

## HOW PHILLY WORKS

### 2015 Philly's Mayor Race: Lots of rumors but who is ACTUALLY running?

Lynne Abraham...Alan Butkovitz...Darrell Clarke...Nelson Diaz...Terry Gillen...Sam Katz...Jim Kenney...Frank Rizzo, Jr....Dana Spain...Milton Street...Ken Trujillo...Tony Williams.

Will they or won't they...

...run for the open seat for Mayor of Philadelphia in 2015?

Because of a peculiar definition of "candidate" in the city's campaign finance law, no one (to our knowledge) is an official candidate for mayor. Even though many have taken significant steps – including raising money, creating websites and hiring consultants – towards throwing their hats in the ring.

Since Labor Day is the unofficial kickoff of the 2015 municipal elections, what separates wannabes from actual candidates is the subject of today's **HOW PHILLY WORKS**.

-- September 3, 2014

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#### **If it looks like a duck, swims like a duck and quacks like a duck, isn't it a duck?**

Not in Philly. The city's [campaign finance law](#) defines "candidate" as an individual who files nomination papers or petitions, or publicly announces his or her candidacy, for City elective office.

#### **Drop the legalese. What does this mean?**

It essentially means you're not a candidate for most elective offices in Philly until you stand on top of William Penn's hat and shout at the top of your lungs: "I am a candidate."

#### **Be serious.**

We're only half-facetious. With the exception of city judgeships and the Register of Wills (which are considered state candidates), every other local elective office falls under the city's campaign finance law. The law spells out how much money candidates can raise and spend (other than their own money), as well as what information they must disclose to the public and when. It's up to the five-member Philadelphia Board of Ethics to administer and enforce the law.

#### **Does the Board of Ethics have anything to say about when someone becomes a candidate?**

It does, because the Board also has the job of interpreting the law, which it has done by issuing a lengthy [regulation](#) specifically devoted to "Campaign Finance." Let's take the easy part first – where an individual becomes a candidate by filing nomination petitions or papers. These are documents that must be signed by qualified voters and officially filed in order for an individual to be placed on a ballot for the primary election (Democrats and Republicans) or general election (minority party candidates). For the 2015 primary election candidates, the deadline for filing nominating petitions is March 10, 2015. For the 2015 general election candidates, the deadline for filing nomination papers is August 3, 2015.

### **So a Democrat or Republican may not actually be a “candidate” for Mayor until March 10, 2015?**

That’s right – unless he or she publicly announces his or her candidacy before then. By the way, the primary election is on May 19, 2015.

### **I’ve read that some people you named have said they would like to be Mayor.**

According to a [formal opinion](#) of the Board of Ethics, you are not considered a “candidate” under the city’s campaign finance law if you or someone authorized by you, circulate nomination papers or petitions; if you tell your friends you are planning to run (and no one from the press is there when you say it); if you say you are ready, willing and able to run; if you speak to political advisors about your chances to win if you were to run or about how to jumpstart your fundraising; or, you even launch a campaign website.

### **If it looks like a duck...**

We’re with you. Back in 2009, Seventy urged a Task Force on Ethics and Campaign Finance Reform to adopt the commonsense approach taken in the state’s Election Code. Under state law, an individual becomes a candidate for a state elective office the moment he or she receives a contribution or agrees to let someone else accept a contribution made “for the purpose of influencing his nomination or election” to the office. It doesn’t even matter if the individual has even decided the specific office to which he or she wants to be nominated or elected!

### **Did the Task Force agree?**

It did and recommended that City Council expand the definition of “candidate” to mirror the state’s definition.

### **Why Council? Can’t the Board of Ethics “interpret” the definition to match the state definition?**

The Board of Ethics can’t write the campaign finance law. It can only interpret what the law already says.

Incidentally, the Board is holding a public hearing on some [proposed revisions](#) to its Campaign Finance regulation, but they don’t relate to the definition of “candidate.”

### **So only City Council can change the definition. What’s the big deal?**

The big deal has to do with three words: Resign to Run. All current city employees, elected and appointed, must resign when they become candidates for a public office (unless they are running for reelection). City voters have twice rejected City Council’s efforts to eliminate resign to run for elected officials, the most recent effort in May of this year. We told you all about this [here](#). So if Council members Clarke or Kenney, or City Controller Butkovitz, either file nomination petitions or publicly announce their candidacies for Philadelphia’s mayor, they must resign their current jobs.

### **Now I get why Council doesn’t want to change the definition. Do non-candidates still have to obey campaign contribution limits?**

Technically non-candidates are not bound by the campaign finance law so they can raise unlimited dollars. But there’s a serious hitch: Once individuals become “candidates,” they can’t spend what’s called “excess pre-candidacy contributions” to influence their election. Here’s the Board of Ethics’s example, which we have updated for 2015: “Person A is contemplating becoming a candidate for City elective office in 2015. On November 15, 2014 Person A’s political committee receives \$3,000 from an individual. On December 1, 2014, Person A declares her candidacy for City elective office. Person A

may not spend \$100 of the \$3,000 “pre-candidacy” contribution to influence her 2015 election because the contribution limit from an individual is \$2,900.”

**Those “excess pre-candidacy” rules seem pretty complicated.**

They can be, especially if you’re new to the game and don’t understand how to handle them. For this reason, many people exploring a run for city elective office abide by the campaign contribution limits anyhow. Now that the 2015 elections are in sight, start expecting public announcements pretty soon. You can turn to [www.seventy.org](http://www.seventy.org) – or call our **new year-round elections and voting hotline at 1-855-SEVENTY** – for all the news as it happens.

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