

In the Dead of the Night:

How Midnight Legislation
Weakened California's Campaign Finance Laws,
And How to Strengthen Them

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FOREWORD

This is the eighth report published by the Center for Governmental Studies (CGS) over the past 24 years to study California's campaign financing problems.

Earlier CGS reports have studied campaign financing problems in California legislative elections (*The New Gold Rush: Financing California's Legislative Campaigns*, 1985; *Update to The New Gold Rush*, 1987), local city and county elections (*Money and Politics in the Golden State: Financing California's Local Elections*, 1988; *Money and Politics in Local Elections: The Los Angeles Area*, 1989), ballot initiative elections (*Democracy by Initiative: Shaping California's Fourth Branch of Government*, 1992; *To Govern Ourselves: Ballot Initiatives in the Los Angeles Area*, 1993) and judicial elections (*The Price of Justice: A Case Study in Judicial Campaign Financing*, 1995).

CGS reports and model laws have sparked two statewide campaign finance reform ballot measures (Proposition 68 in 1988; Proposition 208 in 1996). Although the voters approved both these measures, they were superseded by other measures on the ballot (Proposition 73 in 1988; Proposition 34 in 2000, respectively).

In the Dead of the Night analyzes California's current campaign finance law, placed on the ballot by the state legislature in 2000 as Proposition 34 in a successful effort to overturn the stricter contribution limits enacted in 1996 by Proposition 208. The report concludes that California's current contribution limits are ineffective in mitigating the influence of large contributions. It recommends a series of reforms that will reduce the potential for improper influence over California's elections and legislation.

Steve Levin, CGS Political Reform Project Director, authored this report. CGS Chief Executive Officer Tracy Westen and President Bob Stern provided editorial comments. Andrew Sternlight provided invaluable assistance by collecting and analyzing much of the campaign finance data for this project. Rebecca Schwaner contributed the report's cover design and layout.

CGS is a non-profit, non-partisan organization that creates innovative political and media solutions to help individuals participate more effectively in their communities and governments. CGS uses research, advocacy, information technology and education to improve the fairness of governmental policies and processes, empower the underserved to participate more effectively in their communities, improve communication between voters and candidates for office, and help implement effective public policy reforms. The CGS Board of Directors takes no position on the statements and views expressed in this report.

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EXECUTIVE SUMMARY

“The first clue that voters should [have been] suspicious of Proposition 34 . . . came when it was hustled through the legislature at the 11th hour without a single public hearing.”¹

Proposition 34 Background

In the summer of 2000, the California Legislature hastily placed Proposition 34, which made dramatic changes to California’s campaign finance laws, on the November ballot. Among other things, Proposition 34 imposed new contribution and expenditure limits, changed disclosure of campaign finance information and increased fines for campaign finance law violations. Touted by proponents as campaign finance “reform,”² California voters passed the measure in that election by a margin of more than 60 percent.

In fact, the Legislature actually weakened more stringent campaign finance rules enacted into law by voters only a few years before under 1996’s Proposition 208.³ Proposition 208 contained lower contribution and expenditure limits, restricted the time periods in which candidates could raise money, and imposed aggregate contribution limits on both individuals and non-individuals. In 1998, a federal judge halted implementation of Proposition 208, but when it appeared that it would be reinstated, the Legislature, without public hearing, placed Proposition 34 on the ballot.

An analysis of the role of money in California elections before and after Proposition 34 shows that the law accomplished almost nothing. CGS data from two California legislative elections before Proposition 34 went into effect (1998 and 2000) and two elections after Proposition 34 went into effect (2002 and 2004) show that Proposition 34 had virtually no effect in reducing the flow of money to candidates. While one would have expected Proposition 208—had it stayed in effect—to have reduced on the role of money in California elections, Proposition 34 has left monetary flows virtually unchanged in an election environment that clearly needs reform. The more serious shortcomings of Proposition 34 are analyzed below.

Contribution Limits

Under Proposition 208, contribution limits were based on the office that the candidate was seeking (statewide, legislative and local) and whether the candidate agreed to expenditure limits. The contribution limits were quite low—from \$250 up to \$1,000, the amount one could give to a statewide candidate who had agreed to the expenditure limit. Proposition 208 also placed overall aggregate limits on the amount an individual could give to all state candidates and political parties.

¹ Commentary, “Proposition 34 would spur soft-money abuse,” *San Diego Union Tribune*, October 4, 2000.

² California Official Voter Information Guide, November 7, 2000 Election, California Secretary of State, Argument in Favor of Proposition 34.

³ CGS helped research and draft Proposition 208.

Proposition 34 also based its contribution limits on the size of the office sought (governor, statewide office other than governor, and legislative), but it did away with the distinction between candidates who agreed to expenditure limits. It also raised the limits for all offices—from \$3,000 for legislative offices to \$20,000 for governor. Finally, Proposition 34 eliminated aggregate contribution limits, which cap the total amounts that one person or entity can make to all statewide and legislative candidates combined.

Because Proposition 34 adopted such high contribution limits, legislators and statewide candidates have been able to raise money in large amounts similar to pre-Proposition 34 levels. This has produced a campaign finance system in which wealthier interests are able to—and do—contribute much greater amounts and in much greater ratios than the average voter, thereby increasing their influence with legislators.

CGS analysis of campaign finance data for legislative races between 1998 and 2004 supports the conclusion that wealthy individuals and special interests continue to dominate contributions to state candidates and officeholders. Specifically:

- Non-individuals (including PACs, corporations and political parties) still give in much higher ratios than individuals;
- Large contributions to political candidates (i.e., contributions of \$1,000 or more) far outnumber small contributions to legislative candidates.

Although this report does not study statewide offices or the governor’s race, the same conclusions should hold true for them as well.

The dominance of money in politics and candidates’ obsession with raising funds have produced a number of deleterious consequences. First, raising money drains candidates’ time away from addressing issues and communicating with voters. Second, a candidate’s acceptance of money from large private funders—especially special interests and wealthy individuals—creates an appearance of undue influence that disillusion voters with the political process. Third, the spectacle of private fundraising discourages voters from participating in the political process because many feel that they cannot contribute enough money to a candidate to “make a difference.” Fourth, the high costs of mounting campaigns prohibit some otherwise well-qualified candidates from seeking office because they lack the resources or access to private funding necessary to finance their campaigns. Fifth, the growth of private money in the political system can distort the governmental process and lower the quality of a jurisdiction’s legislation if public officials base their votes more on the wishes of large contributors than the merits of the legislation.

Political Parties Unchecked

Under Proposition 208, individuals could only give \$5,000 per calendar year to political parties. The parties, in turn, could contribute to a candidate up to 25 percent of the applicable spending limit.

Under Proposition 34, political parties have been able to increase their power significantly. Proposition 34 raised the individual contribution limit to political parties to \$25,000 per calendar year for the purpose of supporting candidates and allowed unlimited contributions for other purposes, such as get-out-the-vote and voter registration efforts. Proposition 34 also eliminated contribution limits from political parties to candidates.

These changes have effectively made political parties into conduits through which contributors can make even larger contributions to candidates than are allowed under the individual contribution limits. The provisions dealing with political parties in particular have led at least one election lawyer to wonder “whether Proposition 34 was meaningful reform or ‘a gaping loophole without meaningful limits.’”⁴

Contributions in Non-Election Years.

Under Proposition 208, candidates for statewide offices and in districts of one million or more residents could not start accepting contributions until 12 months before the primary or regular election, while candidates in districts of fewer than one million residents could not start accepting contributions until six months before the primary or regular election. Proposition 208 also prohibited candidates from accepting contributions more than 90 days after their withdrawal, defeat or election to office. The rationale behind these laws was to prevent people from making contributions in non-election years, which could only be construed as contributions designed to obtain governmental access or special treatment.

Proposition 34 repealed Proposition 208’s ban on contributions in non-election years. Now, contributors can give to the candidate of their choice at any time before or after the election. Contributors make contributions to officeholders in non-election years, not necessarily because they believe in the candidate or want the officeholder re-elected (although those factors might certainly play a role in the decision), but rather because they might be trying to receive governmental access or special treatment from the officeholder. This dynamic strongly advantages incumbents. Perhaps one of the only factors preventing incumbents from holding office perpetually in California is term limits.

Independent Expenditures and Wealthy Candidates

Independent expenditures refer to expenditures made by outside entities which expressly advocate the election or defeat of a candidate or ballot measure, but which are not coordinated with the candidate or the ballot measure committee. The United States Supreme Court has ruled that as long as they do not coordinate expenditures with a candidate or ballot measure committee, outside groups and individuals may raise and spend unlimited amounts of money because there is no risk of real or apparent corruption.

Following the enactment of contribution limits, independent expenditures and other forms of non-candidate spending (including member communications and issue ads) have become increasingly prominent in California politics. California has also seen the emergence of

⁴ See Comments of Fred Woocher, in Michael R. Blood, “Nuñez’s committee gets \$4 million from state party,” *Los Angeles Daily News*, November 17, 2006.

wealthy candidates who are able to fund their campaigns almost entirely with their personal fortunes. The Supreme Court has allowed this practice because it has concluded that there is no threat of wealthy candidates corrupting themselves.

Nevertheless, independent expenditures and other forms of non-candidate spending, as well as wealthy candidates who finance their own campaigns, can distort campaigns with massive barrages of one-sided spending. Although, ideally, contributions to independent expenditure committees or from candidates to themselves should be limited, many lower federal courts in California have ruled against such limits.

This leaves only two options to deal with independent expenditures and wealthy candidates: providing public financing to participating candidates who face large amounts of independent expenditures (and other forms of non-candidate spending) or wealthy candidates, and/or requiring enhanced disclosure of independent expenditure committee finances, which California already does.

Proposition 34's Benefits

Proposition 34 does have some redeeming features. For instance, like Proposition 208, Proposition 34 placed a limit of \$100,000 on the amount of money a candidate could loan to his or her campaign. Proposition 34 also required stricter on-line and electronic reporting of campaign contributions and expenditures of \$1,000 or more. Finally, Proposition 34 created strong disclosure rules on electioneering communications.

The Need for Real Campaign Finance Reform in California

Although proponents touted Proposition 34 as campaign finance reform, the reforms have been mostly illusory. California still needs *real* campaign finance reform. The following recommendations would significantly close many of the loopholes created by Proposition 34:

- ***Lower contribution limits for candidates.*** The limits imposed by Proposition 34 are too high. This report recommends lowering those limits, including limits on contributions to candidate-controlled ballot measure committees.
- ***Extend contribution limits to political parties.*** Because contributions from state political parties to candidates are unlimited, the parties have effectively become conduits for large contributions to candidates. This report recommends closing this loophole by extending contribution limits to political parties.
- ***Create off-year contribution limits.*** Many construe contributions to candidates in non-election years as governmental access or special treatment money. This loophole gives a significant advantage to incumbents. Therefore, this report recommends restricting the time period in which state candidates could receive contributions to between 17 and 11 months before the primary election, depending upon the office sought.

- ***Minimize the impact of independent expenditures and deal with wealthy candidates.*** Independent expenditures and wealthy candidates have become a potent force in California politics, but creating limits on either is constrained by United States Supreme Court rulings on the matter. Likewise, the Ninth Circuit and several lower federal courts in California have invalidated attempts to impose contribution limits on independent expenditure committees. While the chances of successfully enacting limits on independent expenditures are unlikely, this report recommends exploring ways to minimize their impact, such as creating public financing systems that provide matching funds to participating candidates who are outspent by independent expenditure committees or wealthy candidates.
- ***Improve disclosure of candidate and ballot measure campaign finance information.*** Disclosure of campaign finance information is universally popular with voters. The State of California already makes available a great amount of campaign finance information, but this report recommends making the state's disclosure website, Cal-Access, more user-friendly.
- ***Explore public financing for state candidate elections.*** While no political reform is without shortcomings, public financing of elections, in combination with other reforms, is perhaps the best mechanism to address campaign finance and electoral problems created by Proposition 34. This report recommends exploring both full and partial public financing programs for some or all California state candidates.

I. CALIFORNIA'S POLITICAL REFORM LAWS

California voters have approved five campaign finance reform ballot measures in the past 32 years. Two were penned by voters but superseded by conflicting measures placed on the ballot. The courts have upheld some and invalidated others. The following briefly summarizes these laws.

A. *The Political Reform Act of 1974*

The Political Reform Act (PRA) is a comprehensive series of laws governing campaign activity in California. Approved by voters as Proposition 9 in 1974 and amended by the legislature and voters several times since then, the PRA imposed campaign disclosure requirements, contribution and voluntary spending limits on candidates and elected officials, rules on lobbyists, and strict conflict-of-interests laws on elected officials and government employees. The PRA is constantly evolving; it has been modified, amended and curtailed numerous times by voters who are eager to control the political process, by legislators working to preserve their self-interests, and by courts seeking to protect fundamental constitutional rights.

The Political Reform Act is administered and enforced by the Fair Political Practices Commission (FPPC).⁵ The Commission is an independent body composed of five members. The Governor appoints two commissioners (including the commission chair and another member who must not be registered in the same party as the chair). The secretary of state, the attorney general and the state controller each appoint one additional commissioner. If all three of the constitutional officials are members of the same political party, the state controller selects the new commissioner from a list provided by the other major political party.

Each member serves a single four-year term. The chair is salaried and serves full-time. The other four commissioners are part-time and paid a per diem for each meeting. Commission regulations implementing the Act are contained in California Code of Regulations, Title 2.

The PRA applies to state and local public officials. State and local government agencies are permitted to impose additional requirements, as long as those requirements do not conflict with the Act itself.⁶ Local agencies may not impose additional or different disclosure requirements from those in the PRA unless the requirements apply only to candidates, committees and ballot measures in that jurisdiction's elections.⁷

B. *Propositions 68 and 73*

In 1988, voters passed two initiatives affecting campaign money. Proposition 68, sponsored by Common Cause and based on a model law written by CGS, imposed contribution limits and allowed public financing for legislative campaigns. Proposition 73, sponsored by members of

⁵ See generally, California Government Code Sections 83100-83124 (2007).

⁶ See California Government Code Section 81013 (2007).

⁷ See California Government Code Section 81009.5 (2007).

the Legislature, prohibited public financing of campaigns. While both initiatives passed, Proposition 73 received more votes.

The California Supreme Court struck down Proposition 68, ruling that when two competing comprehensive regulatory schemes are enacted at the same time, the ballot measure with the most votes prevails.⁸ Subsequently, several provisions of Proposition 73 were challenged and invalidated in federal court, leaving California with virtually no campaign finance laws, despite the fact that voters had approved two reform measures.⁹ Supporters of Proposition 68 then asked the California Supreme Court to reinstate Proposition 68 as law, but the Court, by a 4-3 vote, declined to do so.¹⁰

Some provisions of Proposition 73 remain in effect (although many were later repealed by Proposition 34). The prohibition against public financing of campaigns still stands, although charter cities can establish public financing schemes.¹¹

C. Propositions 208 and 212

In 1996, voters again faced two competing campaign finance reform ballot measures: Proposition 208 (sponsored by Common Cause and the League of Women Voters and based on research by CGS) and Proposition 212 (sponsored by the California Public Interest Research Group). Both measures imposed contribution limits and voluntary spending limits. In addition, Proposition 212 would have, apparently inadvertently, repealed bans on honoraria and gift limits.

Proposition 208 contained voluntary spending limits for state elective offices. Candidates who accepted those limits would (1) be entitled to obtain larger campaign contributions than those who did not limit their spending; (2) be identified in the voter information materials as having accepted the limits; and (3) receive free space in the ballot pamphlet for a candidate statement.

Voters approved Proposition 208 and rejected Proposition 212, but a federal judge halted implementation of Proposition 208 in 1998.¹² An appellate court upheld the injunction but remanded the case for further proceedings. Before the trial court could issue its second ruling, voters approved Proposition 34, which repealed most of the key provisions of Proposition 208.

D. Proposition 34

At 1:55 a.m. on June 29, 2000, a legislative conference committee made public for the first time a campaign finance reform proposal (SB 1223). The main thrust of SB 1223 was to undercut the much stricter provisions of Proposition 208. Some of the bill's sponsors feared that Proposition 208 would be reinstated, basing their opinion on the then-recent United

⁸ See *Taxpayers to Limit Campaign Spending v. Fair Political Practices Commission*, 51 Cal.3d 744 (1990).

⁹ See *Service Employees International Union v. Fair Political Practices Commission*, 955 F.2d 1312 (9th Cir. 1992).

¹⁰ See *Gerken v. Fair Political Practices Commission*, 6 Cal. 4th 707 (1993).

¹¹ See *Johnson v. Bradley*, 4 Cal.4th 389 (1992). A number of charter cities in California, including Los Angeles, San Francisco, Long Beach, Oakland and Sacramento, have enacted public financing programs for local candidates. Several more, including San Jose, Santa Barbara, Santa Monica and San Diego, are considering the same.

¹² See *California Prolife Council Political Action Committee v. Scully*, 989 F.Supp. 1282 (E.D. Cal. 1998).

States Supreme Court ruling in *Nixon v. Shrink Missouri Government PAC*,¹³ which upheld similar \$250 contribution limits in Missouri and confirmed the rights of states to enact low contribution limits. An Assembly Republican Bill Analysis at the time noted that three appellate attorneys (including Democrats and Republicans) handling the Proposition 208 appeal expected Proposition 208 to be reinstated. This document suggests that some legislators voted for SB 1223 to block ultimate implementation of Proposition 208. According to Tony Miller, a co-proponent of Proposition 208, “SB 1223 was written by politicians for the politicians.”¹⁴ One newspaper called SB 1223 “a sneaky, last-minute attempt” “that would gut Proposition 208.”¹⁵

Other bill supporters, however, subsequently said that they drafted the proposal because they believed the California appellate court would overturn Proposition 208 (thereby leaving California with no contribution limits at all), and, in their minds, it was better to have high contribution limits to fill the void created by Proposition 208’s anticipated invalidity than to have no limits at all.¹⁶

By 9:30 a.m. on June 29, seven and half hours after its introduction, the legislative committee approved and sent SB 1223 to the full Legislature without allowing any public testimony. Said Jim Knox, Executive Director of California Common Cause: “This sneak attack was timed to completely bypass the normal legislative process. This bill will not be subject to any legislative hearings or public scrutiny.”¹⁷ The lack of public input on SB 1223 was critical because such scrutiny would have revealed major flaws and loopholes contained in the package. Then-Secretary of State Bill Jones, who supported SB 1223, nonetheless decried the lack of any public comment on the measure: “The public deserves the right to help shape the language in this bill to ensure that a potentially flawed measure is not placed on the ballot.”¹⁸

“Acting with unusual speed,”¹⁹ the Legislature passed, and Governor Gray Davis signed, SB 1223, which was put on the November 2000 ballot as Proposition 34. According to one op-ed article, legislative leaders, then-Lieutenant Governor Cruz Bustamante, Attorney General Bill Lockyer and Secretary of State Bill Jones, then went “one step too far” and denied reformers who wrote and passed Proposition 208 a chance to oppose Proposition 34 in the ballot pamphlet.²⁰ Instead, the Legislature hand-picked both the proponents and opponents to write the ballot pamphlet arguments. Reform groups like the League of Women Voters and California Common Cause asked a Sacramento Superior Court judge to let them write the opposing ballot arguments, but the court rejected their request.

At the November 2000 election, voters approved Proposition 34 by more than 60 percent.

¹³ 528 U.S. 377 (2000).

¹⁴ See League of Women Voters Press Release, “Legislature Launches Sneak Attack on Voter-Approved Campaign Reform,” June 29, 2000.

¹⁵ Editorial, “Gutting Prop. 208,” *Los Angeles Daily News*, July 5, 2000.

¹⁶ Interview with former Assembly Speaker Robert Hertzberg, March 28, 2007.

¹⁷ See League of Women Voters Press Release, *supra* note 14.

¹⁸ See California Secretary of State News Release, “Jones Supports Campaign Finance Reform Bill, But Urges Legislature to Allow Public Comment Prior to Its Passage,” July 6, 2000.

¹⁹ Jon Matthews, “Senate Quickly OKs campaign finance reform measure,” *Sacramento Bee*, July 6, 2000.

²⁰ See Op-Ed, “A fixed game: Proposition 34’s authors try to gag their foes,” *Sacramento Bee*, August 10, 2000.

The following summarizes Proposition 34's key provisions.

1. *Contribution Limits*

Proposition 34 repealed Proposition 208's contribution limits and replaced them with higher per-person contribution limits: \$3,000 for the legislature, \$5,000 for most statewide offices, \$20,000 for governor, \$5,000 for PACs, and \$25,000 for political parties for candidate purposes, otherwise political party expenditures are unlimited.²¹ These limits are adjusted for inflation every two years.²²

Under Proposition 34, candidates are allowed to give unlimited amounts of their own money to their campaign.²³ However, they may only loan their campaigns \$100,000, and the earning of interest on any such loan is prohibited.²⁴

Chart 1: Key Changes to Individual Contribution Limits

Election Contest	Political Reform Act of 1974	Proposition 208²⁵	Proposition 34²⁶
Assembly and Senate	No limits	\$100/\$250	\$3,600
Statewide Offices (except Governor)	No limits	\$250/\$500	\$6,000
Governor	No limits	\$500/\$1,000	\$24,100

2. *Voluntary Expenditure Limits*

For a brief time, California limited the flow of campaign money to candidates by imposing mandatory expenditure limits in Proposition 9. Shortly after voters approved that measure, the United States Supreme Court decided in *Buckley v. Valeo*²⁷ that expenditure ceilings imposed on candidates violate their First Amendment freedom of speech. Instead, candidates can be bound by expenditure ceilings only if they voluntarily accept them in exchange for some public benefit—such as public financing of their campaigns.

Proposition 208 created an innovative form of voluntary expenditure limits linked to variable contribution limits,²⁸ but Proposition 34 repealed those limits and replaced them with a new

²¹ See California Government Code Section 85301(a)-(c) (2007).

²² See California Government Code Section 83124 (2007). The current limits are \$3,600 for the legislature, \$6,000 for statewide offices other than the governor, \$24,100 for governor, \$6,000 for PACs, and \$30,200 for political parties (for candidate purposes, otherwise unlimited). New limits will go into effect for elections held between 2007-2008.

²³ See California Government Code Section 85301(d) (2007).

²⁴ See California Government Code Section 85307 (2007).

²⁵ Depends on the size of the district.

²⁶ Adjusted for inflation for 2007-2008.

²⁷ 424 U.S. 1 (1976).

²⁸ Under Proposition 208, candidates agreeing voluntarily to limit their contributions could accept contributions at double the normal amount (e.g., for state legislators, contributions of \$500 instead of \$250). Variable

set of higher spending limits.²⁹ The new limits are also adjusted for inflation every two years.³⁰ Candidates who accept these limits are not given very much: they are (1) identified in voter information materials and (2) eligible to purchase space in the ballot pamphlet for a candidate statement.³¹ Many of the statewide candidates purchased space in the November 2006 ballot pamphlet, but the statements are buried between the analyses and texts of the propositions.

Chart 2: Key Changes to Expenditure Limits

Election Contest	Political Reform Act of 1974	Proposition 208	Proposition 34³²
<i>Assembly</i>			
Primary	No limits	\$100,000	\$483,000
General	No limits	\$200,000	\$845,000
<i>Senate</i>			
Primary	No limits	\$200,000	\$724,000
General	No limits	\$400,000	\$1,086,000
<i>Board of Equalization</i>			
Primary	No limits	\$200,000	\$1,207,000
General	No limits	\$400,000	\$1,811,000
<i>Statewide Office (except Governor)³³</i>			
Primary	No limits	\$1 million	\$4,828,000
General	No limits	\$2 million	\$7,243,000
<i>Governor³⁴</i>			
Primary	No limits	\$4 million	\$7,243,000
General	No limits	\$8 million	\$12,071,000

3. Other Provisions

In addition to creating contribution and voluntary expenditure limits, Proposition 34 created new disclosure requirements, including on-line or electronic reporting of campaign contributions and expenditures of \$1,000 or more.³⁵ Proposition 34 also created greater disclosure of campaign finance activity in communications identifying state candidates, which are commonly referred to as issue ads or electioneering communications.³⁶

contribution limits were first proposed by CGS in *The New Gold Rush: Financing California's Legislative Campaigns* (1985).

²⁹ See California Government Code Section 85400 (2007).

³⁰ See California Government Code Section 83124 (2007).

³¹ See California Government Code Sections 85600 and 85601 (2007).

³² Adjusted for inflation for 2007-2008.

³³ Declared null and void after U.S. Supreme Court decision in *Buckley*.

³⁴ Declared null and void after U.S. Supreme Court decision in *Buckley*.

³⁵ See California Government Code Section 85309 (2007).

³⁶ See California Government Code Section 85310 (2007).

II. IMPACT OF PROPOSITION 34

Proposition 34 took effect in 2001 for the Legislature and after the 2002 election for statewide offices and governor. The law was not intended to apply to statewide offices until the 2006 election, but it was in effect for candidates who were vying for governor in the wake of the 2003 recall of Governor Gray Davis.³⁷ The measure does not cover campaigns for federal office, nor does it affect the contribution limits enacted by local entities.

Proposition 34 has been in place for two legislative elections (2002 and 2004), so it is possible to analyze its impact by comparing figures from those dates to figures from pre-Proposition 34 elections (1998 and 2000).

A. General Observations

Analyzing the various data from before and after Proposition 34's enactment, the most striking feature is that very little has changed. This does not seem coincidental. The Legislature intended to make Proposition 34 less stringent than Proposition 208. Proposition 34 created among the highest contribution limits in the nation.³⁸ A contributor wishing to give the maximum amount to a California gubernatorial candidate in both the primary and general election, for example, may give a total of \$48,200—significantly more than that person may give to candidates for U.S. President (\$4,200).

B. Contributions Limits

1. Contributions to Candidates

Proposition 34 repealed Proposition 208's contribution limits and replaced them with much higher limits. Analysis of pre- and post-Proposition 34 data shows that Proposition 34 did not change contribution patterns. The election environment still needs reform.

a. Growth of Large Contributions

Appendix 1 shows contributions to California state legislative candidates made between 1998 and 2004, broken down by size of the contribution into 5 categories: \$100-\$249; \$250-\$499; \$500-\$999; \$1,000-\$3,000; and over \$3,000.³⁹

³⁷ This report does not compare pre-Proposition 34 statewide elections with the 2003 recall election because recall elections are uniquely different from regular gubernatorial elections: (1) they involve a ballot measure question ("shall this person be removed from office?") in addition to a candidate election ("if the person is recalled, who shall replace him or her?"), and (2) they do not utilize primary elections. These factors make campaign finance comparisons difficult.

³⁸ Only New York has higher contributions among the states that impose such limits.

³⁹ California law requires committees to report the total amount of contributions from persons who have given less than \$100—but not their personal information or the number of contributions made in those amounts. See California Government Code Section 84211(d) (2007). Therefore, this report does not display those numbers, though the "total amount raised" column does account for these small contributions.

Comparing the different categories, one immediately notices that there is a substantially greater percentage of “large contributions” (\$1,000 or more) than “small contributions” (under \$1,000). From 1998 through 2004, contributions of over \$1,000 average 85 percent of the total contributions made. The percentage of over-\$1,000 contributions remains roughly the same both before and after passage of Proposition 34.

This makes sense. The legislature raised Proposition 208’s contribution limits to allow the continual collection of large contributions. Special interests and wealthy contributors are generally willing to oblige, many seeking to gain favor with incumbent officeholders or newly elected entering office.

The continued dominance of large contributions in California politics has produced a number of deleterious consequences. First, candidates’ acceptance of money from private funders—especially special interests and wealthy individuals—creates an appearance of undue influence that disillusion voters with the political process. Second, the majority of small contributors may feel that their donations mean very little to candidates who are relying on larger contributions. Third, candidates who lack personal wealth or access to wealthy contributors are discouraged from seeking office because they lack the resources or access to private funding necessary to finance their campaigns. Fourth, the growth of private money in the political system can distort the governmental process and lower the quality of a jurisdiction’s legislation if public officials base their votes more on the wishes of large contributors than the merits of the legislation.

b. Growth of Non-individual Contributions

Appendix 2 shows contributions to California state legislative candidates made between 1998 and 2004, separated into categories of individuals and non-individuals.⁴⁰

Once again, the data shows what one might expect: that a substantially larger percentage of contributions (in terms of dollar amounts) come from non-individuals than individuals. In both pre-Proposition 34 elections (1998 and 2000) and post-Proposition 34 elections (2002 and 2004), non-individual contributions averaged 77 percent of the total dollar amount of contributions made.

The same harmful consequences listed directly above apply when non-individuals make up a large majority of the contributions to political campaigns.

c. Contributions of In-State Contributors

Appendix 3 shows contributions to California state legislative candidates made between 1998 and 2004, separated into categories of in-state and out-of-state contributions. For the most part, the vast majority of contributions (between 82 and 91 percent) come from California—which is to be expected.

⁴⁰ “Non-individuals” are entities such as proprietorships, firms, partnerships, corporations, committees, etc.

2. *Contributions to Candidate-Controlled Ballot Measure Committees*

California law currently does not limit contributions to ballot measure committees. Two United States Supreme Court decisions have ruled on such limitations. In *First National Bank of Boston v. Bellotti*,⁴¹ the Court invalidated a Massachusetts law prohibiting contributions and expenditures by business corporations “for the purpose of . . . influencing or affecting the vote on any question submitted to the voters. . . .” The Court reasoned, “[r]eferenda are held on issues, not candidates for public office. The risk of corruption perceived in cases involving candidate elections simply is not present in a popular vote on a public issue.”⁴²

Three years later, in *Citizens Against Rent Control v. City of Berkeley*,⁴³ the Court invalidated a \$250 limit on contributions to committees formed to support or oppose ballot measures, quoting the *Bellotti* language above. The contribution limits invalidated in *Bellotti* and *Citizens Against Rent Control* had no relationship to candidate fundraising and thus were not narrowly tailored to the government’s compelling interest in avoiding the real or apparent corruption of candidates for public office.

A separate question arises, however, with respect to limits on contributions to candidate-controlled ballot measure committees. A candidate-controlled ballot measure committee is a committee that is controlled directly or indirectly by a candidate or that acts jointly with a candidate in connection with the making of expenditures. A candidate controls a committee if he or she has significant influence over the actions or decisions of the committee.⁴⁴

Like all ballot measure committees, candidate-controlled ballot measure committees can accept unlimited contributions. But unlike contributions to regular ballot measure committees (i.e., those controlled by non-candidates), contributions to candidate-controlled ballot measure committees pose a threat of real or apparent political corruption, because contributors may be seeking access to or special treatment from the candidate who controls the committee.

In 2004, the FPPC adopted a regulation to limit the amount of money contributed to candidate-controlled ballot measure committees to the same amount that candidates could raise for their campaign committees.⁴⁵ This regulation was challenged in court by both a ballot measure committee and a California state Assemblymember (joined by Governor Arnold Schwarzenegger and several others), all of whom argued that the FPPC overstepped its authority to create such a regulation, and that the regulation itself violated their First Amendment freedom of speech.⁴⁶ In April 2005, the Sacramento Superior Court issued a preliminary injunction enjoining the enforcement of the FPPC regulations. The FPPC

⁴¹ 435 U.S. 765, 795 (1978).

⁴² *Bellotti*, 435 U.S. at 790.

⁴³ 454 U.S. 290, 298-300 (1981).

⁴⁴ See California Government Code Section 82016 (2007).

⁴⁵ See California Code of Regulations, Title 2, Section 18530.9 (2004).

⁴⁶ See *Citizens to Save California v. FPPC*, Case No. C049642 (Sup. Ct. of California, County of Sacramento Mar. 23, 2005).

appealed the trial court order, but the appellate court ruled that the FPPC did not have the authority to issue the regulation.⁴⁷

One person who has taken advantage of the candidate-controlled ballot measure committee loophole is Governor Arnold Schwarzenegger. Even before becoming governor, Schwarzenegger created ballot measure committees to support his agenda: in 2002 by raising money in favor of Proposition 49 (an after-school funding program), and in 2003 by raising money in favor of then-Governor Gray Davis's recall.⁴⁸ Once he became governor "facing a recalcitrant legislature dominated by members of the other party,"⁴⁹ Schwarzenegger stepped up his use of the initiative process to further his agenda and block initiatives he opposed. Governor Schwarzenegger has created various ballot measure committees, including the California Recovery Team, to raise money in unlimited amounts to support or oppose ballot measure projects. In calendar year 2004, the California Recovery Team raised over \$18.6 million in contributions, many of which were made in large amounts by wealthy individuals and special interests.⁵⁰

Candidates' use and control of ballot measure committees to further their legislative goals is not unique to Governor Schwarzenegger or to Republicans. In fact, the FPPC brought an enforcement action against former Lieutenant Governor Cruz Bustamante—who was a candidate in the 2003 recall election—for raising millions of dollars to air ads against Proposition 54 (the so-called "racial privacy" initiative).⁵¹ The case eventually settled with a large fine. In 2005, Senate President Pro Tem Don Perata and Assembly Speaker Fabian Nuñez raised over \$8 million to fight Proposition 77 (a reapportionment initiative), including several contributions over \$50,000 from corporations and unions.⁵² In 2006, gubernatorial candidate Phil Angelides formed a committee in support of Proposition 82, a measure which raised taxes on wealthy individuals to pay for pre-school programs.⁵³

Would a limit on contributions to candidate-controlled ballot measure committees be constitutional? Beginning with *Buckley*, the United States Supreme Court has consistently upheld reasonable limits on contributions to candidates as advancing the government's compelling interest in avoiding real or apparent corruption. And in a series of recent decisions, dubbed "the New Deference Quartet" by Professor Richard Hasen, the Court has lowered the bar for upholding the constitutionality of campaign finance regulations.⁵⁴ Although these cases

⁴⁷ See *Citizens to Save California v. FPPC*, Case. No. 05AS00555 (Cal. 3rd App. Ct., December 8, 2006).

⁴⁸ This funding was in addition to the contributions that Schwarzenegger raised as a candidate for governor following Davis' recall. See Richard L. Hasen, "Rethinking the Unconstitutionality of Contribution and Expenditure Limits in Ballot Measure Campaigns," in 78 *Southern California Law Review* 903 (May 2005).

⁴⁹*Id.*

⁵⁰ See *id.*, at 900.

⁵¹ See Margaret Talev, "Election funding limits added," *Sacramento Bee*, June 26, 2004.

⁵² See Dan Morain, "Drug Makers Shatter Campaign Records," *Los Angeles Times*, October 28, 2005.

⁵³ See Dan Morain, "Angelides Mailers Use Preschool Issue to Skirt Campaign Contributions," *Los Angeles Times*, June 2, 2006.

⁵⁴ See *Nixon v. Shrink Missouri Government PAC*, 528 U.S. 377 (2000)(upholding Missouri's low contribution limits for state offices); *FEC v. Colorado Republican Federal Campaign Committee*, 533 U.S. 431 (2001)(upholding the Federal Election Campaign Act provision treating party expenditures coordinated with a candidate as contributions and limiting the amount of the expenditure); *FEC v. Beaumont*, 539 U.S. 146 (2003)(upholding ban

involved campaign finance regulations on candidate campaigns, one could argue that the same justification for limiting contributions in candidate campaigns—namely, preventing real or apparent corruption—also applies to regulations on *candidate-controlled ballot measure committees*.

Recently, however, the Court invalidated a Vermont statute which imposed contribution limits of \$200 to legislators and \$400 to candidates for statewide office.⁵⁵ The Court did so because it viewed the contribution limits at issue as unreasonably low. The Court was particularly concerned that the regulation stifled electoral competition, and it listed several factors (e.g., whether the regulation was adjusted for inflation) to make such a determination. In a highly fractured decision, the plurality opinion maintained the *Buckley* framework for analyzing campaign finance cases and distinguished rather than overruled the aforementioned cases upholding contribution limits. Still, the Court's decision dealt a blow to campaign finance reformers and signaled a possible shift to a more restrictive view of campaign finance regulations.

C. The Rise of Independent Expenditures and Wealthy Candidates

No factor has altered the dynamics of campaign finance laws more than the emergence of independent expenditures and wealthy candidates. Independent expenditures refer to expenditures made by outside entities which expressly advocate the election or defeat of a candidate or ballot measure, but which are not coordinated with the candidate or the ballot measure committee.⁵⁶ Along with issue ads (also known as “electioneering communications”)⁵⁷ and member communications,⁵⁸ independent expenditures have played an increasingly prominent role in California politics.

on campaign contributions made by corporations organized solely for ideological purposes); and *McConnell v. FEC*, 540 U.S. 93 (2003) (upholding the federal law limits on contributions to federal candidates and officeholders found in Bipartisan Campaign Reform Act).

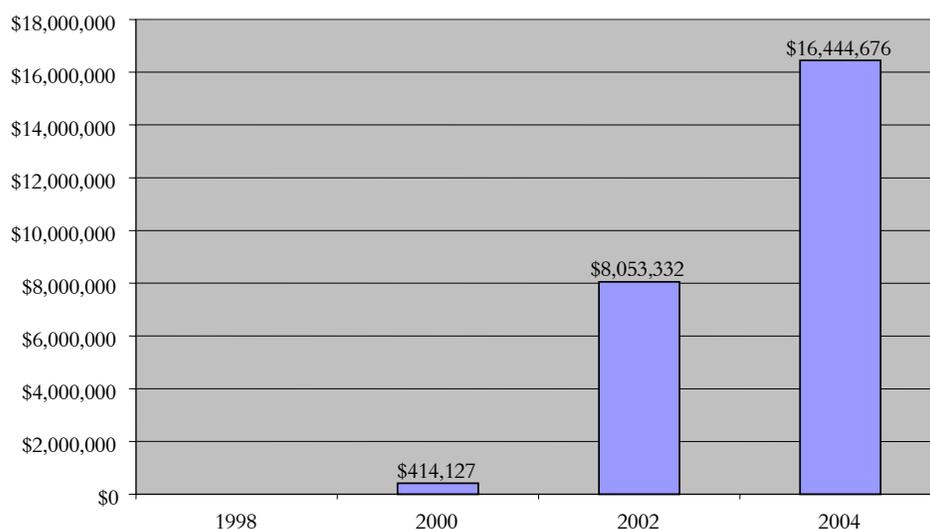
⁵⁵ See *Randall v. Sorrell*, 548 U.S. ____ (June 26, 2006).

⁵⁶ See California Government Code Section 82031 (2007).

⁵⁷ An issue ad is a communication which clearly identifies a candidate for public office (often pejorative and usually within a certain time period before the election) but does not expressly advocate the election or defeat of a candidate. See, e.g., 2 U.S.C. Section 434(f)(3). See also California Govt. Code Section 85310 (2007).

⁵⁸ A member communication is a communication to members, employees, shareholders or families of members, employees or shareholders of an organization for the purpose of supporting or opposing a candidate. See California Government Code Section 85312 (2007). Unlike independent expenditures and issue ads, groups sending out member communications may coordinate the communication with the candidate.

Chart 3: Independent Expenditures in California Elections⁵⁹



When jurisdictions impose contribution limits on candidates, independent expenditures and other forms of non-candidate spending tend to rise—primarily in competitive races. The average California candidate running in a competitive contest who is constrained by contribution limits is understandably concerned about free-spending independent expenditure committees. Independent expenditures can distort campaigns with massive barrages of one-sided spending and intimidate candidates into raising larger sums in campaign contributions.

In the *Buckley* case, the United States Supreme Court ruled that individuals and groups, so long as they do not coordinate expenditures with candidates or ballot measure committees, may independently spend unlimited amounts of money on these candidates or ballot measures because that spending poses no real or apparent risk of corrupting them.⁶⁰ Some California local jurisdictions faced with the growing problem of independent expenditures, including Irvine, San Francisco, Oakland and San Jose, have tried limiting contributions to independent expenditure committees (so as to limit the amount they can spend and their overall impact), but the Ninth Circuit and several federal district courts in California have struck down those restrictions.⁶¹

In addition to the independent expenditure problem, California has seen the growth of wealthy candidates who use their own personal fortunes to finance their campaigns. This is true at both the legislative and statewide levels. In 2006, for instance, millionaires Steve Westly

⁵⁹ Information was compiled using independent expenditure and late independent expenditure data from the California Secretary of State website (<http://cal-access.sos.ca.gov>). The Secretary of State's office states, however, that some of its independent expenditure data may be incomplete. (See Section III(D) for a discussion of improving disclosure on the Cal-Access website). Figures from 1998 were not available.

⁶⁰ See 424 U.S. at 22-23.

⁶¹ See, e.g., *Lincoln Club v. City of Irvine*, 292 F.3d 934 (9th Cir. 2001); *San Franciscans for Sensible Government v. Renne*, No. C 99-02456 (N.D. Cal., filed Sept. 8, 1999); *San Jose Silicon Valley Chamber of Commerce Political Action Committee v. City of San Jose*, No. 06-04252 (N.D. Cal., filed Sept. 20, 2006); *OAKPAC v. City of Oakland*, No. C 06-6366 (N.D. Cal., filed Oct. 19, 2006)

and Steve Poizner spent millions of dollars of their own money to run for Governor and Insurance Commissioner, respectively. Like independent expenditures, spending by wealthy candidates often drowns out the voices of less wealthy candidates who have insufficient resources to respond to attacks. However, the United States Supreme Court has held that candidates may spend as much of their own money on their campaigns for the same reason that independent expenditure committees can spend unlimited amounts in a campaign: these expenditures are not perceived to pose a risk of corruption to candidates.

Without the ability to cap spending by independent expenditure committees and wealthy opponents, reformers are left with only two options to deal with such problems: to create a system of public financing to provide additional funds to participating candidates who face independent expenditures (and other forms of non-candidate spending) or wealthy opponents, and to require enhanced disclosure of independent expenditure committee finances (which California already does).

D. The Role of Political Parties

1. Contributions to Political Parties

Proposition 208 restricted individual contributions to political parties to \$5,000 per calendar year. Proposition 34 raised these contribution limits, allowing individuals to give parties \$25,000 per calendar year for the purpose of making contributions to support or defeat candidates for elective state office.⁶² The law allows unlimited contributions to parties when parties use the money for other purposes, such as voter registration or get-out-the-vote efforts.⁶³

2. Contributions from Political Parties

Under Proposition 208, political parties could give candidates amounts up to 25 percent of the applicable spending limit. Proposition 34 eliminated contribution limits from political parties to candidates.

These changes have given significant power to political parties. They now effectively serve as conduits through which contributors can make even larger contributions to candidates than allowed under individual contribution limits. In November 2006, for instance, State Assembly Speaker Fabian Nuñez's political committee received a \$4 million check from the California Democratic Party that he plans to use for dinners, retreats, political advice and polling to benefit other Democratic legislators.⁶⁴ Under state law, the donation was permissible, but it also allows individuals wishing to seek influence to bypass contribution limits and funnel larger contributions to candidates through the political parties.

⁶² See California Government Code Section 85303(b) (2007).

⁶³ See California Government Code Section 85303(c) (2007).

⁶⁴ See Michael R. Blood, "Nuñez's committee gets \$4 million from state party," *Los Angeles Daily News*, November 17, 2006.

E. Contributions in Non-Election Years

Under Proposition 208, candidates for statewide offices and in districts of one million or more residents could not accept contributions until 12 months before the primary or regular election, and candidates in districts of fewer than one million residents could not accept contributions until six months before the primary or regular election. Proposition 208 also prohibited candidates from accepting contributions more than 90 days after their withdrawal, defeat or election to office. The rationale behind these laws was to prevent people from making contributions in non-election years, which could only be construed as governmental access or special treatment money.

Proposition 34 repealed Proposition 208's ban on contributions in non-election years. Now, contributors can give to the candidate of their choice at any time before or after the election. Contributions made in non-election years tend to be governmental access or special treatment money; that is, contributors make contributions to officeholders in non-election years not necessarily because they believe in the candidate or want the officeholder re-elected (although those factors certainly might play a role in the decision), but rather to receive governmental access to or special treatment from the officeholder. This dynamic strongly advantages incumbents. Perhaps the only factor that prevents incumbents from holding office perpetually is term limits.

III. RECOMMENDATIONS

This report makes the following recommendations to improve California's current campaign finance laws (enacted in Proposition 34).

A. Lower Contribution Limits to Candidates

California has among the highest contribution limits in the nation. These limits should be lowered.

1. Contributions to Candidate Committees

Currently, California law limits contributions as follows:

- \$3,600 for state legislators;
- \$6,000 for statewide officers other than governor; and
- \$24,100 for governor.⁶⁵

These limits are too high. They allow contributors to influence legislators unduly at the expense of the average voter. Therefore, this report recommends adjusting the contribution limits as follows:

- \$1,000 for state legislators;
- \$2,500 for statewide officers other than governor; and
- \$5,000 for governor.

These limits should be adjusted for inflation. Lower limits will allow candidates to raise sufficient funds without creating the appearance of undue contributor influence.

2. Contributions to Candidate-Controlled Ballot Measure Committees

California law currently limits contributions to candidates but not to candidate-controlled ballot measure committees. This creates an easily-manipulated loophole in California law. It allows candidates to form a committee in support of or in opposition to a ballot measure and use it to raise sums without limit.

Limits on contributions to candidate-controlled ballot measure committees, however, fall into a relatively untested area of constitutional law. On the one hand, the United States Supreme Court has upheld limits on contributions to candidates⁶⁶; on the other hand, it has invalidated limits on contributions to ballot measure committees, concluding that such contributions

⁶⁵ See California Government Code Section 85301 (2007).

⁶⁶ See *Buckley v. Valeo*, 424 U.S. 1 (1976).

cannot “corrupt” issue-oriented committees.⁶⁷ The Court has not yet ruled directly on the issue posed by contributions to candidate-controlled ballot measure committees.

This report concludes that limits on contributions to candidate-controlled ballot measure committees are both desirable and constitutional. Because contributions to candidate-controlled ballot measure committees can help candidates in their own election campaigns, they create a unique opening for real or apparent corruption and should be limited. The threat of real or apparent corruption associated with large contributions to candidates is entirely dependent on a candidate’s *receipt* of a contribution, not on the candidate’s *use* of the contribution.

The Legislature should enact a law—much like the regulation adopted by the FPPC in Section 18530.9—which limits contributions to candidate-controlled ballot measure committees to the same amount that candidates could raise for their campaign committees.⁶⁸

B. Extend Contribution Limits to and from Political Parties

1. Contributions to Political Parties

California law currently limits contributions from individuals to political parties to \$25,000 per person per calendar year where the party uses such contributions to support or defeat candidates for elective state office.⁶⁹ The law allows unlimited contributions when the money is being used for other purposes, such as voter registration or get-out-the-vote efforts.⁷⁰

This report recommends imposing a contribution limit of between \$10,000 and \$15,000 per person per calendar year to political parties, adjusted for inflation. Such a limit would allow persons to make a substantial contribution to political parties for general candidate-building purposes, without evading or eviscerating existing candidate contribution limits.

2. Contributions from Political Parties

California law does not currently limit contributions from political parties to state candidates. As mentioned above, this means that parties can effectively become conduits for large contributions from individuals, allowing individuals to supplement through the parties what they already give to candidates.

⁶⁷ See *Citizens Against Rent Control v. City of Berkeley*, 454 U.S. 290 (1981).

⁶⁸ Such a regulation would need to be carefully crafted, for statewide candidates are able to raise money in greater amounts than their legislative counterparts, which would give the formers’ ballot measure committees a decided advantage over the latter’s committees. To illustrate, if Section 18530.9 were currently in effect, Governor Schwarzenegger could raise \$24,100 for his California Recovery Team, while Speaker Fabian Nuñez could only raise \$3,600 into his own ballot measure committee. One option would be to place the same limit on ballot measure campaigns for all candidates: either the gubernatorial limit, or something in between the gubernatorial and legislative limit, such as \$10,000.

⁶⁹ See California Government Code Section 85303(b) (2007).

⁷⁰ See California Government Code Section 85303(c) (2007).

This report recommends imposing a limit equal to 25 percent of the applicable spending limit on contributions from political parties to state candidates.

C. Create Off-Year Contribution Limits

Currently, California law does not limit the time periods in which candidates can raise money for elections. This allows incumbents to raise money in non-election years—money which is often used to acquire contributor influences. This report recommends restricting the timing of candidate fundraising as follows:

- For statewide and Board of Equalization elections, candidates may accept contributions starting on January 1 of the year before the primary election (roughly 17 months before the primary election);
- For legislative offices, candidates may accept contributions starting on July 1 of the year before the primary election (roughly 11 months before the primary election);
- All candidates may accept contributions up to 90 days after the general election to pay outstanding debts.

D. Explore Ways to Minimize the Impact of Independent Expenditures and Wealthy Candidates

California law does not currently impose expenditure limits on candidates or independent expenditure committees. In light of numerous United States Supreme Court decisions on the matter, including the most recent, *Randell v. Sorrell*,⁷¹ any attempt to impose mandatory expenditure limits on non-candidate committees or wealthy candidates would probably not withstand constitutional scrutiny. Likewise, attempts to limit the amount a person could contribute to an independent expenditure committee (so as to decrease the amount of spending by that committee) would likely face constitutional challenges.

This report therefore recommends exploring ways to minimize the impact of independent expenditures and wealthy candidate spending, such as creating public financing systems that provide matching funds to participating candidates who are outspent by independent expenditure committees and wealthy candidates.

E. Improve Disclosure of Campaign Finance Information

According to *Grading State Disclosure 2005*,⁷² California currently maintains one of the best state disclosure regimes in the nation, but the report also gives California low grades for website usability. Many are frustrated by visits to the Secretary of State's website.

⁷¹ 548 U.S. ____ (2006).

⁷² See Campaign Disclosure Project, *Grading State Disclosure 2005*, at 31.

This report recommends improving California’s campaign finance portal website, Cal-Access. Encouragingly, newly elected Secretary of State Debra Bowen has already indicated a willingness to do so.⁷³

F. Explore Public Financing of State Candidate Elections.

California law currently prohibits public financing of state candidate elections.⁷⁴ In June 2006, the California Nurses Association qualified a full public financing measure for the November ballot. Among other things, Proposition 89 contained the following provisions:

- Public financing would vary by office sought—from \$400,000 for an Assembly candidate to \$15 million for a gubernatorial candidate in general elections. Lesser amounts would be available for primary elections and minor party candidates.
- Dollar-for-dollar matching funds would be provided when a publicly financed candidate was outspent by a wealthy opponent or independent expenditure committee.

But the measure also contained a number of more controversial provisions. Specifically, Proposition 89 would have:

- Raised income taxes for corporation and financial institutions to generate \$200 million for candidate campaigns;
- Capped donations to independent expenditure committees, candidate controlled ballot measure committees and cumulative contributions to candidates statewide; and
- Limited corporations to spending \$10,000 from their treasuries on ballot measures.

Some accused Proposition 89 of “corporate-bashing” and retaliation for how unions were treated in the 2005 special election in California. Corporations spent heavily against the measure. It was resoundingly defeated by a margin of 75 to 25 percent.

The 2006 CGS study, *Keeping It Clean: Public Financing in American Elections*, makes a strong case for public financing of elections in a state like California. Analyzing full and partial public financing programs in states (including Arizona and Maine) and local jurisdictions (Los Angeles, San Francisco, New York City, etc.), the report found that public financing:

- Frees candidates from fundraising pressures;
- Reduces perceptions of wealthy contributor influence;
- Helps women, minority and new candidates run in elections;
- Diminishes funding disparities between candidates; and
- Encourages more voters to participate in elections by lowering contribution thresholds and increasing voter education.

⁷³ See Jennifer Warren, “Bowen aims to boost faith in elections,” *Los Angeles Times*, November 11, 2006.

⁷⁴ See California Government Code Section 85300 (2007).

California should repeal the ban on public financing of state elections and create a public financing program for statewide and legislative candidates. Clearly a well-constructed, well-funded public financing program—whether full or partial—would play a significant role in ameliorating some of the campaign finance and electoral problems created by Proposition 34. The question is whether politicians or the voters have the will to enact such a program.

IV. CONCLUSION

A *San Francisco Chronicle* editorial about the California Legislature's passage of Proposition 34 commented: "It is not easy to undermine the mandate of the electorate in the light of day. So [the Legislature...] literally operated under the cover of darkness."⁷⁵

The Legislature's "sneak attack"⁷⁶ on California's campaign finance law appears to have successfully accomplished its purpose. Proposition 34 undercut many of the provisions of the much stricter Proposition 208, which was passed by voters only a few years earlier. Although Proposition 208, had it gone into effect, would have had a profound effect on the role of money in California elections, Proposition 34 has left monetary flows virtually unchanged in an election environment that clearly needs reform. In a constant, never-ending cycle, private funders make large contributions to candidates—either directly, or indirectly through candidate-controlled ballot measure committees or political parties. In addition, independent expenditure committees, wealthy candidates and political parties, all of which can essentially raise and spend money in unlimited amounts, have flooded the political system with money. No apparent end is in sight.

Over time, the dominance of private money in the California political system has engendered a growing crisis of public confidence in elected officials and the democratic system of government. California is once again in need of serious campaign finance reform. The recommendations in this report are a starting point. They are meant to re-open the debate on the subject and make voters and legislators alike think about what can be done to restore faith in the state's political system.

⁷⁵ Editorial, "A Sacramento Special," *San Francisco Chronicle*, July 6, 2000.

⁷⁶ See Press Release of League of Women Voters, AARP and Common Cause, June 29, 2000, available through California League of Women Voters.

APPENDICES

Appendix 1: Large vs. Small Contributions

Year	Category	Total Raised		\$100-\$249		\$250-\$499			
		\$	%	#	%	\$	#	%	\$
1998	Total	\$92,233,516	100.00%	21669	2.98%	\$2,746,085	10180	3.08%	\$2,843,959
	Senate	\$25,232,186	100.00%	4741	2.40%	\$606,252	2123	2.37%	\$598,847
	Assembly	\$67,001,330	100.00%	16928	3.19%	\$2,139,833	8057	3.35%	\$2,245,112
	Won	\$71,284,461	100.00%	17052	3.03%	\$2,160,823	8368	3.27%	\$2,329,454
	Lost	\$20,949,055	100.00%	4617	2.79%	\$585,262	1812	2.46%	\$514,505
	Incumbent	\$48,613,127	100.00%	9914	2.59%	\$1,259,106	5184	2.94%	\$1,427,317
	Non-Incumbent	\$43,620,389	100.00%	11755	3.41%	\$1,486,979	4996	3.25%	\$1,416,642
	Democrat	\$52,972,962	100.00%	11112	2.61%	\$1,383,064	5302	2.76%	\$1,460,474
	Republican	\$39,260,554	100.00%	10557	3.47%	\$1,363,021	4878	3.52%	\$1,383,485
2000	Total	\$114,685,650	99.44%	18437	2.08%	\$2,397,482	8025	1.98%	\$2,285,592
	Senate	\$39,272,875	98.42%	5565	1.81%	\$721,472	2280	1.64%	\$655,516
	Assembly	\$75,412,775	99.99%	12872	2.22%	\$1,676,010	5745	2.16%	\$1,630,076
	Won	\$88,364,084	99.29%	12352	1.80%	\$1,604,035	5913	1.88%	\$1,669,471
	Lost	\$26,321,566	99.97%	6085	3.01%	\$793,447	2112	2.34%	\$616,121
	Incumbent	\$53,760,471	99.93%	6225	1.52%	\$816,671	2804	1.50%	\$805,229
	Non-Incumbent	\$60,925,179	99.02%	12212	2.57%	\$1,580,811	5221	2.41%	\$1,480,363
	Democrat	\$72,977,413	99.79%	9339	1.62%	\$1,187,219	4377	1.66%	\$1,214,808
	Republican	\$41,708,237	98.84%	9098	2.87%	\$1,210,263	3648	2.54%	\$1,070,784
2002	Total	\$82,854,302	99.14%	18301	2.85%	\$2,383,337	8539	2.96%	\$2,477,582
	Senate	\$20,626,829	99.60%	3263	2.10%	\$434,316	1579	2.21%	\$458,096
	Assembly	\$62,227,473	98.99%	15038	3.10%	\$1,949,021	6960	3.21%	\$2,019,486
	Won	\$69,755,519	99.01%	14815	2.77%	\$1,950,791	7392	3.05%	\$2,145,917
	Lost	\$13,098,783	99.86%	3486	3.30%	\$432,546	1147	2.53%	\$331,665
	Incumbent	\$39,059,380	99.48%	6537	2.23%	\$874,078	3347	2.51%	\$983,676
	Non-Incumbent	\$43,794,922	98.84%	11764	3.41%	\$1,509,259	5192	3.37%	\$1,493,906
	Democrat	\$55,748,738	99.44%	10927	2.51%	\$1,406,579	5119	2.61%	\$1,465,905
	Republican	\$27,105,564	98.53%	7374	3.55%	\$976,758	3420	3.68%	\$1,011,677
2004	Total	\$112,612,466	98.91%	22244	2.54%	\$2,890,918	10558	2.67%	\$3,045,351
	Senate	\$31,246,026	99.69%	6167	2.54%	\$796,907	2702	2.50%	\$783,264
	Assembly	\$81,366,440	98.61%	16077	2.54%	\$2,094,011	7856	2.74%	\$2,262,087
	Won	\$111,589,772	98.90%	22102	2.55%	\$2,873,370	10523	2.69%	\$3,035,565
	Lost	\$28,139,701	99.98%	5116	2.33%	\$654,491	2032	2.09%	\$587,828
	Incumbent	\$51,632,030	98.00%	8832	2.19%	\$1,154,065	4278	2.31%	\$1,218,513
	Non-Incumbent	\$60,980,436	99.68%	13412	2.84%	\$1,736,853	6280	2.99%	\$1,826,838
	Democrat	\$60,695,289	99.70%	11568	2.42%	\$1,471,835	5369	2.51%	\$1,530,234
	Republican	\$51,917,177	97.99%	10676	2.68%	\$1,419,083	5189	2.86%	\$1,515,117

Appendix 1: Large vs. Small Contributions (continued)

Year	Category	\$500-\$999			\$1000-\$3000			Over \$3000			Total POSITIVE Contributions		
		#	%	\$	#	%	\$	#	%	\$	#	%	\$
1998	Total	11968	7.14%	\$6,580,996	11139	17.29%	\$15,945,700	3441	69.42%	\$64,029,119	60208	100.00%	\$92,233,516
	Senate	2258	4.99%	\$1,259,463	2742	15.38%	\$3,879,765	837	74.79%	\$18,870,387	13098	100.00%	\$25,232,186
	Assembly	9710	7.94%	\$5,321,533	8397	18.01%	\$12,065,935	2604	67.40%	\$45,158,732	47110	100.00%	\$67,001,330
	Won	10110	7.79%	\$5,550,522	9488	18.98%	\$13,527,283	2773	66.86%	\$47,662,829	48879	100.00%	\$71,284,461
	Lost	1858	4.92%	\$1,030,474	1651	11.54%	\$2,418,417	668	78.12%	\$16,366,290	11329	100.00%	\$20,949,055
	Incumbent	6805	7.71%	\$3,748,565	6733	19.82%	\$9,633,766	1926	66.89%	\$32,516,585	31125	100.00%	\$48,613,127
	Non-Incumbent	5163	6.49%	\$2,832,431	4406	14.47%	\$6,311,934	1515	72.24%	\$31,512,534	29083	100.00%	\$43,620,389
	Democrat	6412	6.57%	\$3,478,518	6453	17.39%	\$9,209,663	2095	70.59%	\$37,396,150	32274	100.00%	\$52,972,962
	Republican	5556	7.90%	\$3,102,478	4686	17.16%	\$6,736,037	1346	67.84%	\$26,632,969	27934	100.00%	\$39,260,554
2000	Total	9847	4.76%	\$5,493,603	13340	17.15%	\$19,779,428	4432	73.97%	\$85,310,700	55256	100.00%	\$115,326,664
	Senate	2386	3.31%	\$1,322,299	3876	14.10%	\$5,626,585	1322	79.07%	\$31,552,477	15925	100.00%	\$39,903,327
	Assembly	7461	5.53%	\$4,171,304	9464	18.76%	\$14,152,843	3110	71.28%	\$53,758,223	39331	100.00%	\$75,423,337
	Won	8042	5.02%	\$4,470,412	11387	18.98%	\$16,893,362	3669	72.27%	\$64,321,548	42122	100.00%	\$88,997,684
	Lost	1805	3.89%	\$1,023,191	1953	10.96%	\$2,886,066	763	79.72%	\$20,989,152	13134	100.00%	\$26,328,980
	Incumbent	4745	4.95%	\$2,661,418	7222	19.88%	\$10,697,021	2385	72.12%	\$38,796,317	23747	100.00%	\$53,796,473
	Non-Incumbent	5102	4.60%	\$2,832,185	6118	14.76%	\$9,082,407	2047	75.60%	\$46,514,383	31509	100.00%	\$61,530,191
	Democrat	5558	4.11%	\$3,005,755	7806	15.95%	\$11,666,118	2891	76.61%	\$56,026,272	30514	100.00%	\$73,129,429
	Republican	4289	5.90%	\$2,487,848	5534	19.23%	\$8,113,310	1541	69.40%	\$29,284,428	24742	100.00%	\$42,197,235
2002	Total	9725	6.55%	\$5,469,847	18403	36.75%	\$30,713,744	3927	50.84%	\$42,488,897	59659	100.00%	\$83,571,285
	Senate	1826	4.96%	\$1,027,288	4087	32.35%	\$6,699,136	828	58.34%	\$12,083,166	11761	100.00%	\$20,709,970
	Assembly	7899	7.07%	\$4,442,559	14316	38.20%	\$24,014,608	3099	48.37%	\$30,405,731	47898	100.00%	\$62,861,315
	Won	8714	6.94%	\$4,891,289	16919	39.85%	\$28,072,757	3624	47.36%	\$33,368,863	51958	100.00%	\$70,454,313
	Lost	1011	4.41%	\$578,558	1484	20.13%	\$2,640,987	303	69.53%	\$9,120,034	7701	100.00%	\$13,116,972
	Incumbent	4275	6.19%	\$2,429,403	9551	39.34%	\$15,445,640	2266	49.71%	\$19,516,519	26229	100.00%	\$39,261,650
	Non-Incumbent	5450	6.86%	\$3,040,444	8852	34.46%	\$15,268,104	1661	51.85%	\$22,972,378	33430	100.00%	\$44,309,635
	Democrat	6133	6.02%	\$3,372,309	11966	35.48%	\$19,892,586	2769	53.35%	\$29,907,377	37229	100.00%	\$56,061,011
	Republican	3592	7.62%	\$2,097,538	6437	39.33%	\$10,821,158	1158	45.73%	\$12,581,520	22430	100.00%	\$27,510,274
2004	Total	10280	5.02%	\$5,714,733	21228	28.37%	\$32,298,225	7606	61.35%	\$69,855,386	72980	100.00%	\$113,857,820
	Senate	2459	4.37%	\$1,371,151	4973	24.09%	\$7,550,765	1933	66.43%	\$20,818,844	18658	100.00%	\$31,341,718
	Assembly	7821	5.26%	\$4,343,582	16255	29.99%	\$24,747,460	5673	59.43%	\$49,036,542	54322	100.00%	\$82,516,102
	Won	10238	5.04%	\$5,692,273	21131	28.50%	\$32,159,335	7526	61.17%	\$69,021,669	72578	100.00%	\$112,835,127
	Lost	1715	3.42%	\$963,560	1929	10.21%	\$2,872,361	1182	81.90%	\$23,050,475	12330	100.00%	\$28,145,830
	Incumbent	4894	5.12%	\$2,696,984	13268	38.42%	\$20,241,322	3972	51.92%	\$27,354,623	35616	100.00%	\$52,683,883
	Non-Incumbent	5386	4.93%	\$3,017,749	7960	19.71%	\$12,056,903	3634	69.48%	\$42,500,763	37364	100.00%	\$61,173,937
	Democrat	5420	4.90%	\$2,982,805	11244	28.56%	\$17,384,397	4314	61.57%	\$37,481,165	38464	100.00%	\$60,877,350
	Republican	4860	5.16%	\$2,731,928	9984	28.15%	\$14,913,828	3292	61.11%	\$32,374,221	34516	100.00%	\$52,980,470

Appendix 2: Individual vs. Non-Individual Contributions

Year	Category	Individual			Non-Individual		
		#	%	\$	#	%	\$
1998	Total	27317	28.29%	\$26,089,961	32891	71.71%	\$66,143,555
	Senate	5610	22.97%	\$5,796,079	7488	77.03%	\$19,436,107
	Assembly	21707	30.29%	\$20,293,882	25403	69.71%	\$46,707,448
	Won	20991	25.69%	\$18,316,377	27888	74.31%	\$52,968,084
	Lost	6326	37.11%	\$7,773,584	5003	62.89%	\$13,175,471
	Incumbent	11741	24.03%	\$11,679,757	19384	75.97%	\$36,933,370
	Challenger	15576	33.04%	\$14,410,204	13507	66.96%	\$29,210,185
	Democrat	14298	23.35%	\$12,370,168	17976	76.65%	\$40,602,794
	Republican	13019	34.95%	\$13,719,793	14915	65.05%	\$25,540,761
2000	Total	22883	20.87%	\$24,068,080	32373	79.13%	\$91,258,584
	Senate	7757	21.78%	\$8,692,672	8168	78.22%	\$31,210,655
	Assembly	15126	20.39%	\$15,375,408	24205	79.61%	\$60,047,929
	Won	14616	16.12%	\$14,344,313	27506	83.88%	\$74,653,371
	Lost	8267	36.93%	\$9,723,767	4867	63.07%	\$16,605,213
	Incumbent	6603	17.04%	\$9,166,105	17144	82.96%	\$44,630,368
	Challenger	16280	24.22%	\$14,901,975	15229	75.78%	\$46,628,216
	Democrat	11539	15.35%	\$11,223,993	18975	84.65%	\$61,905,436
	Republican	11344	30.44%	\$12,844,087	13398	69.56%	\$29,353,148
2002	Total	23871	22.55%	\$18,843,524	35788	77.45%	\$64,727,761
	Senate	4222	20.36%	\$4,217,361	7539	79.64%	\$16,492,609
	Assembly	19649	23.27%	\$14,626,163	28249	76.73%	\$48,235,152
	Won	19126	22.58%	\$15,905,618	32832	77.42%	\$54,548,695
	Lost	4745	22.40%	\$2,937,906	2956	77.60%	\$10,179,066
	Incumbent	7084	17.74%	\$6,963,602	19145	82.26%	\$32,298,048
	Challenger	16787	26.81%	\$11,879,922	16643	73.19%	\$32,429,713
	Democrat	14018	20.47%	\$11,478,373	23211	79.53%	\$44,582,638
	Republican	9853	26.77%	\$7,365,151	12577	73.23%	\$20,145,123
2004	Total	30883	20.48%	\$23,316,273	42097	79.52%	\$90,541,547
	Senate	9533	19.76%	\$6,191,619	9125	80.24%	\$25,150,099
	Assembly	21350	20.75%	\$17,124,654	32972	79.25%	\$65,391,448
	Won	22495	20.41%	\$23,033,129	41927	0.00%	\$89,801,998
	Lost	8388	23.57%	\$6,633,650	3942	0.00%	\$21,512,180
	Incumbent	9515	13.78%	\$7,259,987	26101	86.22%	\$45,423,896
	Challenger	21368	26.25%	\$16,056,286	15996	73.75%	\$45,117,651
	Democrat	15657	17.78%	\$10,825,061	22807	82.22%	\$50,052,289
	Republican	15226	23.58%	\$12,491,212	19290	76.42%	\$40,489,258

Appendix 3: In-State vs. Out-of-State Contributions

Year	Category	In-State			Out-of-State		
		#	%	\$	#	%	\$
1998	Total	54748	82.37%	\$75,975,648	3169	7.43%	\$6,857,164
	Senate	11969	87.44%	\$22,061,941	673	6.25%	\$1,575,931
	Assembly	42779	80.47%	\$53,913,707	2496	7.88%	\$5,281,233
	Won	44509	81.41%	\$58,031,490	2643	8.66%	\$6,172,221
	Lost	10239	85.66%	\$17,944,158	526	3.27%	\$684,943
	Incumbent	27974	78.56%	\$38,188,601	1964	9.92%	\$4,823,574
	Non-Incumbent	26774	86.63%	\$37,787,047	1205	4.66%	\$2,033,590
	Democrat	29506	82.02%	\$43,448,666	1608	8.29%	\$4,391,310
	Republican	25242	82.85%	\$32,526,982	1561	6.28%	\$2,465,854
2000	Total	50124	87.30%	\$100,680,927	3128	5.54%	\$6,385,251
	Senate	14563	89.22%	\$35,602,737	820	4.70%	\$1,874,042
	Assembly	35561	86.28%	\$65,078,190	2308	5.98%	\$4,511,209
	Won	37783	86.62%	\$77,088,529	2747	6.21%	\$5,524,319
	Lost	12341	89.61%	\$23,592,398	381	3.27%	\$860,932
	Incumbent	20924	83.62%	\$44,981,942	1776	7.71%	\$4,147,408
	Non-Incumbent	29200	90.52%	\$55,698,985	1352	3.64%	\$2,237,843
	Democrat	27552	88.65%	\$64,828,741	1794	5.19%	\$3,798,792
	Republican	22572	84.96%	\$35,852,186	1334	6.13%	\$2,586,459
2002	Total	55115	91.25%	\$76,255,758	4111	7.63%	\$6,375,203
	Senate	10969	93.92%	\$19,450,271	730	5.36%	\$1,110,497
	Assembly	44146	90.37%	\$56,805,487	3381	8.38%	\$5,264,706
	Won	47892	90.52%	\$63,774,364	3870	8.66%	\$6,101,362
	Lost	7223	95.15%	\$12,481,394	241	2.09%	\$273,841
	Incumbent	23595	87.95%	\$34,530,364	2541	11.37%	\$4,463,065
	Non-Incumbent	31520	94.17%	\$41,725,394	1570	4.32%	\$1,912,138
	Democrat	34302	91.33%	\$51,202,070	2741	7.78%	\$4,364,225
	Republican	20813	91.07%	\$25,053,688	1370	7.31%	\$2,010,978
2004	Total	67501	89.80%	\$102,249,148	5100	8.61%	\$9,807,282
	Senate	17376	88.52%	\$27,744,868	1213	8.66%	\$2,713,162
	Assembly	50125	90.29%	\$74,504,280	3887	8.60%	\$7,094,120
	Won	67138	89.77%	\$101,287,507	5064	8.65%	\$9,759,932
	Lost	11706	96.35%	\$27,118,011	467	2.22%	\$623,811
	Incumbent	32160	85.66%	\$45,128,246	3311	13.23%	\$6,968,930
	Non-Incumbent	35341	93.37%	\$57,120,902	1789	4.64%	\$2,838,352
	Democrat	35395	89.34%	\$54,386,724	2863	9.41%	\$5,731,235
	Republican	32106	90.34%	\$47,862,424	2237	7.69%	\$4,076,047

Appendix 4: Data Methodology

A. Brief Description of Data

CGS organized and condensed campaign data in the Appendices from a larger dataset called the Campaign Finance Data 1998-2004 dataset.

This dataset (completed 7-9-06) contains five worksheets: four sheets that breakdown the types of contributions received by each major Democratic and Republican candidate in the general elections for 1998, 2000, 2002 and 2004; and a summary worksheet that breaks down the types of contributions received by different *groups* of candidates for 1998, 2000, 2002 and 2004. These groups include: (a) all candidates; (b) candidates seeking a seat in the State Senate/Assembly; (c) candidates who won/lost the election; (d) candidates who are incumbents/challengers and (e) candidates who are Democrats/Republicans.

B. Data Sources

The project primarily took from the Follow the Money (“FTM”) online database (www.followthemoney.org). In addition, it took expenditure and related data from the California Secretary of State’s Cal-Access Campaign Finance Portal but found that to be generally unreliable. A dependable source of data for campaign expenditures has yet to be determined.

Data including every contribution made to every listed Democratic and Republican candidate during each year’s general election was input into an Excel spreadsheet. Four spreadsheets (called the “FTM Raw Data” spreadsheets) contain all the contributions for the four general election years included in this analysis. Excel formulas were then applied to each spreadsheet to count and measure the numbers and amounts of contributions that fall into each category of interest—\$1-\$99, \$100-\$249, \$250-\$499, \$500-\$999, \$1000-\$3000, over \$3000, Individual, Non-Individual, In-State, Out-of-State and Missing State. These formulas are not included in this methodology section. They can be found imprinted on the “FTM Raw Data” spreadsheets to the right of the columns of raw data.

1. Follow the Money Online Database

All of the data for candidates and their contributions were taken from Follow the Money’s online databases, using the “Power Search” tool for the 1998, 2000, 2002 and 2004 general election years. Contribution data are 100% complete for 1998 and 2000, 95% complete for 2002, and 90% complete for 2004. Data from the FTM online database can be found in the spreadsheet columns shaded gray.

2. California Secretary of State’s Cal-Access Campaign Finance Portal

Aggregate data for candidate campaign finance accounting, especially expenditures, were taken from the California Secretary of State’s Cal-Access online campaign finance database (<http://cal-access.ss.ca.gov/Campaign/Candidates/>). For the 2000, 2002 and 2004 general elections, data were selected from the most likely campaign committees for each candidate. In many cases, these data appear to be incomplete, dubious and heavily inconsistent with the FTM online database listings. Some possible reasons for this phenomenon include: (1) the California Secretary of State’s Cal-Access portal only includes the contributions that were *originally registered online* by campaign committee treasurers and not all contributions reported by all campaign committees; (2) the database only includes filings for candidates who raise at least \$50,000 in the specified general election; (3) the

database does not calculate aggregates for campaigns with multiple finance committees; (4) some candidates' electronic finance reports for qualifying candidates have not yet been uploaded to the database; and/or (5) the database does not treat cross-campaign contributions (contributions from one candidate to another, or contributions from one candidate to another campaign committee) in a consistent manner. Because selecting the relevant committee was more an art than a science, the identification number for every committee from which data were taken is included in the spreadsheet for future reference. The Secretary of State's office admits that the "Advanced Search" tool on the database website is subject to error and advises that the tool not be used for large data collection projects.

However, data for the 1998 general election are complete and accurate and can be found in the California Secretary of State's Political Reform Division's Campaign Finance Analysis listings for 1998, (http://www.ss.ca.gov/prd/finance98_general_final/98gencandmainpage.htm).

A complete description of the methodology for compiling the Appendices, as well as the Campaign Finance Data 1998-2004 dataset, are available on file with CGS.

Appendix 5: CGS Publications and Projects

Reports

Re-Drawing Lines: A Public Interest Analysis of California's 2006 Redistricting Reform Proposals (2006)

Keeping it Clean: Public Financing in American Elections (2006)

State Public Financing Laws (2005)

Public Financing Laws in Local Jurisdictions (2005)

California Fair Redistricting Act: A Model Law (2005)

PolicyArchive.Net: Assessing the Quality and Availability of Policy Research in the Internet World (2005)

Drawing Lines: A Public Interest Guide to Real Redistricting Reform (2005)

Video Voter: How to Produce Election Coverage in Your Community (2004)

Campaign Finance Disclosure Model Law CGS/Campaign Disclosure Project (2004)

Losing Ground: How Taxpayer Subsidies & Balkanized Governance Prop Up Home Building in Wildfire and Flood Zones (2004)

A New Sacramento Policy Center: A CGS Feasibility Study (2004)

Political Reform That Works: Public Campaign Financing Blooms in Tucson (2003)

Public Financing of Elections: Where To Get The Money? (2003)

Electronic Filing and Disclosure Update (2002)

A Statute of Liberty: How New York City's Campaign Finance Law Is Changing the Face of Local Elections (2002)

Alluvial Amnesia: How Government Plays Down Flood Risks in the Push for Development (2002)

Dead on Arrival? Breathing Life Into Suffolk County's New Campaign Finance Reforms (2002)

On the Brink of Clean: Launching San Francisco's New Campaign Finance Reform (2002)

Eleven Years of Reform: Many Successes, More to Be Done: Campaign Finance Reform in the City of Los Angeles (2001)

Access Delayed Is Access Denied: Electronic Reporting of Campaign Finance Activities (2000)

Campaign Money on the Information Superhighway: Electronic Filing and Disclosure of Campaign Finance Reports, CGS/National Resource Center for State and Local Campaign Finance Reform (1996-1999)

Promises to Keep and Miles to Go: A Summary of the Joint Meeting of the California Citizens Commission on Higher Education and the California Education Roundtable (1997)

Books

Investing in Democracy: Creating Public Financing of Elections In Your Community (2003)

Affordable Health Care for Low Income Californians: Report and Recommendations of the California Citizens Budget Commission (2000)

Toward a State of Learning: California Higher Education for the Twenty-First Century, Recommendations of the California Citizens Commission on Higher Education (1999)

A 21st Century Budget Process for California: Recommendations of the California Citizens Budget Commission (1998)

A State of Learning: California and the Dream of Higher Education in the Twenty-First Century, California Citizens Commission on Higher Education (1998)

Opportunity Through Technology: Conference Report on New Communication Technology and Low-Income Communities (CGS/ConnectLA 1997)

A Shared Vision: A Practical Guide to the Design and Implementation of a Performance-Based Budget Model for California State Health Services, California Citizens Budget Commission (1997)

The Price of Justice: A Los Angeles Area Case Study in Judicial Campaign Financing, California Commission on Campaign Financing (1995)

Reforming California's Budget Process: Preliminary Report and Recommendations, California Citizens Budget Commission (1995)

California at the Crossroads: Choices for Health Care Reform, Lucien Wulsin, Jr. (1994)

Democracy by Initiative: Shaping California's Fourth Branch of Government, California Commission on Campaign Financing (1992)

To Govern Ourselves: Ballot Initiatives in the Los Angeles Area, California Commission on Campaign Financing (1992)

Money and Politics in the Golden State: Financing California's Local Elections, California Commission on Campaign Financing (1989)

Money and Politics in Local Elections: The Los Angeles Area, California Commission on Campaign Financing (1989)

The California Channel: A New Public Affairs Television Network for the State, Tracy Westen and Beth Givens (1989)

Update to the New Gold Rush, California Commission on Campaign Financing (1987)

The New Gold Rush: Financing California's Legislative Campaigns, California Commission on Campaign Financing (1985)

Media Projects

Video Voter: A new system of interactive video information on candidates in federal, state and local elections (2001-present) (www.videovoter.org).

HealthVote.org: A joint project of the California HealthCare Foundation and the Center for Governmental Studies. Provides non-partisan, detailed information about health-related measures on California's ballots (www.healthvote.org).

PolicyArchive.Net: A new web-based archive of public policy research (2002-present).

ConnectLA: A bi-lingual, web-based system of information and services for low-income users and communities of color (1998-present) (www.ConnectLA.org).

Digital Democracy: An email-based system of communication between citizens and elected officials on public policy issues (2002-present) (see www.cgs.org).

The Democracy Network: An interactive web-based system of political information for elections in California and other states (1996-2000) (www.dnet.org).

The Democracy Network: An interactive video-on-demand system of candidate information on Time-Warner's Full Service Network in Orlando, Florida (1996).

City Access: Report on the Design of a New Interactive System of Local Government (1995).

The California Channel: A satellite-fed, cable television network providing over six million California homes with gavel-to-gavel coverage of the state legislature (1989-1993) (www.CalChannel.com).

CGS has published dozens of major books and reports on campaign finance, political and media reform. Most of the reports can be downloaded from the CGS website, www.cgs.org or ordered by calling the Center for Governmental Studies, (310) 470-6590.