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**COMMITTEE OF SEVENTY PRAISES COUNCIL FOR HOLDING  
BILLS DISMANTLING POLITICAL ACTIVITY RULES  
Also Applauds City's First Bill Regulating Lobbyists**

**PHILADELPHIA – June 3, 2010** – The Committee of Seventy today commended Philadelphia City Council for passing important ethics legislation and holding bills that would have politicized a large portion of the city's workforce.

Beginning in July 2011, individuals and firms that lobby public officials must register with the Philadelphia Board of Ethics and report their spending intended to influence public officials. The bills that were held would have permitted lower-level city employees to serve as ward leaders, committeemen and women, and to take an active part in the management or affairs of a political party or political campaign.

Zachary Stalberg, President and CEO of the Committee of Seventy, the non-partisan organization that champions honest government, called Council's actions the most momentous developments in making City Hall more honest and accountable since the Board of Ethics was approved by the voters in May of 2006.

**Rules on Political Activity and Political Expression**

"It is almost unheard of for bills sponsored by 15 Council members to be held on the day of final passage," said Stalberg. "Council deserves a lot of credit for keeping intact the 60-year old rules that were put in place to insulate the city workforce from political influence."

The Committee of Seventy was joined by the Nutter administration, the Board of Ethics, and the Mayor's Task Force on Ethics and Campaign Finance Reform in vigorously protesting a proposed ballot question – which Council had intended to submit to city voters in November of 2010 – that would have allowed this

Council and future Councils to set political activity rules by ordinance. A companion resolution would have opened the door for lower-level city employees to engage in political activities that have been banned by the City Charter since 1951.

“Rather than waging an all-out war over the ballot question this fall, both sides can instead engage in a productive dialogue about the complicated issues related to what types of political behavior should be acceptable during non-work hours,” Stalberg said. At a May 15 public hearing, Seventy pleaded with Council not to rush in rewriting the political activity rules, especially during the most critical time in the budget season. “Forcing changes at the expense of deliberate decision-making posed too great a risk of enacting bad laws that are likely to be misunderstood and violated,” he explained.

Stalberg said that Seventy strongly supports Council’s desire to give city employees more constitutional freedom of expression than they have under the current rules, which have been interpreted to prohibit wearing political buttons outside of work, posting lawn signs at private homes, or writing letters to the editor of a newspaper as a private citizen. Stalberg repeated Seventy’s call for the Board of Ethics to exercise its authority to promptly pass a regulation to relax rules on political expression.

Stalberg also urged Council to propose a separate ballot question to permit police officers to make voluntary campaign contributions, like everyone else in city government, including firefighters. This ban – which also applied to firefighters until it was ruled unconstitutional by a federal court in 2003 – cannot be overturned by an Ethics Board regulation.

Council’s bills on political activity were prompted by the December 2009 Final Report and Recommendations of the Task Force on Ethics and Campaign Finance Reform. The Task Force was convened by Mayor Nutter in fulfillment of a pledge he made in response to an Ethics Agenda submitted by the Committee of Seventy to all the 2007 mayoral candidates. That report is available at [http://www.seventy.org/Downloads/Policy\\_&\\_Reform/Campaign\\_Finance/Task\\_Force\\_Final\\_Report](http://www.seventy.org/Downloads/Policy_&_Reform/Campaign_Finance/Task_Force_Final_Report).

Recommendations to the Task Force made by the Committee of Seventy – many of which made their way into the Task Force’s report – are contained in three separate reports that are available at: [http://www.seventy.org/OurViews\\_Reccomendations\\_to\\_the\\_Mayors\\_Task\\_Force.aspx](http://www.seventy.org/OurViews_Reccomendations_to_the_Mayors_Task_Force.aspx).

## **Lobbyist Registration and Disclosure**

According to Stalberg, the unexpected holding of the political activity bills should not overshadow the significance of the bill passed by Council requiring city lobbyists to register and disclose how much money they are spending to influence public officials.

“After the intense lobbying on the mayor’s proposed sugary drink tax – where there was no obligation to reveal who was doing the lobbying or how much they were spending – this bill could not come at a better time,” Stalberg said. “It’s has been an embarrassment that Philadelphia is the largest city in the country without any law regulating the conduct and spending of lobbyists.”

Stalberg applauded Council for revising the lobbyist bill originally introduced on March 4 to address concerns raised by Seventy, the Ethics Board and others. “Council’s willingness to be open-minded resulted in a strong regulation that will make lobbying activity transparent for the first time,” he said. “It’s a huge step forward.”

Stalberg urged Mayor Nutter and City Council to ensure that the Board of Ethics has sufficient funds and personnel to carry out its increased responsibilities under the new law, which will go into effect on July 1, 2011. Although the lobbyist law requires a \$500 fee at the time of each registration, those funds are not earmarked for the Ethics Board. Stalberg noted that Pennsylvania’s Lobbying Act specifically establishes a fund into which lobbyists’ filing fees are deposited in order to provide continuing appropriations for carrying out the law’s provisions.

“Philadelphia should follow the state’s lead and specifically direct registration dollars to the Ethics Board,” Stalberg said. “This would obviate the need to dip into general fund dollars during tough economic times.” He added that “the lobbying law will inevitably become meaningless if no one has the ability to make sure it is adhered to.”

## **Campaign Finance Laws**

Stalberg expressed support for three bills that also were passed today in Council:

- Allowing covered candidates to receive post-candidacy contributions to retire campaign debt or to defray the cost of a transition or inauguration.
- Permitting covered candidates to establish a separate committee and checking account for contributions to pay for litigation expenses.
- Increased penalties for violations of ethics and campaign finance laws, along with a sliding scale for considering mitigating and aggravating factors.

Seventy's discussion of these bills during the May 15 public hearing before Council's Committee of the Whole is available at:

[http://www.seventy.org/Downloads/Policy\\_&\\_Reform/Testimony/Seventy\\_Ethics\\_Testimony\\_3.15.10.pdf](http://www.seventy.org/Downloads/Policy_&_Reform/Testimony/Seventy_Ethics_Testimony_3.15.10.pdf)

Stalberg said that, although Seventy appreciated revisions to the bill originally proposed on March 4, the organization continued to oppose allowing ward committees controlled by ward leaders/candidates to print and distribute sample ballots. He said that "the bill gives the ward leaders who are also candidates an unfair advantage over non-ward leader challengers, and also allows them ensure that other incumbents are on their ward's sample ballot. Incumbents have enough of an advantage already without this added benefit."

Stalberg called on the Board of Ethics to address, by regulation, an effective way to separate ward leader/candidates from ward expenditures. "We are not naive in believing that a foolproof wall can be established," he said. "But, to the greatest extent possible, ward leaders who are running for political office should not be in charge of spending their ward committee's money to benefit their campaigns."

### **Future Ethics and Campaign Finance Bills**

Finally, Stalberg expressed Seventy's disappointment that Council did not act on three bills first introduced by Councilman Frank Rizzo in 2007 to strengthen the city's existing rules on accepting gifts and regulating outside employment and to enact an anti-nepotism policy. Councilman Rizzo's bill were addressed at Council's May 15 public hearing but were never called for a vote.

"Seventy understands that the topics covered in Councilman Rizzo's bills touch a raw nerve," Stalberg said. "But they are significant issues that either are not covered by any law or covered inadequately. They must be seriously addressed in the near future."

Stalberg pledged that Seventy would continue to fight for tighter ethics and campaign finance laws, especially as the 2011 municipal elections get under way. "After all the hard work and time already devoted by Council and many others, it would be exceedingly frustrating if the reform effort were to end because our elected officials have 'done enough,' " he said. "When it comes to clean and trustworthy government, there is no such thing as 'enough ethics.'"

*The Committee of Seventy is a non-partisan organization fighting for clean and effective government, fair elections and informed citizens. See [www.seventy.org](http://www.seventy.org) for more information.*

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