



City of Cambridge

IN CITY COUNCIL

October 31, 2016

NEIGHBORHOOD & LONG TERM PLANNING,
PUBLIC FACILITIES, ARTS & CELEBRATION
COMMITTEE MEMBERS

Councillor Nadeem A. Mazen, Chair

Councillor Dennis J. Carlone

Councillor Leland Cheung

Councillor Jan Devereux

Councillor David P. Maher

The Neighborhood and Long Term Planning, Public Facilities, Arts and Celebrations Committee held a public hearing on August 29, 2016 beginning at 5:33 p.m. in the Sullivan Chamber to discuss different models for campaign finance reform and publicly-funded municipal elections in Cambridge, and will focus on receiving feedback from the community.

Present at the hearing were Councillor Nadeem Mazen, Chair, Councillor Dennis Carlone, Councillor Jan Devereux, Vice Mayor Marc McGovern, Tanya Ford, Executive Director, Lesley Waxman, Assistant Director, Election Commission, Larry Ward, Polly Cobb, Election Commissioners, Arthur Goldberg, Deputy City Solicitor, Wil Durbin, Aide to Councillor Kelley, Dan Schwartz, Aide to Councillor Mazen, Jamila Bradley, Aide to Vice Mayor McGovern, and Deputy City Clerk Paula M. Crane.

Also present were Alyson Heimer, Executive Director, New Haven Democracy Fund, Ron Fein, Legal Director, Free Speech for People, Pamela Wilmot, Executive Director, Common Cause Massachusetts, John Hawkinson, Eli Yarden, Anne Taylor, Dan Alden, MaryAnne Carlson, Sandi Lacey, Phoebe Whitwell, Caroline Mak, Thomas McKenzie, Brian Aull, Joshua Butera, Romaine Waite, Zachary Epstein, Brielle Bryan, Adam Friedman, Robert Winters, Roz Springer and Cristian Morales.

Councillor Mazen convened the hearing and stated that this is a matter near and dear to his heart. He gave background information on the Independent Working Group for Campaign Finance Reform in Cambridge and provided those assembled with the results of its research (**ATTACHMENT A**). He stated that the working group was comprised of over a dozen residents of Cambridge who are committed to engaging with the community and elected leaders to explore options for public financing for municipal elections. This is founded on the principle that elected officials should not be in a situation where the Office for Campaign Finance has to be concerned about special interests funding elected officials. He stated that this feeling has swept the nation. He stated that on the congressional level, if a candidate has money, it increases the chances that the legislation will move forward and benefit that issue. He said that this state of affairs is anti-democratic and exists at all levels of government. He gave an overview of the agenda for the hearing (**ATTACHMENT B**).

Councillor Mazen introduced Alyson Heimer and invited her to share her comments.

Alyson Heimer stated that New Haven is a city of 130,000 and the only city in Connecticut that has a program for public financing of an election. She said that the program has been proven since its inception in 2007 to not only increase participation, but to limit the marginalization of certain populations. She said that the perception was that the people who had money had more influence, facetime and recognition from elected officials. She stated that Connecticut's program was created to emphasize the sense that all people can and should participate and should have the ability to contribute to candidates of their choice. She stated that the New Haven Democracy Fund has given almost \$200,000 out to mayoral candidates by grant and matching contributions. She said that many people give small dollar donations which allow all to participate.

Councillor Mazen stated that it is his hope that such a program can show how public/private partnerships could operate. He asked Ms. Heimer how the New Haven Democracy Fund interfaces with the city. Ms. Heimer explained that they are basically a contractor with the city. She explained that she is responsible for making sure that the audit of contributions is done correctly. She explained that she carries her own personal insurance for potential mistakes and the city is not burdened with the additional cost of going through the paperwork or responsible for any mistakes that she may make. She said that the Board hires her for a stipend of about \$26,000 per year. Councillor Mazen asked if the Board is a volunteer board on the city side. Ms. Heimer responded that New Haven does not have an Election Commission but rule changes would go through a subcommittee of the Board of Alders. She said that a volunteer citizen board meets once a month and once every other month in non-election years. She said that all money to the Board is allocated by the Board of Alders. She noted that the role of Administrator is to think about policy and ordinance changes.

Councillor Carlone asked Ms. Heimer if the donations must be in a certain range. Ms. Heimer explained that the minimum contribution is \$10 and the maximum contribution is \$375.00. She explained that these figures change with inflation and noted that they are adjusted every two years before the election. She said that many programs either via grant or matching funds. She explained that in addition to giving a lump sum grant, they then match the donations after. She said the first \$30 is the maximum that will get matched. She said that for a \$10 donation, the fund would contribute \$20. Councillor Carlone asked if this has increased participation at the polls. Ms. Heimer stated that she does not know. She said that in 2011, they had a race that was quite well-fought and probably would not have been as engaging without the program as it made it so people could take a candidate more seriously because he/she had enough money to get his/her name out there. Councillor Carlone asked if the Alders follow a similar pattern of fundraising. Ms. Heimer explained that they have put out a survey to discuss the possibility of public funding for other seats besides mayor and would love to expand the program to additional citywide offices.

Ron Fein stated that Free Speech for People is a national non-profit. He said that the goal of the organization is to restore the concept of equal voice. He stated that they have a partnership with Represent Us that has developed local and state campaign and finance measures. He stated that the perspective is to think of it terms to access and barriers to participation. He stated that Cambridge is a city in which the average amount to run a successful campaign is approximately \$35,000. He explained that it is now becoming closer to \$58,000 to run a successful campaign because the legislature has raised the contribution levels. He added that in order to run a credible race in the city it is very hard to do for less than \$25,000. He explained that the idea of public financing is to enable someone who doesn't have a lot of money to have meaningful input. He said that with the benefit of any programs on the table for discussion, a \$10 donation can be made meaningful, in concert with other \$10 donations. He said that this gives people a voice and promotes engagement. He stated that equal citizenship can transform the public culture. He said that it is tempting to figure out what is the perfect policy is, but added that one should resist temptation to come up with the perfect policy as there is the need to look at something that

will function and be feasible, as a start. He said that after a few cycles, you will know if a program is or is not working and how to improve it.

Mr. Fein explained that there are a lot of different models. He explained that Albuquerque had a block grant model and was very satisfied but it was not keeping pace with what they needed. He stated that you must come up with something to enable all people to get in the game. He stated that no system will be perfect right out of the gate.

Pamela Wilmot said that Common Cause Massachusetts is a national organization. She explained that they found that the rules of democracy were broken and focused on leveling the playing field. She explained that one of the first agenda items was public financing of presidential elections. She stated that there are many viable options and two are laid out in the submitted proposal. She said that qualification thresholds are set and conditions are attached. She said there is a spending limit which is something that the public is concerned about and is probably the most critical reform in terms of increasing participation both on the candidates' side and on the side of average citizens who are encouraged to make small contributions.

Vice Mayor McGovern stated that in terms of getting on the ballot, Cambridge is liberal. He asked how other cities handle a larger number of candidates. Ms. Wilmot responded that there is always a higher threshold for qualifying for public funds. She explained that unless you have a certain amount of money, capable people cannot run. Vice Mayor McGovern stated that there are a lot of things that influence the amount of money that a candidate has to raise. He said that districts would be less expensive as opposed to city-wide. He asked how a threshold is determined. Mr. Fein stated that mailings are typically one of the biggest expenses. He said that one approach would be to look at the cost of 1 or 2 rounds of complete mailing in the city. He said that another approach would be to look at something that would represent a bare minimum campaign and see if public funding could be provided for that. He said that most systems have a two-phased process where one must qualify for a second round which weeds out someone who is not serious about the process. Vice Mayor McGovern stated that he likes the idea of some kind of cap on spending. Ms. Heimer stated that State law requirements need to be met.

Councillor Mazen thanked the presenters and read an excerpt from the memo by the Independent Working Group for Campaign Finance Reform in Cambridge. He stated that they do their best to provide information that will be helpful to the committee as a body. He said that the Albuquerque information stood out to him. He stated that he asks himself, "What is the taxpayer buying with a solution like this?" He said that he feels that the answer is that they are buying free time, access, and independence for their elected officials. He said that there is more diverse participation as well, and also protection against the corruption, in cities that have public financing of elections. He said that money is the main change agent on the federal level and that this reality is trickling down to the state level, with the local level next.

Jan Devereux stated that she anticipated that there would be presentation about the various programs. She said on page 5 in the Analysis for Cambridge paragraph, the Cambridge number is incorrect. Councillor Mazen said that this number probably signifies U.S. citizens. Councillor Devereux again questioned the figures listed in the memo. She pointed out that the fact that some candidates have money left over from the prior year. She said the system obligates the candidates to campaign for two full years. She said that the State doubled the maximum from \$500 to \$1,000 and that was a game changer. She said that she is trying to figure out how any system would work with the rules that Office of Campaign Finance has set for the candidates. She suggested the idea that candidates could opt in or opt out of such a program. Councillor Mazen stated that there are errors in the figures in the Analysis for Cambridge paragraph. Councillor Mazen stated that what is put in place would be up to the City Council. He noted the need that the City Council must be comfortable in its decision-making. He added that the City Council could make

sure candidates are serious and have a broad set of signatures or broad base of \$10 contributions in order to fund only serious candidates and not spend a large amount of money supporting this type of project.

Councillor Carlone stated that as it relates to the maximum figure, the proposal spreads interest and adds a certain amount of money to get above the minimum needed to run but it doesn't say anything about the maximum. He said that some people have the ability to hire people to show up at gatherings, hold signs, etc. while others do not. He said that this grant will pay for even more of those people if you are at the upper end so there needs to be something that levels it out. He said that it would help at the bottom but the highest quality at the top is an exaggerated amount. He questioned whether ALL get. He said that he is unsure about the end result in regards to the intent being met. Ms. Heimer stated that for the state version in Connecticut there is a cap. She explained that once you get the grant you cannot spend additional money. She said that in New Haven, there is also a lowered cap on the individual contributions which is why it is an opt-in program. She stated that some people choose not to opt in because of the caps. Councillor Mazen stated that a larger number of small contributions would come about as community work happens. He agreed that an upper threshold is reasonable.

Councillor Mazen opened Public Comment at 6:22 p.m.

Ann Taylor stated that she owns a home in East Cambridge and is part of the Independent Working Group. She said that she came to the topic at the federal level but is now worried at the local level. She said that Mayor Walsh's top official was indicted and she wonders about the Mayor's office. She said that the extortion charges are about pro-union ties. She said that she is seeing a lot of development in East Cambridge and there is the potential for corruption and she is worried for her neighborhood. She added that she would love to see public financing in Cambridge.

Eli Yarden stated that he is a bit bewildered. He said that on Sunday there was an article called One Nation under Stress. He stated that he is looking at the current election and the lead up to it. He stated that it is an issue of values and how much you care about democracy. He stated that this country suffers from foundation. He stated that he spent months going through the issue of slavery and public debt. He stated that the final question is, "What about freedom?" He stated that in the United States, freedom meant and became the idea of individual freedom. He stated that the issue is one of money and the role of money in democracy. He stated that he worked as a volunteer facilitator in the participatory budgeting program. He said that in the City of Cambridge, hardly anyone votes. He said that it is the non-voting that must be addressed. He said that when talking about public financing, we have to be talking about something that makes people think that their votes count for something and it is not only the money that the government gets that directs democratic decision-making.

Brian Aull stated that Cambridge has the potential to be at the cutting edge of civic renewal. He stated that there needs to be a larger conversation about civic renewal and enriching the contact between residents and candidates. He appealed to the City Council to keep the conversation alive and expand it. He said that he would like the conversation to be around civic renewal as opposed to just about public financing and campaigns.

Zachary Epstein, 26 Holden Street, stated that he appreciates the current conversation. He said that he is a member of the Independent Working Group. He added that they have talked about campaign finance reform and the working group is coming from the intention of an effort to encourage the City Council to consider this as an example of how good government works and how this topic can cut across a lot of the issues.

Robert Winters stated that most of what is being proposed seems to be about generating even more funding for local elections. He said that the problem is that the candidates are spending far too much

which has been escalating in recent years. He proposed a voluntary cap on spending. He also suggested that there be voluntary limits on the percentage of political contributions from non-residents. He stated that two of the City Councillors were able to get nearly all of their contributions from Cambridge residents in the most recent election so it is clear that candidates can be quite successful when operating within such a voluntary restriction. He stated that there has been a disturbing trend in recent years toward winning elections by hiring many paid canvassers and giving bonuses to campaign workers. He noted that this practice only encourages other campaigns to engage in the same practices in order to compete, ending in an escalation of campaign spending. He stated that so much of the proposal created by the research group is based on the suggestion of corruption in the current way of doing things. He stated that he has been paying close attention to civics and politics in Cambridge for a long time and he has not seen much evidence that this is the case. He said that for the most part, the proposals from the politically-connected working group that is connected to one particular City Councillor seems like a classic “solution in search of a problem.” He said that there is a need to emphasize that few, if any, of the proposals are relevant to Cambridge municipal elections in which ranked-choice voting is used. He said that he can imagine a hypothetical situation where a candidate or interest group recruited a large slate of candidates simply to maximize the amount of public funding that could be used to promote that slate. He gave the example that if the requirement for public funding was at least 50 contributions of \$10 or more, a slate of 20 candidates could be formed and 50 individuals identified to write a \$10 check to each of the slate candidates. He said that would be just \$200 spent per individual. He explained that all 20 candidates would then get public funds but they would really just be promoting the whole slate of candidates from which perhaps one or two candidates might be elected. He stated that as soon as one such slate was formed in this manner, we could expect that other candidates or interest groups might do the same. He said that before long we could well see 50 City council candidates even though most of them would be on the ballot primarily for fundraising purposes. He said that he does not see this as a benefit to democracy.

James Williamson, 1000 Jackson Place, stated that in liberal Cambridge, many people get worked up about Citizens United. He stated that on the local level, people get indignant. He stated that it is reasonable that the same kinds of influences are at work in local elections as they are in federal elections. He stated that when he decided to run for City Council, he approached Cornell West to see if he would give commendation. He pulled out a checkbook to donate the maximum and Mr. Williamson was stupefied and did not know what to say. He said that we have a situation in Cambridge where it is clear that campaign contributions do indeed have significant influence. He stated that the way to change this is to have public financing of public elections. He commended the committee for investigating this topic.

Cristian Morales stated that as a 22-year old, he is a member of the millennial generation which means that he and his peers are growing up in the post Citizens United world. He stated that getting money out of politics will be a defining cause for his generation. He stated that growing up as an LGBT youth, he looked to the Commonwealth as a beacon of hope for the future for the state and the country.

Dave Himmel, 46 Hobson St, Brighton, MA, stated that a program like this will help candidates. He stated that he worked on an election and by virtue of his candidates' age, that candidate did not have the donation network to have a successful campaign. He stated that he ran on the idea that every student in Cambridge should have a quality education based around the joy of learning versus over-assessment. He stated that for candidates who may not have the background or network to raise money, he wonders what could be done to run a more robust operation. He urged the committee to help candidates who want to make a difference and are capable, if only they had the capital.

Public comment closed at 6:48 p.m.

Councillor Mazen stated that he wanted to address the hypothetical situation that was spoken about during public comment. He said that candidates that run credible campaigns in a public financing model would

need to collect signatures and very small donations, from a lot of voters, not just the 50 voters described in public comment. He said that with reasonable considerations you just jump in and the experts seem to think this will not only work, but increase access and diversity among candidates and voters. He said that he does not stand for corruption and does not want conspiracy theories about how public financing might or might not be abused to direct the conversation. He stated that the idea is that we should be concrete about any real problems we see with this model and not let the difficulty of the conversation take away inertia.

Vice Mayor McGovern stated that he does not feel that he is ready to suggest any solutions to this issue today. He stated that more conversation is needed, it is a worthy conversation to have. He stated that the reality is that we don't know why there is lower voter turnout in municipal elections. Ms. Cobb stated that all of the data shows that if municipal elections were held the same year as State elections, voter turnout would be higher. She said that in order for that to happen in Cambridge, a City Charter change would be necessary.

Vice Mayor McGovern stated that we take these frustrations and issues that are happening at the federal level and try to say, "Let's fix it here." He said that he does not enjoy raising money for his campaign and he does not like the underlying feel of corruption in the conversation. He said that he wants to make sure that we are not looking for a solution to something that may not be an issue in Cambridge. He said that he thinks that there could be the unintended consequences. He said that while he is open to discussion, he would like to take place in a reasonable way. Councillor Mazen stated that he does see a problem in Cambridge that has nothing to do with corruption. He said that candidates know that in order to run they must raise approximately \$30,000.00. He said that to achieve this goal, it is only 30 phone calls to the right person. He said that if a candidate is personally wealthy or connected to wealthy people or well-networked in the business community, that process is totally different than if you are a young advocate or blue collar person. He said that it is indeed an issue with respect to who can participate in the process.

Councillor Carlone stated that he is at the low end of the totem pole as it relates to contributions. He said that he agrees with Vice Mayor McGovern about the suggestion of a spending limit. He stated that he does not think that the Committee will reach a final decision today but the next step is to explore the options in more depth. He suggested that the Committee learn and then propose. He stated that this is a win/win in many ways and if it can get more people involved, the benefit is huge.

Vice Mayor McGovern questioned that when it comes to the numbers and amounts of donations in relation to public funding, how that translates to getting new people involved. Mr. Fein responded that, for example, if a single mother in Section 8 housing decides that she wants to run for City Council, she may be able to collect \$10 each from 200 neighbors which would put her in the game once those donations are matched. Councillor Mazen stated that small donations can reach velocity together and that, in addition to Mr. Fein's comment, if his hypothetical candidate reached a certain threshold of donation, this could unlock a larger public financing of her campaign, as a lump sum more than a funding match, and that a public option has been shown in the numbers to be meaningful to the voters.

Jan Devereux stated that she thinks limits on total amount raised and low limits on the contributions from individuals is something to look at. She stated that it is difficult for a person who has not been politically engaged to know if a candidate is not worth investing in unless they are visible. She said that she would like to look at a system where there are no contributions by the candidate himself or herself. She said that she would like to look at the issue of non-resident donors. She stated that as it relates to ringing doorbells to meet residents, it is difficult to ring doorbells in public housing as well as the kind of luxury housing that Cambridge is building. She noted that as we develop Cambridge more densely with taller buildings, we are putting additional impediments in terms of reaching out to residents.

Vice Mayor McGovern stated that he does not know how he feels about donations from outside of Cambridge being good or bad. He said that he wonders about family or friends that live outside of the city. He said that this aspect does not bother him. He stated that people are more interested in the bigger picture and he does not want to tell anyone how they can run their campaign. He said that he feels that it is up to the voters to decide how important this issue is to them.

Councillor Mazen stated that many residents who live outside of Cambridge have been forced out over time and should very much impact election outcome if we are trying to keep their voices and diversity in general in Cambridge. He stated that this type of proposal is not about restricting candidates, it is about establishing a Gold Standard for access, diversity, and a level playing field.

Vice Mayor McGovern asked what can be done legally. Councillor Mazen responded that if Committee members feel that they are not ready to vote, it would be great to have proposals researched so the Committee can look at a lot of different ways to determine next steps. Tonya Ford stated that Election Board is the governing body and it is important to have their opinion on the subject.

Councillor Devereux asked if the goal is to increase turnout, the City could change the year that it votes but that would require new ballot boxes. Ms. Cobb stated that there is one ballot scanner per precinct. She said that if there was primary on September 8 at the same time as a municipal election, they could not have a scanner counting Proportional Representation ballots and the presidential system at the same time. Ms. Cobb stated that a Charter change would be needed for this as well.

Ms. Cobb stated that if sole goal is to get a higher voter turnout that should be the focus. She said that the Proportional Representation system allows the voter to feel that they are having an impact on an election.

Councillor Mazen made the following motion:

ORDERED: That the City Manager be and hereby is requested to confer with the City Solicitor to determine which public campaign finance options are legal for municipal elections in Cambridge and to report back.

The motion passed.

Caroline Mak stated that it is not just about turnout, it is about equal opportunity.

Bryan Aull stated that the civic education program at CRLS researched a civic issue and organized neighborhood gatherings at which the neighbors got a chance to know the candidates. Vice Mayor McGovern stated that he wants to ensure that the process remains above-board. Councillor Mazen stated that as it relates to the Independent Working Group for Campaign Finance Reform in Cambridge, he gives people the overview of how to advocate fairly and how to care about social justice and the group then conducts the research and does the work. He stated that it is a way to voice the broader opinion from outside. He said that his role is only to provide the space. He added that he would love for the City advocate for open-ended policy input.

Councillor Devereux stated that she expected a motion that would seek to have a working group whose meetings would be open to the public. She said that it is great that we had this group do preliminary advocacy but if a group doing policy research, she would like to have more oversight and include people with experience. She stated that she wants to achieve a group that can present the committee with 3 or 4 viable, legal options.

Councillor Carlone stated that any group of people can put forth a zoning proposal that is considered and reviewed. He stated that this will be a long process. He stated that he hopes that if alternatives are presented, he would like the presenters to be able to comment. He stated that we are asking for a working model as a first step. He said that he is encouraged to learn more about each of the three alternatives. He stated that we are talking about concept and approach with lots of questions which is good. He noted that this is only the first step.

Councillor Mazen stated that his hope is to continue engendering interest from the community, especially when they are experts in the subject. He stated that he hopes this does not fly in the face of the city's current process.

Eli Yarden stated that he is not concerned about issues of fairness. He stated that there are corporations whose expertise is in getting people elected to local office. He said that currently, corruption is of our democratic government. He stated that we are talking about maximal inclusion of people.

Councillor Mazen noted that the following two communications were received and will be made part of the record:

A communication was received from Yumi Izuyama regarding support for publicly funded elections in the City of Cambridge (**ATTACHMENT C**).

A communication was received from Vivek Sikri regarding support for publicly funded elections in Cambridge (**ATTACHMENT D**).

Councillor Mazen thanked all those present for their participation.

The hearing adjourned at 7:30 p.m.

For the Committee,

Councillor Nadeem Mazen, Chair
Neighborhood and Long Term Planning, Public Facilities, Arts and Celebrations Committee