



City of Long Beach
Working Together to Serve

Office of Gerrie Schipske, R.N.P., J.D.
Councilwoman, Fifth District
Memorandum

R-22

Date: August 13, 2013

To: Honorable Mayor and City Council

From: Councilmember Gerrie Schipske, Fifth District *GS*
Vice Mayor Robert Garcia, First District *RG*
Councilmember Suja Lowenthal, Second District *SL*

Subject: Adoption of Campaign Ethics Guide

Discussion:

The City of Sunnyvale, City of Livermore, City of Santa Clara and the Markkula Center for Applied Ethics at Santa Clara University have prepared information for voters concerning the key questions and tools that they need in order to evaluate campaign ethics fairly. The City of Sunnyvale has compiled this information into a "Campaign Ethics Guide"

(<http://sunnyvale.ca.gov/Portals/0/Sunnyvale/Publications/Ethics%20Pub%202009-Final.pdf>) which it has distributed to the public since 2007.

The "Campaign Ethics Guide" contains:

- Explanation of "fair" and "unfair" campaigning.
- Things to watch out for in a political campaign – behavior, mailers and last minute attacks.
- City of Sunnyvale Ethics Code, including conduct, prohibition on use of city facilities, resources and staff for campaigning, and restrictions of gifts.
- Where and how to register to vote.
- Resources for Campaign Ethics Questions and Concerns.

The "Campaign Ethics Guide" is provided for voters because the City Council of Sunnyvale believes that "ethics in government really begins at the ballot box, when voters compare candidates and choose who will best represent their interests on the City Council. Increasingly, voters have said that they want to elect individuals who are competent and ethical, but that they need some assistance on how to assess ethics."

Adoption of a "Campaign Ethics Guide" with specific information for the Long Beach voter will be another positive step in the many taken by the City Council concerning campaign reform and promoting ethics in government.

Fiscal Impact:

The City of Sunnyvale spends \$6,000 each election to print the attached Guide.

HONORABLE MAYOR AND CITY COUNCIL
Adoption of Campaign Ethics Guide
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Recommendation: By motion of the City Council, direct the City Clerk to create a Campaign Ethics Guide specific to the City of Long Beach, and direct the City Clerk to distribute the Guide for the April 2014 election by electronic and print.

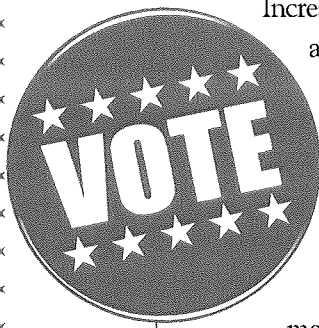


Campaign Ethics Guide

Special Supplement to the Fall 2009 Quarterly Report

Purpose of This Guide

Sunnyvale was one of the first cities in the region to adopt a Code of Ethics for its elected officials, and we have been a model for many other communities. But ethics in government really begins at the ballot box, when voters compare candidates and choose who will best represent their interests on the City Council.



Increasingly, voters have said that they want to elect individuals who are competent and ethical, but that they need some assistance on how to assess ethics. What does “doing the right thing” look like in a political campaign? The purpose of this *Campaign Ethics Guide* is to give voters the key questions and tools that they need in order to evaluate campaign ethics fairly. Many people believe that the best predictor of a person’s ethics as an elected official is the behavior displayed by that person as a candidate. This *Campaign Ethics Guide* is strictly nonpartisan and makes no recommendations about specific candidates.

Ethical versus Unethical Criticism

A 2002 survey conducted for the Institute of Global Ethics reported that 86 percent of the respondents thought that attack-oriented campaigning is unethical, and 82 percent said that such tactics make citizens less likely to vote. About three-fourths of the respondents also expressed the view that such techniques produce less trustworthy leaders.

If negative campaigning works, it will persist. If voters are adamant that they do not want to see attack-oriented campaigning – and they back up those feelings with their votes on Election Day – then negative campaigning tactics will go away.

Staying true to a code of campaign ethics does not, however, mean that a candidate is limited to saying only nice things about an opponent. For example, voters have a right to expect any candidate running against an incumbent to make the case against the incumbent’s record in order to earn a vote. Legitimate criticism is ethical. America has a long history of rough-and-tumble political campaigns as well as a Constitutional guarantee of free speech. Ethical campaigning does not weaken the democratic process; it strengthens it by focusing the political conversation on issues and the future rather than on personal foibles and petty bickering. Campaigns can be highly critical and hard-hitting, while remaining fair and ethical.

Fair	
	Criticism of a voting record
	Criticism of a policy position
	Comparison of candidates' experience
	Questions about leadership ability
	Debate of tough issues

Unfair	
	Personal attacks
	Rumors and innuendo
	Distortions and lies
	Unsubstantiated charges of misconduct
	Assertions that candidates are qualified or unqualified based on ethnicity, gender, sexual orientation, age, religious beliefs or physical condition.

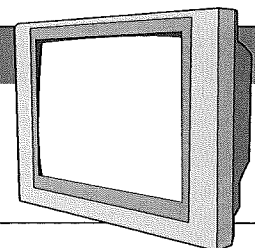
Candidate Debates and Forum

Live KSUN-15 Broadcast

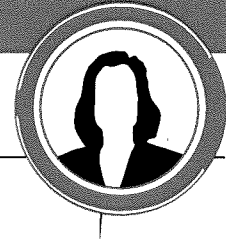
7 p.m., Tuesday, September 24 (Part 1)
7 p.m., Thursday, October 13 (Part 2)
Watch it live in Council Chambers, or on KSUN-15
Rebroadcast throughout October

Candidate Response Night (if warranted)

7 p.m., Monday, November 2 (Live on KSUN-15)
If warranted, candidates can respond to their opponent’s negative campaigning



Things to Watch Out For



Candidates introduce themselves to us both by their observable behavior during campaigns and by the political mailers that they send to us. Both of these information sources provide us with ethical information as well.

Behavior

Here are some examples of red flags to watch out for during campaigns.

- A candidate who identifies himself or herself on the ballot as a "teacher" because he or she occasionally leads a yoga class, or a "business executive" because he or she owns a small business
- A candidate who encourages supporters to take down the yard signs of opponents
- A candidate who refuses to debate
- A candidate who says that an opponent will be distracted from doing a good job in office because of his or her teenage son's drug problems
- An incumbent councilmember or commission member who campaigns during city-sponsored events, or hands out city business cards for campaign purposes
- A candidate who treats opponents with open disrespect during forums or debates
- A candidate who changes viewpoints to please different audiences
- A candidate who steals flyers left by opponents on private property
- A candidate who exhibits different conduct in private versus public life
- A candidate who asks for financial contributions or donations in exchange for a vote after the candidate is elected.
- Anonymous attack documents

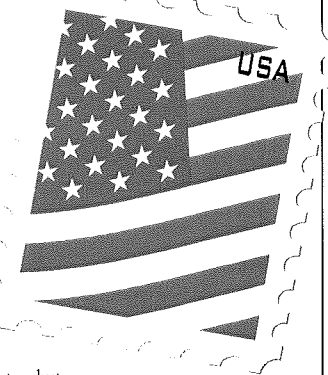
Mailers

Read the Fine Print. Campaign laws in California require that every political mailing and advertisement contain information on who is paying for it. Typically, this information is in very small type in an inconspicuous location. But this is very important information to know in evaluating what is said in the campaign piece.

Most candidates create a committee name to accept contributions. Often, these committees have names like "Committee to elect ..." or "Friends of ..." The committee or candidate's name and street address must appear on the outside of the campaign mailer. In Sunnyvale, voters can contact the City Clerk's Office to clarify who is behind a committee and whether it is controlled by the candidate or another group.

Many of the brochures that "endorse" a variety of candidates for different offices are actually paid advertising by the candidates themselves. The group that appears to be mailing the piece usually has a vague name that references family values, education, the environment or even a political party. There is nothing wrong with candidates using some of their campaign funds to be part of a co-op mailing with other candidates, but it is unethical to mislead voters into thinking these are independent endorsements.

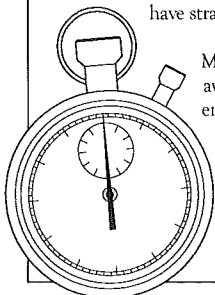
Any individual or organization can send a political mailer or place an advertisement about a candidate, without the candidate's knowledge or approval. This type of political marketing is called an "independent expenditure" and it is covered under the First Amendment guarantee of free speech. What's more, money spent by independent groups on behalf of candidates is not reported on Fair Political Practices Commission (FPPC) campaign spending forms. Unfortunately, independent expenditures have sometimes been used for nasty hit pieces on a candidate's opponent. Check the source!



Last-Minute Mailings

Marketers know how important timing can be when trying to sell something. The best time to advertise food is when the customer is hungry; the best time to announce a tire sale is when the customer has bald tires.

In political campaigns, timing is also a big issue. When will voters make up their minds about how to vote? Will it be when their absentee ballot arrives? Currently, about two-thirds percent of voters in Santa Clara County now opt for absentee ballots rather than going in person to a polling place. Or do voters wait a day or two before Election Day to decide whom to support? Candidates and groups supporting them have strategic decisions to make about timing the arrival of their political mailings.



Many political mailers arrive the weekend before Election Day. Often, the timing is part of a strategy to gain top-of-mind awareness in voters immediately before they head to the polls. Sometimes, though, these last-minute mailers have a different purpose: they make unsubstantiated negative charges about an opponent, knowing there is no time for that candidate to respond. Such mailers are clearly unethical and the accusations they contain should be disregarded.

Most people behave ethically under ordinary circumstances. It is during times of stress, such as the final days of a political campaign, when those with only a limited commitment to personal ethics tend to show their hands. Such circumstances provide valuable information to voters regarding how different individuals would respond as councilmembers when the inevitable crises occur.

Campaign Ethics Code

The Fair Political Practices Commission has composed a Fair Campaign Practices Pledge which City Council candidates are asked to sign. If you feel that any candidate has signed the pledge and then violated it, contact the campaign for an explanation. If you are not satisfied with that explanation, contact the resource groups listed elsewhere in this *Guide* and if they agree that the actions have been unethical, feel free to publicize your concerns.

Fair Campaign Practices Pledge

- (1) I SHALL CONDUCT my campaign openly and publicly, discussing the issues as I see them, presenting my record and policies with sincerity and frankness, and criticizing without fear or favor the record and policies of my opponents or political parties which merit such criticism.
- (2) I SHALL NOT USE OR PERMIT the use of character defamation, whispering campaigns, libel, slander, or scurrilous attacks on any candidate or his or her personal or family life.
- (3) I SHALL NOT USE OR PERMIT any appeal to negative prejudice based on race, sex, religion, national origin, physical health status, or age.
- (4) I SHALL NOT USE OR PERMIT any dishonest or unethical practice which tends to corrupt or undermine our American system of free elections, or which hampers or prevents the full and free expression of the will of the voters including acts intended to hinder or prevent any eligible person from registering to vote, enrolling to vote, or voting.
- (5) I SHALL NOT coerce election help or campaign contributions for myself or for any other candidate from my employees.
- (6) I SHALL IMMEDIATELY AND PUBLICLY REPUDIATE support deriving from any individual or group which resorts, on behalf of my candidacy or in opposition to that of my opponent, to the methods and tactics which I condemn. I shall accept responsibility to take firm action against any subordinate who violates any provision of this code or the laws governing elections.
- (7) I SHALL DEFEND AND UPHOLD the right of every qualified American voter to full and equal participation in the electoral process.

I, the undersigned, candidate for election to public office in the State of California or treasurer or chairperson of a committee making any independent expenditures, hereby voluntarily endorse, subscribe to, and solemnly pledge myself to conduct my campaign in accordance with the above principles and practices.

Sunnyvale Code of Ethics

Candidates who are currently serving either as incumbent Councilmembers or on city boards and commissions are bound by the City's Code of Ethics. The portions of the Code relevant to campaigns are the following:

Comply with the Law. Members shall comply with the laws of the nation, the State of California and the City of Sunnyvale in the performance of their public duties. These laws include, but are not limited to: the United States and California constitutions; the Sunnyvale City Charter; laws pertaining to conflicts of interest, election campaigns, financial disclosures, employer responsibilities, and open processes of government; and City ordinances and policies.

Conduct of Members. The professional and personal conduct of members must be above reproach and avoid even the appearance of impropriety. Members shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of Council, boards and commissions, the staff or public.

Gifts and Favors. Members shall not take any special advantage of services or opportunities for personal gain, by virtue of their public office, that are not available to the public in general. They shall refrain from accepting any gifts, favors or promises of future benefits which might compromise their independence of judgment or action or give the appearance of being compromised.

Use of Public Resources. Members shall not use public resources not available to the public in general, such as City staff time, equipment, supplies or facilities, for private gain or personal purposes.

It is crucial that individuals who are campaigning for City Council while simultaneously serving in some capacity on the City government keep the two activities separate.

Registering to Vote

Who is eligible to vote in California?

In order to vote, you must be:

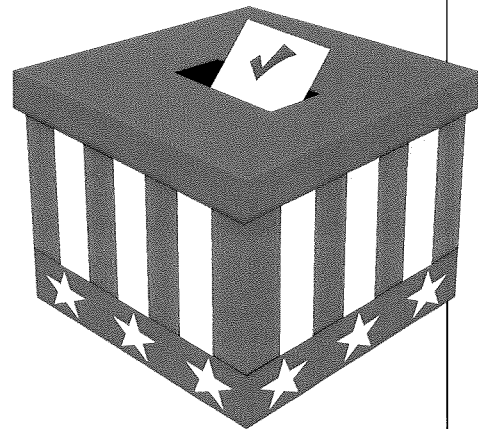
- A U.S. citizen
- At least 18 years old by Election Day
- A California resident
- Registered at least 15 days before the election
- Not in prison or on parole for a felony
- Not declared mentally incompetent by court action

How does one register to vote?

California has postcard registration. The postcards are available at many convenient locations, including:

- Registrar of Voters building, 1535 Berger Drive, Building 2, San Jose
- Online at www.sccvote.org
- U.S. post offices
- Department of Motor Vehicles offices
- Sunnyvale Public Library and other public libraries
- Sunnyvale City Hall, 456 W. Olive Ave.
- Sunnyvale fire stations

City Council candidates sometimes carry extra postcards when they go door-to-door around the City to meet voters.





Resources for Campaign Ethics Questions and Concerns

California Fair Political Practices Commission (FPPC)

Web site: www.fppc.ca.gov – Telephone: (866) 275-3772

The FPPC was created as a result of California voters passing the Political Reform Act of 1974 (Proposition 9). FPPC's mission is to promote the integrity of representative state and local government in California through fair, impartial interpretation and to enforce political campaign, lobbying, and conflict-of-interest laws. The FPPC educates the public and public officials on the requirements of the Act through written and oral advice, seminars, training sessions, and literature. The FPPC investigates alleged violations of the Political Reform Act, imposes penalties when appropriate, and assists state and local agencies to develop and enforce conflict-of-interest codes. If you wish to report a violation of campaign laws, call here.

City Council candidates are required to file FPPC Form 460 at regular intervals during campaigns to report the financial contributions that they have received from individuals and groups, as well as how they have spent that money. Those forms are available for inspection or photocopy at the City Clerk's office.

Markkula Center for Applied Ethics

Web site: www.scu.edu/ethics – Telephone: (408) 554-5319

The Markkula Center for Applied Ethics at Santa Clara University is one of the preeminent centers for research and dialogue on ethical issues in critical areas of American life. The Center works with faculty, staff, students, community leaders and the public to address ethical issues more effectively in teaching, research, and action. The Center's focus areas are business, health care and biotechnology, character, education, government, global leadership, technology and emerging issues in ethics. If you are unsure as to whether something you observed during a campaign was unethical, this is an excellent place to call.

Council on Governmental Ethics Laws (COGEL)

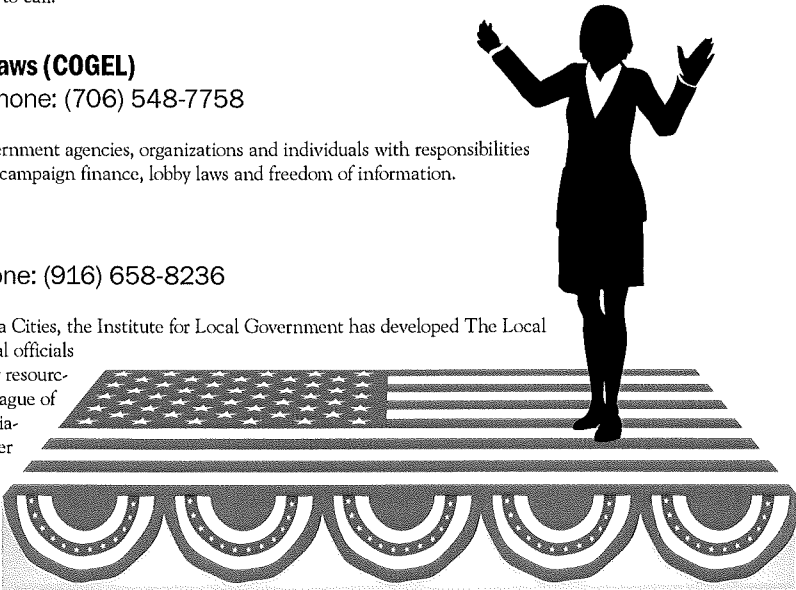
Web site: www.cogel.org – Telephone: (706) 548-7758

COGEL is a professional organization for government agencies, organizations and individuals with responsibilities or interests in governmental ethics, elections, campaign finance, lobby laws and freedom of information.

Institute for Local Government

Web site: www.ilsg.org – Telephone: (916) 658-8236

As a nonprofit arm of the League of California Cities, the Institute for Local Government has developed The Local Officials' Ethics Resource Center to assist local officials with a broad range of ethical issues. To review resources, visit www.ilsg.org and select Ethics. The League of California Cities (www.cacities.org) is an association of California city officials working together to enhance their knowledge and skills, exchange information, and combine resources so that they may influence policy decisions that affect cities.



Special Thanks

The City of Sunnyvale gratefully acknowledges the City of Livermore, the City of Santa Clara and the Markkula Center for Applied Ethics at Santa Clara University for their generous permission to reprint certain items in this election ethics guide.

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