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December 11, 2025

The Honorable City Council
City Hall
1 Frank Ogawa Plaza
Oakland, CA 94612

RE: Jenkins Proposal to Amend the Oakland Campaign Reform Act

Dear Council President Jenkins and Members of the City Council,

Under City Charter Section 603(h), the Public Ethics Commission (Commission or PEC) must review and have the opportunity to comment on any amendments to laws that the Commission has the power to enforce before these amendments can become law.¹ Pursuant to this duty, the Commission met on December 10, 2025, to review and provide comment on Council President Jenkins' ordinance amending the Oakland Campaign Reform Act (OCRA).

OCRA is intended to limit campaign contributions and expenditures, reduce the pressure on candidates to raise campaign funds, and ensure that all individuals have a fair and equal opportunity to participate in elective and governmental processes.

The proposal contains three components:

- 1) An extension of the current sunset date for the temporary contribution limit increase (\$900 for a contribution from an individual and \$1,800 for a contribution from a broad-based committee) from June 30, 2029, to December 31, 2029.
- 2) A temporary increase in the limit for contributions to officeholder funds to match the temporary campaign contribution limit increase (\$900 for a contribution from an individual and \$1,800 for a contribution from a broad-based committee) effective January 1, 2026. The higher officeholder fund contribution limits expire with the higher campaign contribution limits, which would sunset December 31, 2029.
- 3) An additional restriction on the allowable uses of officeholder account funds barring expenditures for any mailers within three months of a City official's election.

The Commission voted unanimously (4-0) to take the following positions:

¹ That section provides, in full:

Amendment of Laws. Prior to adopting, or enacting any amendments to, laws that the Commission has the power to enforce or administer, the City Council shall make a finding that the proposed changes further the goals and purposes of the law or program in question and provide specifics substantiating the finding. Absent an urgency finding akin to suspending compliance with the Sunshine Ordinance, amendments to such laws and proposed ballot measures that would adopt or amend such laws shall be submitted to the Commission for review and comment, prior to passage of the amendments or approval of the proposed measures for the ballot by the City Council.

1) **Extension of the sunset date for the temporary contribution limit increase – No position.** The Commission was not able to achieve consensus on this proposal with two Commissioners taking a neutral position and two opposed. However, the Commission agreed to include Commissioner objections stated during the discussion when providing comment. Those objections noted that the Commission's comment on the OCRA amendments adopted in May 2025 included a request to Council that the temporary contribution limit increase sunset earlier, on December 31, 2026, rather than June 30, 2029, and there was no new information provided that justified altering that position.

2) **Temporary increase in the limit for contributions to officeholder funds – Oppose.**
Commissioners voted unanimously to oppose this proposal on the following bases:

- Increasing the ability of incumbents to raise officeholder funds does not support the purpose of OCRA to reduce the disproportionate influence of large donors and decrease fundraising and spending by candidates and elected officials.
- Increasing the ability to raise officeholder funds may allow large-dollar donors additional opportunity to give more money to officials, increasing the risk of perception or real conflicts of interest.
- The benefits of such an increase are unclear given that existing law already allows officeholders to solicit unlimited amounts for worthy community causes and organizations via behested payments.
- Current laws governing the use and solicitation of officeholder funds could be perceived as insufficient to prevent misuse.

Furthermore, the Commission noted that its May 2025 letter (attached) on the previous OCRA amendments regarding officeholder funds requested analysis and justification to help them assess the prudence of that previous proposal as well as the current legislation under review, including:

- Substantiation of why behested payments and existing limits are insufficient.
- Proposals to create additional guardrails on the use of officeholder funds, consistent with the stated intent of the previous proposal regarding fund limits and equivalent applicability to the current proposal regarding contribution limits.
- Analysis of the administrative burden that larger accounts may impose on elected officials.

These Commission requests are reiterated in consideration that City Charter Section 603(h) provides that: “Prior to enacting any amendments to laws that the Commission has the power to enforce, the City Council shall make a finding that the proposed changes further the goals and purposes of the ordinance or program in question and provide specifics substantiating the finding.”

3) **Additional restriction barring officeholder fund expenditures for mailers within three months of a City official’s election – Support.** Commissioners voted unanimously to support this proposal, which provides an additional guardrail to limit any potential advantage to incumbents provided by officeholder communications in the period near an election and is also consistent with Fair Political Practices Commission (FPPC) guidance that has long treated communications by an incumbent in the immediate pre-election period as campaign activity that must be paid for from a campaign account.

The video for the December 10, 2025, meeting where the PEC adopted this recommendation may be accessed from the PEC's website at <https://www.oaklandca.gov/boards-commissions/publicethics-commission/meetings>.

Thank you for the opportunity to provide the Commission's perspective on this proposal.

Sincerely,

Francis Upton

Francis Upton IV
Chair, Oakland Public Ethics Commission
On behalf of the Public Ethics Commission based on discussion and action at its public meeting on December 10, 2025.

Attachment: May 29, 2025 PEC Charter 603(h) Comment to Council