learn how the programs are managed, enforced and the challenges and successes

Cities with Campaign Financing rules

City	Population	Contribution Limits	Public Financing
Austin	964,177	\$300 (increased for inflation) per individual; \$1,000/committee	Yes – non general fund
Houston	2,288,250	\$5,000/individual \$10,000/committee	no
San Antonio	1,451,853	\$500/individual for Council, \$1,000 for mayor	no
Dallas	1,288,457	\$1,000/individual for Council, \$5,000 for presiding member	no
Portland, OR	641,162	\$508 individual and PAC; no limit on small donor committees	Yes

4. What's Next

Laura Prine

What's Next

- Research requirements and best practices of ordinances
- Schedule stakeholder roundtables
- CFT updates
- Recommendations to Council



Mission

Deliver exceptional services to support a high quality of life and place for our community



Values

Integrity, **R**espect, **E**xcellence,
Accountability, **P**eople



Vision

Develop a vibrant regional economy, safe and beautiful neighborhoods and exceptional recreational, cultural and educational opportunities powered by a high performing government



Thank you!