

MINUTES OF THE ETHICS HEARING BOARD

City of Pittsburgh Ethics Hearing Board (“Board”)
Video Meeting via Zoom
Livestreamed on YouTube
November 19, 2020, at 4:15 p.m.

Board Members Present:

Pat Bigley
Samantha Bushman
Sean Coleman
Lynn Davenport
Alex Matthews
Rhoda Neft
Jennifer Richnafsky
Brazitte Poole

Board Members Absent:

Maryann Herman

Staff, Advisors and Others Present:

Leanne Davis, Executive Manager

- Call to Order:
 - This supplementary monthly meeting was called to order at 4:28 p.m. by Board Chair, Alex Matthews.

- Public Comment:
 - There was none.

- Campaign Finance Legislation:
 - a. The Executive Manager discussed options for the proposed additions to the Campaign Finance Regulations administered by the Board, in Chapter 198.
 - i. Different options for the extension of reporting requirements on political committees was discussed.
 - ii. The Board determined that, at this juncture, it wishes to only require additional campaign finance reporting from political committees when the activity involves an independent expenditure or ballot issue.
 - iii. Based on the information reviewed by the Board, a political committee’s contributions or donations to candidates or to candidate committees do not

MINUTES OF THE ETHICS HEARING BOARD

November 19, 2020

appear to require additional reporting requirements: such contributions or donations are already required to be reported by the candidate/candidate committee.

b. The proposed revisions reviewed by the Board are as follows, in Section 198.05 (3):

Title

Ordinance amending and supplementing the City Code at Title One: Administrative, Article XI: Human Resources, Chapter 198: Campaign Finance Regulations at Sections 198.01 Definitions and 198.05: Public Database and Reporting.

Body

Whereas, transparency, accountability and consistent enforcement of campaign finance laws is vital to maintaining the public trust;

Whereas, disclosure of non-local and dark money groups' spending in municipal races is essential to preserving the fundamental democratic principle that "government of the people, by the people, for the people, shall not perish;"

Whereas, the Ethics Hearing Board desires to forward these goals through accounting for independent expenditures, expanding this accounting to include campaigns involving ballot questions, and mandating an audit procedure; therefore,

The Council of the City of Pittsburgh hereby enacts as follows:

Section 1. The City Code is hereby amended at Title One: Administrative, Article XI: Human Resources, Chapter 198: Campaign Finance Regulations, at Section 198.01 as follows:

§ 198.01 - DEFINITIONS.

CANDIDATE.

- (a) Any individual who files nomination papers or petitions for City elected office;
- (b) Any individual who publicly announces his or her candidacy for City elected office.

CANDIDATE COMMITTEE. The political committee, any money or assets associated with it, and any associated bank account into which all contributions in support of a campaign for City elected office shall be made, and out of which all expenditures for that office shall be made.

CITY ELECTED OFFICE. The offices of Mayor, City Controller, and City Council.

COORDINATED EXPENDITURE. Any expenditure made by any person (other than a candidate or candidate committee) in support of a candidate's campaign that is made in cooperation, consultation, or in concert with, or at the direction of a candidate, candidate committee, or agent thereof.

COVERED ELECTION. Every primary election, or general election, or special election for City elected office.

ELECTION CYCLE. Begins on the day after a covered election for the City elected office which the candidate seeks and ends on the day of the next covered election for that same City elected office. For the purposes of the contribution limits set forth in Section 198.03, primary and general elections shall be considered separate elections.

INDEPENDENT EXPENDITURE. An expenditure made for the purpose of influencing an election, without cooperation or consultation with any Candidate or any Political Committee authorized by that Candidate, and which is not made in concert with, or at the request or suggestion of, any Candidate or Political Committee or agent thereof.

PERSON. An individual, partnership, corporation, sole proprietorship, or other form of organization permitted under the laws of the Commonwealth to make political contributions. For the purposes of this Chapter, person shall not include a political committee.

MINUTES OF THE ETHICS HEARING BOARD

November 19, 2020

POLITICAL COMMITTEE. Any committee, association, political party, or other group of persons, including a candidate committee as required by Section 198.03 of this Chapter, operating with the purpose of influencing the outcome of an election, including but not limited to covered elections.

POLITICAL CONTRIBUTION. Money, gifts, forgiveness of debts, loans, or things having a monetary value incurred or received by a candidate for City elected office or a political committee to which they are legally associated for use in advocating or influencing the election of the candidate for City elected office. For the purposes of this Chapter, political contribution shall include all coordinated expenditures.

Section 2. The City Code is hereby amended at Title One: Administrative, Article XI: Human Resources, Chapter 198: Campaign Finance Regulations, at Section 198.05 as follows:

§ 198.05 - PUBLIC DATABASE AND REPORTING.

(1) Candidates for City elected office and candidate committees shall, on the first business day of each of the three (3) months prior to election day, provide a campaign finance report, for all candidate committees associated with the candidate for any office sought, in the form mandated by the regular Allegheny County Board of Elections pre-primary reporting forms and procedures to the City's Ethics Hearing Board. In the case of special elections, these reports shall be due on the lesser of either (1) the first business day of each month between when the special election is called and election day or (2) on the first business day of each of the three (3) months prior to election day. Included with these reports shall be an additional schedule that details the name of each contributor and the total contribution made by each contributor to the candidate committee both in the then current election cycle in a form to be promulgated by the City of Pittsburgh and made available via the City of Pittsburgh website.

(2) The Ethics Hearing Board shall maintain an online database of all campaign finance reports required by this Chapter for City elected office. This database shall be searchable by candidate committee name, candidate name, and by covered election year.

(3) All Political Committees shall report to the City's Ethics Hearing Board all expenditures to, or made on behalf of, any ~~Candidate for City elected office or~~ question appearing on the ballot, in the same manner required of a Candidate Committee, as described in subsection (1) of this section. ~~The expenditures described herein must include, and are not limited to,~~ Political Committees must also report in the same manner required of a Candidate Committee, as described in subsection (1) of this section, all Independent Expenditures made to encourage or defeat an election outcome, or to advocate the election or defeat of a clearly identified Candidate or question appearing on the ballot. This provision is in addition to any other filing and reporting provisions of this Code that apply to such committees, their treasurers and chairpersons.

(4) Every person, other than a Political Committee or Candidate, who makes Independent Expenditures to encourage or defeat an election outcome, or to advocate the election or defeat of a clearly identified Candidate or question appearing on the ballot, other than by contribution to a Political Committee or Candidate, in an aggregate amount over one hundred dollars (\$100) during a calendar year, shall file with the City's Ethics Hearing Board a form prepared by the Ethics Hearing Board, in physical or electronic form, based on the State's Independent Expenditure Report. Reports required by this subsection shall be filed by dates on which reports by Candidates making expenditures are required under this section.

(5) Campaign finance reports will be regularly audited according to regulations promulgated by the Ethics Hearing Board.

MINUTES OF THE ETHICS HEARING BOARD

November 19, 2020

-
- c. A motion to amend the proposed legislation to clarify political committees reporting requirements was made by Rhoda Neft and seconded by Brazitte Poole. The Chair then called for any additional discussion and a vote. The motion passed unanimously.
 - d. The Chair and Executive Manager discussed next procedural steps.

I. New Business

- a. There was none

II. Adjournment

- a. At approximately 4:45 p.m., Patrick Bigley moved to adjourn the meeting. Brazitte Poole seconded the motion. Prior to the vote to adjourn, the Executive Manager confirmed there was no new public comment. The Chair then called for a vote and the meeting ended with well wishes for a happy holiday season.