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ELECTION COMMISSION MINUTES

June 18, 2012

The Norman Election Commission of the City of Norman, Cleveland County, Oklahoma, met in the Municipal Building Conference Room at 201 West Gray on the 18th day of June, 2012, at 2:03 p.m. Notice and agenda of the meeting were posted at the Municipal Building 48 hours prior to the beginning of the meeting.

**Item 1. Roll Call.** City Clerk Hall called the roll.

MEMBERS PRESENT:

Elizabeth Windes  
Richard Hilbert  
Chairman Ty Hardiman

MEMBERS ABSENT:

Robin Allen and Nina Flannery

STAFF PRESENT:

Kristina Bell, Assistant City Attorney  
Brenda Hall, City Clerk

\* \* \* \* \*

**Item 2. Approval of minutes from the May 21, 2012, meeting.** Member Hilbert moved that the minutes from the May 21, 2012, meeting be approved, which motion was duly seconded by Member Windes; and the question being upon approving the minutes from the May 21, 2012, meeting, a vote was taken with the following result:

YEAS:

Members Hilbert, Windes, Chairman Hardiman

NAYES:

None

The Chairman Hardiman declared the motion carried and the minutes from the May 21, 2012, meeting were approved.

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**Item 3. Consideration and acceptance of Candidates' Campaign Contributions and Expenditure Reports.**

**Friends of Jackie Farley (Jackie Farley)**

Member Hilbert moved that the City campaign contribution and expenditure report for Friends of Jackie Farley be accepted, which motion was duly seconded by Member Windes;



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Items submitted for the record

1. City Campaign Contributions and Expenditures Report filed June 13, 2012

and the question being upon accepting the City campaign contribution and expenditure report for Friends of Jackie Farley, a vote was taken with the following result:

YEAS: Members Hilbert, Windes, Chairman Hardiman

NAYES: None

The Chairman Hardiman declared the motion carried and the City campaign contribution and expenditure report for Friends of Jackie Farley was accepted.

\*

Member Hilbert moved that the State campaign contribution and expenditure report for Friends of Jackie Farley be accepted, which motion was duly seconded by Member Windes;

Items submitted for the record

1. State Campaign Contributions and Expenditures Report filed June 13, 2012

and the question being upon accepting the State campaign contribution and expenditure report for Friends of Jackie Farley, a vote was taken with the following result:

YEAS: Members Hilbert, Windes, Chairman Hardiman

NAYES: None

The Chairman Hardiman declared the motion carried and the State campaign contribution and expenditure report for Kovach for Council was accepted.

\*



**Williams for Ward 8 (Chad Williams)**

Member Hilbert moved that the City campaign contribution and expenditure report for Matthew Leal be accepted, which motion was duly seconded by Member Windes;

Items submitted for the record

- 1. City Campaign Contributions and Expenditures Report filed June 14, 2012

and the question being upon accepting the City campaign contribution and expenditure report for Williams for Ward 8, a vote was taken with the following result:

YEAS: Members Hilbert, Windes, Chairman Hardiman

NAYES: None

The Chairman Hardiman declared the motion carried and the City campaign contribution and expenditure report for Williams for Ward 8 was accepted.

\*

Member Hilbert moved that the State campaign contribution and expenditure report for Williams for Ward 8 be accepted, which motion was duly seconded by Member Windes;

Items submitted for the record

- 1. State Campaign Contributions and Expenditures Report filed June 14, 2012

and the question being upon accepting the State campaign contribution and expenditure report for Williams for Ward 8, a vote was taken with the following result:

YEAS: Members Hilbert, Windes, Chairman Hardiman

NAYES: None

The Chairman Hardiman declared the motion carried and the State campaign contribution and expenditure report for Williams for Ward 8 was accepted.

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## ishing public finance for City Council candidates.

In the Joint City Council Oversight Committee (CCOC) and Norman Election Commission (NEC) meeting on May 2, 2012, Councilmember Kovach had asked the NEC to review establishing public finance for City Council candidates and forward information and recommendations to City Council. Councilmember Kovach felt potential candidates would be more likely to run for City Council if they had the means to finance a campaign. In similar programs if a candidate opts in for public finance, they cannot accept contributions from individuals. Ms. Brenda Hall, City Clerk, said Staff will research the subject to present to the Committee at their next meeting.

Ms. Hall said after researching several cities that have public financing, she found every city differs in how they implement and administer the program. She said there was a Supreme Court case in June 2011, that issued an opinion, which effectively declared that matching funds in public financing laws is unconstitutional. As a result, Albuquerque, New Mexico, placed a permanent injunction from taking any action to implement the matching funds provision of their policy. Participating candidates will receive only the initial distribution of funds based upon \$1.00 per registered voter the elected official would represent. Ms. Hall spoke with Marilyn Hughes, Executive Director of the State Ethics Commission, to inquire whether there are any State laws that would prohibit cities from implementing public finance for municipal candidates. Ms. Hughes was not aware of any State law but said there had been a lot of case law issued on this subject.

Ms. Leah Messner, Assistant City Attorney, introduced Ms. Kristina Bell, Assistant City Attorney, and said this was Ms. Bell's first day on the job and she has been assigned research on public financing and would be working with the Committee.

Chairman Hardiman said the NEC does not have to make a recommendation to Council about public financing, just provide a report including the facts for them to consider. Member Hilbert said almost every effort to use tax dollars for financing campaigns has been considered undesirable. He said the Clean Election Act (CEA) does not rely on public tax to support campaign contributions, but is a different system entirely. He said Ms. Mary Francis, a former NEC member, is a local expert on public financing and he distributed summary information put together by Ms. Francis. He said an organization concerned the most with public financing is Common Cause Oklahoma (CCO), a statewide organization made up of approximately twelve board members and 400 contributors. He said he is a member and Treasurer for the organization and CCO would be willing support the City of Norman's efforts regarding public financing.

Chairman Hardiman said reports submitted to Council should consist of several components and today he would like to structure an outline of that report. He felt the first part of the outline should be a summary, which defines what is being discussed.

Member Hilbert asked what question was raised and the NEC supposed to answer and Ms. Hall said Councilmember Kovach said he would like the NEC to look at the idea of public financing of candidates because he believes there are many citizens in the community that have a lot to

...d Councilmember, but because they do not have the time or contacts to raise financial contributions to support a campaign they cannot compete effectively in a race. He felt this would be a way to level the playing field and give others an opportunity to get their name and platform to the public opening the process to a greater number of people."

Chairman Hardiman said the NEC may want to use the term "Clean Elections," but if they use that term the Committee needs to make sure it represents what is being discussed. He believes the discussion would be "exploring the idea of alternative funding sources for municipal campaigns, which would be administered by the City government although not necessarily funded by the City government." He said a publicly funded campaign does not mean the same thing as a taxpayer funded campaign and a publicly funded campaign itself may imply that public taxes are being used to fund the campaign.

Chairman Hardiman said another outline item could be the goals of campaign finance reform because public finance is a form of campaign finance reform. He suggested the following goal statements:

- To attract qualified and/or diverse candidate pools regardless of financial considerations;
- To reduce or eliminate the influence of money on the outcome of elections and reduce or eliminate the possible or perceived influence of money on policy making;
- To reduce the time, energy, and money spent raising money by candidates, which translates into more time to spend with constituents; and
- To increase the voice of an electorate by decreasing the voice of money.

Chairman Hardiman said it appears to win an election in Norman you have to have both votes and money, which means that someone who has one vote and a lot of money has more influence on the election than someone who only carries a vote.

Member Hilbert asked if the NEC members agreed with Councilmember Kovach that there are qualified, presumably viable candidates who would enter into the political process if they had more financing. Chairman Hardiman said I am not sure the Commission would want to say more viable candidates would participate, but given that it appears to cost about \$15,000 to conduct a campaign for office, then people who do not have ready access to \$15,000 probably do not participate in the process. He said you could advocate the position that needing \$15,000 for a campaign forces candidates to go out and get buy-in from their constituents, which makes for a stronger candidacy and a more unified conclusion. However, opening up the process to ten candidates would dilute any community bond between the final two candidates. He was unsure what the outcome would be if there were a several of people running for the same seat and questioned whether citizens would not take it seriously or if there would actually be more qualified candidates. He felt part of that answer could lie in studies on public financing and there would be very polarizing studies of groups that say public financing does not work and other groups that say it does work.



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Member Hilbert said if there is objection to public financing in the sense of using tax dollars, then there is the alternative presented by Clean Elections.

Chairman Hardiman said it could increase participation and, arguably, increase the diversity of the candidate pool. He said part of the outline could be the challenges of achieving public financing. He felt challenges would include what the funding source would be and those legal elements. He said on a federal level, the laws are changing so it would be a challenge to stay in compliance and there could be challenges on a State level as well. Another challenge would be whether or not Council could adopt such a program. Additionally, public finance might result in an increase of third party groups supporting or opposing candidates.

Chairman Hardiman said implementation issues would need to be considered such as can it be implemented through a municipal ordinance; should this be implemented in a form of providing matching funds or grants; the mechanics to distribute funding; would it be a voluntary system; would it apply to Mayoral campaigns or Council campaigns only or both; what threshold should be reached to qualify; and consideration of staff costs for oversight of the program.

Chairman Hardiman said when Council reviews the report they would have a comprehensive understanding of what is on the table, whether or not it is constitutional, and the different ways it could be funded, implemented, and qualifications to participate.

Member Windes asked about the timeframe and Chairman Hardiman said the NEC's final campaign report is due September 11, 2012, and public financing information can be a part of that report if the scope is limited to fact finding and a summary rather than creating an implementation document. Ms. Hall said if there is enough support from Council after reading the initial report, the NEC can continue to work on an implementation process.

Chairman Hardiman said there is a Clean Election Institute and that term could be used instead of Clean Election Funds. Ms. Hall said whatever the choice, the Commission needs to make certain there is no negative connotations or baggage attached to the organization that would imply the City is moving in the same vein. Chairman Hardiman said Wikipedia has a list of links to Clean Election information sites that would be helpful with research.

Member Hilbert asked if it would be inappropriate to speak to Councilmember Kovach as to what exact information he is looking for and Ms. Hall said it would not be inappropriate as long as everyone realizes the Member Hilbert is not speaking to Councilmember Kovach on behalf of the NEC, but just trying to glean information.

Chairman Hardiman said Ms. Francis felt there is certain value and benefit to a candidate knocking doors and garnering contributions and constituent support. Member Hilbert felt elections are becoming more partisan and if voters discover a candidates affiliation, even though Norman municipal elections are non-partisan, that could make a difference in how they vote.

prevent a group establishing a committee not affiliated or aligned with the candidate, in support or opposition of a candidate, from raising money for the candidate, which circumvents the goal of the Clean Election process if the candidate is being publicly funded. Ms. Hall said that concern could certainly be an outcome of establishing a publicly funded campaign. She said there are already committees in Norman that support or oppose candidates each year and that could increase in number, but there would be nothing illegal about them doing so even if the candidates were using public financing.

Ms. Hall said the next meeting will be June 25, 2012. Chairman Hardiman said he would like the Committee's suggestions regarding the outline for the report at that time. Ms. Bell said she would review case law to see if the Supreme Court had overturned anything. Chairman Hardiman said if anything has been overturned he would like a short synopsis of the justification. He also suggested talking to the State Ethics Board.

Items submitted for the record

1. Clean Elections: How it Works ó House, Senate, Statewide by Mary Francis

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**Item 5. Miscellaneous Discussion.**

The Committee discussed future meeting dates and set meeting dates of July 9, 2012, July 23, 2012, and August 20, 2012.

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**Item 6. Adjournment.**

Member Hilbert moved that the meeting be adjourned, which motion was duly seconded by Member Windes; and the question being upon adjourning the meeting, a vote was taken with the following result:

YEAS:	Members, Hilbert, Windes, Chairman Hardiman
NAYES:	None

Chairman Hardiman declared the meeting be adjourned at 3:35 p.m.