



Agenda Memo

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FROM: KEVIN JENKINS
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TO: Oakland City Councilmembers and Members of the Public

SUBJECT: ORDINANCE AMENDING THE OAKLAND CAMPAIGN REFORM ACT (OAKLAND MUNICIPAL CODE TITLE 3, MUNICIPAL ELECTIONS, ARTICLE III, CHAPTER 3.12) TO 1) AMEND SECTION 3.12.045 TO INCREASE THE CONTRIBUTION LIMITS TO OFFICEHOLDER FUNDS TO MATCH THE TEMPORARILY INCREASED LIMITS TO CANDIDATES AND CANDIDATE-CONTROLLED COMMITTEES AND TO EXTEND THE SUNSET DATE; AND 2) AMEND SECTION 3.12.150 TO CLARIFY THAT OFFICEHOLDER EXPENDITURES MAY NOT BE USED FOR MAILING WITHIN THREE MONTHS OF ANY ELECTION FOR WHICH THE ELECTED OFFICIAL IS RUNNING FOR CITY OFFICE

Dear Fellow Council Members and the Public:

The attached proposed Ordinance amendments seek to update and clarify the City of Oakland's Campaign Reform Act (OMC Title 3, Article III, Chapter 3.12) by clarifying Officer holder fund usage, increasing the contribution limits to officeholder expense funds to match the temporary contribution limits to candidates as set forth in 3.12.045 and extending the sunset date to those temporary provisions in 3.12.045.

On June 17, 2025, this Council passed Ordinance 13849 C.M.S. which, among other things, amended Oakland Municipal Code (OMC) section 3.12.150 to increase the officeholder fund limits to \$75,000 for District Councilmembers and to \$100,000 for all City-wide offices and added OMC 3.12.045 to temporarily increase the contribution limits to candidates and candidate-controlled committees to the pre-Measure W limits.

During the public debate of Ordinance 13849 C.M.S., members of the Council requested further amendments including 1) an extension of the sunset date to more fairly balance the impact of the legislation on candidates in the 2028 elections as compared to the 2026 elections and 2) a new restriction on the distribution of non-campaign-related mailers paid with officeholder accounts within three months of a candidate's election. The proposed legislation seeks to meet these requested revisions and also proposes to increase the contribution limits to officeholder expense funds to match the temporarily increased contribution limits to candidates and candidate-controlled committees established by Ordinance 13849 C.M.S.

City Charter section 603(h) provides that absent an urgency finding, "amendments to laws that the Commission has the power to enforce [...] shall be submitted to the Commission for review and comment, prior to the passage of the amendments..." The proposed amendments will be presented to the Public Ethics Commission for review and comment on or about December 10, 2025, pursuant to that section.

This proposed legislation makes three primary revisions to OMC section 3.12.045 and 3.12.150.

The first revision is to amend OMC section 3.12.045 to extend the sunset date. The modest extension of the sunset provision eliminates an unintentional imbalance in favor of specific elected officials: under the previous version, the sunset tended to favor candidates for City elected office on the 2026 election cycle, who could benefit from the temporary higher limits for longer than those on the 2028 election cycle. Thus, this effort furthers the purpose of the Oakland Campaign Reform Act in that it supports a fair and equal opportunity to participate in elective process.

The second revision is to amend OMC section 3.12.045 to increase the contribution limits to officeholder expense funds to match the temporarily increased contribution limits to candidates and candidate-controlled committees established by OMC 3.12.045 in subsections (B) and (C). Increasing the limits on contributions to officeholder funds allows elected City officials to focus on and dedicate more funds, subject to the eligible uses of officeholder funds, to issues and events important to their constituents and the community and will thus foster and promote public discussion of the same without burdening the City's General Fund. Increasing the contribution limits to officeholder funds also encourages transparent and

traceable contributions to elected City officials, which may be used for any political, governmental or other lawful purpose except for campaigns and other prohibited uses as set forth in section 3.12.150(C). Finally, as a practical matter, this revision seeks to create consistency and avoid confusion in the applicable limits between campaign contributions and officeholder contributions.

The third revision is to amend OMC 3.12.150 to offers more precise guidance concerning the use of Officeholder expenditures. More specifically, this Ordinance now explicitly prohibits the use of Officeholder funds to finance mailings of any kind within three months of an election in which the incumbent is running for City office (3.12.150(B) (13)). This legislation seeks to prevent giving incumbents a potential fundraising and/or promotional advantage immediately prior to elections and thus seeks to help restore public trust in governmental institutions. Other current expenditure restrictions shall remain in effect, including prohibitions on utilizing Officeholder funds for campaign-related activities or transfers to other candidate committees (3.12.150(C)-(D)).

In short, by adjusting contribution thresholds to officeholder funds, extending the sunset date to balance the impact on 2028 candidates and clarifying the proper use of Officeholder expenditures, the attached Ordinance amendments seek to strengthen transparency, prevent misuse, and maintain an equitable system for all candidates and for the benefit of the public.

Sincerely,

Kevin Jenkins

A handwritten signature in black ink, appearing to read 'K Jenkins', with a stylized flourish at the end.

Oakland City Councilmember District 6