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CONSENT CALENDAR

October 13, 2026

To: Honorable Mayor and Members of the City Council

From: Councilmember Igor Tregub (Author), Mayor Adena Ishii (Co-Sponsor), Councilmember Mark Humbert (Co-Sponsor), and Councilmember Cecilia Lunaparra (Co-Sponsor)

Subject: Resolution in Support of Proposition 4, the California Fair Elections Act of 2026, on the November 3, 2026, General Election Ballot.

RECOMMENDATION

Adopt a resolution in support of Proposition 4, the California Fair Elections Act of 2026, on the November 3, 2026, general election ballot, which would repeal the existing prohibition on public funding of candidate election campaigns and allow state and local governments to establish public campaign financing systems subject to specified requirements.

CURRENT SITUATION AND ITS EFFECTS

Existing California law prohibit a public officer from expending, and a candidate from accepting, public money for the purpose of seeking elective office. Proposition 4, the California Fair Elections Act of 2026¹, would not establish a public campaign financing program for any particular jurisdiction, it would however repeal the prohibition and allow state and local governments to establish public campaign financing systems subject to specified requirements.

¹ <https://lao.ca.gov/BallotAnalysis/Proposition?number=4&year=2026>

Proposition 4 would require candidates participating in public campaign financing programs to meet specified criteria, abide by expenditure limits, and restrict how public funds may be used. Public funds could not be used for legal defense fees, fines, or repayment of personal loans to a campaign. If a candidate accepts public funds, they would also be prohibited from using any source of funds to repay a personal campaign loan after the campaign ends.

Public funding statutes, charters, ordinances, and resolutions established under Proposition 4 could not discriminate based on political party or whether a candidate is a challenger or incumbent. Proposition 4 would also change penalties for violations of California's prohibition on certain foreign contributions and expenditures: violators would face a fine of at least the amount contributed or spent and up to three times that amount.

The current ban extends to general law cities, all counties, all districts, and the state government. Charter cities are permitted to establish public campaign finance programs.²

Berkeley has existing experience with public campaign financing. Berkeley is one of seven charter cities in California with public campaign financing programs. In two cities, Richmond and Sacramento the program has not been funded and was not available to candidates in the recent elections.

The Berkeley Fair Elections Program was initially available to candidates for City Council and Mayor. In September 2021, the City Council initiated an expansion of the program, and later that year adopted legislation³ making School Board Director, Rent Stabilization Board Commissioner, and City Auditor candidates eligible to participate⁴.

Proposition 4 would allow state and local governments to establish public campaign financing systems while establishing requirements governing eligibility, expenditure limits, and the use of public funds.

FISCAL IMPACTS OF RECOMMENDATION

Limited staff time is required to communicate the City's position to State representatives.

² Political Reform Act of 1974: public campaign financing: California Fair Elections Act of 2026.

<https://aelc.assembly.ca.gov/system/files/2025-06/sb-42-umberg-17513108230298490.pdf?utm.com>

³ <https://berkeleyca.gov/your-government/city-council/city-council-agendas/city-council-regular-meeting-agenda-december-14-2021>

⁴ [https://berkeleyca.gov/sites/default/files/documents/2021-12-](https://berkeleyca.gov/sites/default/files/documents/2021-12-14%20Item%2002%20Amendments%20to%20the%20Berkeley%20Election%20Reform%20Act.pdf?utm.com)

[14%20Item%2002%20Amendments%20to%20the%20Berkeley%20Election%20Reform%20Act.pdf?utm.com](https://berkeleyca.gov/sites/default/files/documents/2021-12-14%20Item%2002%20Amendments%20to%20the%20Berkeley%20Election%20Reform%20Act.pdf?utm.com)

This recommendation does not establish a new public campaign financing program for the City of Berkeley.

ENVIRONMENTAL SUSTAINABILITY

There are no identifiable environmental effects or opportunities associated with the subject of this report.

CONTACT PERSON

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Attachments:

1. Resolution

RESOLUTION NO. ##,###N.S.

RESOLUTION IN SUPPORT OF PROPOSITION 4, THE CALIFORNIA FAIR ELECTIONS ACT, ON THE NOVEMBER 2026 GENERAL ELECTION BALLOT

WHEREAS, Proposition 4, the California Fair Elections Act, will appear on the November 2026, general election ballot; and

WHEREAS, Proposition 4 would repeal California's longstanding ban on public funding of campaigns and allow any city, county, district, or the State of California to establish public campaign financing systems subject to specified requirements; and

WHEREAS, Proposition 4 would not require any city, county, district, or the State of California to establish a public campaign financing program, but would instead give jurisdictions the option to create such systems for their own elections; and

WHEREAS, Proposition 4 would require public funding candidates to abide by expenditure limits and meet certain criteria to qualify for public funds; and

WHEREAS, Proposition 4 would prohibit the use of public funds to pay for legal defense or fines; and

WHEREAS, Proposition 4 would prohibit candidates that receive public funds from repaying personal loans with public funds, or from repaying personal loans with private donations after the campaign ends; and

WHEREAS, Proposition 4 would prohibit public funding systems from discriminating based on political party or against challengers in favor of incumbents; and

WHEREAS, Proposition 4 would triple the maximum fines for illegal foreign campaign contributions and expenditures, strengthening penalties for those who attempt to interfere in California's elections; and

WHEREAS, only charter cities are currently allowed to establish public campaign financing programs; and

WHEREAS, the City of Berkeley is one of seven cities, alongside Long Beach, Los Angeles, Oakland, San Francisco, Richmond and Sacramento that has passed a statute, ordinance, resolution, or charter amendments to create a dedicated fund to extend public funds to candidates seeking elective office; and

WHEREAS, Proposition 4 would allow other cities, counties, districts, and the State of California to establish public campaign financing systems while providing basic requirements for fairness, accountability, and transparency;

NOW, THEREFORE, BE IT RESOLVED, that the Berkeley City Council hereby declares its support for Proposition 4, the California Fair Elections Act, on the November 2026, general election ballot.

