



Igor Tregub
Councilmember, District 4

CONSENT CALENDAR
April 15, 2025

To: Honorable Mayor and Members of the City Council

From: Councilmember Igor Tregub (Author), Councilmember Brent Blackaby (Co-Sponsor), Councilmember Cecilia Lunaparra (Co-Sponsor), Councilmember Terry Taplin (Co-Sponsor)

Subject: Resolution in Support of California Senate Bill 42 (Umberg, Allen) California Fair Elections Act of 2026 to Amend Sections 85300 and 85320 of the Government Code, relating to the Political Reform Act of 1974.

RECOMMENDATION

Adopt a resolution in support of California State Senate Bill 42 (Umberg, Allen) California Fair Elections Act of 2026 to Amend Sections 85300 and 85320 of the Government Code, relating to the Political Reform Act of 1974, which is moving through the legislature to appear on the California general election ballot on November 3rd, 2026; and distribute copies to the California Governor Gavin Newsom, Senator Jesse Arreguín, Assemblymember Buffy Wicks, California Senate President pro Tempore Mike McGuire, and California Assembly Speaker Robert Rivas to advocate for its passage.

CURRENT SITUATION AND ITS EFFECTS

The Political Reform Act, 2025 Edition, states that a public officer or candidate is generally prohibited from using public funds to seek elective office, unless a dedicated fund is established by the state or local government, and the fund is available to all

qualified candidates regardless of incumbency or party, with established criteria for determining eligibility.¹

Senate Bill 42 seeks to amend Sections 85300 and 85320 of the Government Code, relating to the Political Reform Act of 1974 to allow public officers or candidates to use public funds for seeking office with strict criteria and expenditure limits, prohibit the use of funds for legal defense or personal loans, establish more robust penalties for foreign interference in elections, and require voter approval in the 2026 general election.²

Senate Bill 42 will not establish public financing for campaigns or mandate that any government provide it. Instead, it more readily gives local and state governments the option to create laws that establish public campaign financing programs, while ensuring basic protections for fairness, accountability, and source of funds.

Berkeley is one of only five cities, alongside Long Beach, Los Angeles, Oakland, and San Francisco, that has passed a statute, ordinance, resolution, or charter to create a dedicated fund to extend public funds to candidates seeking elective office.³ Nearly 65% of Berkeley Voters in 2016 passed Measure X1 to establish a \$500,000 annual fund to pay for the city's public campaign funding program for city council members and the mayor who follow certain restrictions and rules in gathering their campaign funding.⁴ In 2020, the City Council extended these funds to School Board Director, Rent Board Commissioner, and City Auditor candidates.⁵

FISCAL IMPACTS OF RECOMMENDATION

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

ENVIRONMENTAL SUSTAINABILITY

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

CONTACT PERSON

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¹ https://www.fppc.ca.gov/content/dam/fppc/NS-Documents/LegalDiv/The%20Political%20Reform%20Act/2025/2025_Act.pdf

² Senate Bill 42 <https://legiscan.com/CA/text/SB42/id/3103934>

³ Senate Bill 42 Fact Sheet, Senator Umberg

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[https://ballotpedia.org/Berkeley, California, Funding for Public Campaign Finance Program, Measure X1 \(November 2016\)](https://ballotpedia.org/Berkeley,_California,_Funding_for_Public_Campaign_Finance_Program,_Measure_X1_(November_2016))

<https://berkeleyca.gov/sites/default/files/documents/FCPC%20Filing%20Manual%202024%20-%20FINAL.pdf>

Amy Johnson, Legislative Aide, Council District 4
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Attachments:

1. Resolution
2. Fact Sheet

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

RESOLUTION IN SUPPORT OF CALIFORNIA SENATE BILL 42 CALIFORNIA FAIR ELECTIONS ACT OF 2026 TO AMEND SECTIONS 85300 AND 85320 OF THE GOVERNMENT CODE, RELATING TO THE POLITICAL REFORM ACT OF 1974

WHEREAS, Senate Bill 42 seeks to provide voters with the opportunity to decide, on the November 2026 ballot, whether to amend current restrictions on public financing of campaigns in California, while establishing basic requirements for public financing systems to ensure fairness, accountability, and transparency; and

WHEREAS, Senate Bill 42 is supported by a broad coalition of civil rights organizations, voters, and legal experts, who recognize it as a critical step in addressing the influence of money in politics, and is sponsored by the California Clean Money Campaign and cosponsored by California Common Cause and the League of Women Voters of California, all dedicated to promoting transparency, accountability, and fairness in elections; and

WHEREAS, the current ban on public financing restricts local governments and the state from creating systems that amplify the voices of everyday voters, reduce the influence of wealthy donors, and empower diverse candidates to run for office and better represent their communities; and

WHEREAS, Senate Bill 42 would repeal the ban on public campaign financing, ensuring that no public funds would be used for education, transportation, or public safety purposes, while setting strict criteria for candidates, including restrictions on using funds for legal defense, fines, or repayment of personal loans; and

WHEREAS, Senate Bill 42 does not mandate public financing, but gives local governments and the state the option to create such programs with necessary safeguards, promoting a fairer, more inclusive electoral process; and

WHEREAS, Senate Bill 42 aligns with the growing desire among voters for changes to campaign finance systems, with significant support for public financing in charter cities and a strong push for reform across the state; and

WHEREAS, the passage of Senate Bill 42 would help strengthen California's democratic processes by providing greater access to candidates from all backgrounds, ensuring public trust in the electoral system; and

WHEREAS, the City of Berkeley is one of the five municipalities that has established a public fund for more equitable elections; and

WHEREAS, 65% of Berkeley Voters in 2016 passed Measure X1 to establish a \$500,000 annual fund to pay for the city's public campaign funding program for city

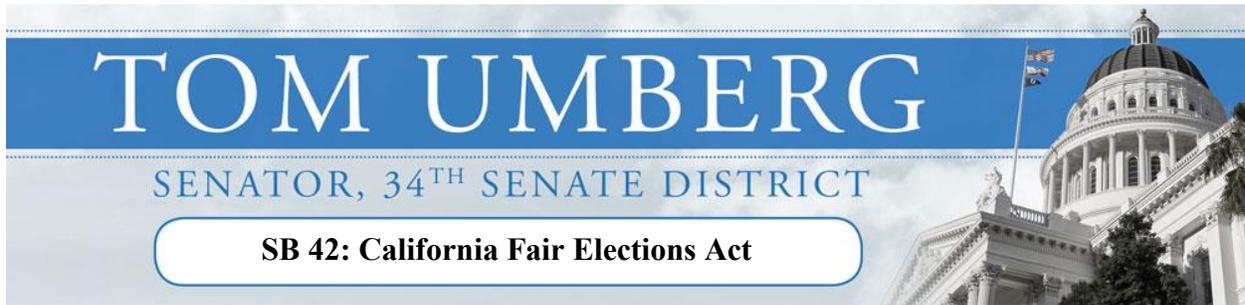
council members and the mayor who follow certain restrictions and rules in gathering their campaign funding; and

WHEREAS, in September of 2021, the City Council extended these funds to School Board Director, Rent Board Commissioner, and City Auditor candidates.

NOW, THEREFORE, BE IT RESOLVED, that the Berkeley City Council hereby declares its support for California State Senate Bill 42, which would allow voters to decide on repealing the ban on public financing of campaigns and provide a fair, accountable framework for future public financing programs; and

BE IT FURTHER RESOLVED, that the Berkeley City Council directs the City Manager to distribute copies to the California Governor Gavin Newsom, Senator Jesse Arreguín, Assemblymember Buffy Wicks, California Senate President pro Tempore Mike McGuire, and California Assembly Speaker Robert Rivas to advocate for its passage.

PASSED AND ADOPTED by the City Council of Berkeley on this 15 day of April 2025, by the following vote:



SUMMARY

SB 42 will provide voters the opportunity to decide on a measure on the November 2026 ballot to remove the current prohibition of public financing of campaigns in California while establishing basic requirements that public financing systems and candidates using public funding must follow to protect taxpayers and maximize the benefit to voters.

BACKGROUND

In 2010, a 5-4 majority of the US Supreme Court ruled in *Citizens United v. FEC* that corporations and outside groups can spend unlimited funds on elections, reversing longstanding federal campaign finance regulations that limited the influence of big money in elections.

Five charter cities have active public financing systems that amplify the voices of everyday voters and provide candidates with an alternative fundraising system to relying on wealthy donors: Berkeley, Long Beach, Los Angeles, Oakland, and San Francisco.

Unfortunately, such programs are prohibited in California jurisdictions other than charter cities by the Political Reform Act of 1974 due to a provision enacted by [Proposition 73](#) in 1988. In 2016, the legislature passed, and Governor Jerry Brown signed, [SB 1107](#) (Allen) that would have removed the ban, but the courts ruled the question must be put before the voters.

NEED FOR THE BILL

Voters are increasingly concerned about the problem of money in politics, with only 20% in a [recent poll](#) saying they were satisfied with the nation's campaign finance laws. In a [June 2024 poll](#) conducted by the California Clean Money Campaign, 84% of likely voters said we need to change the way we finance election campaigns, with 56% saying we need to make major changes.

Public campaign financing measures to address such concerns are extremely popular and have been approved overwhelmingly by voters in charter cities. 75% of

voters voted for Los Angeles' Measure H in 2011, 65% voted for Berkeley's Measure X1 in 2016, and 74% voted for Oakland's Measure W in 2022. But voters and candidates in counties, districts, general law cities, and the state currently cannot be given the same opportunity.

Public financing of campaigns would reduce the barriers of entry to run for public office – empowering everyday Californians to represent their communities and diversifying the candidate pool.

SOLUTION

SB 42 will give voters the chance to address these issues and restore control to local governments and the state by placing the California Fair Elections Act on the 2026 ballot to repeal the ban on campaign public financing while requiring that no public moneys be used that are earmarked for education, transportation, or public safety.

The measure will require that voluntarily participating public funding candidates must abide by expenditure limits and meet strict criteria to qualify such as requiring that candidates must receive small dollar contributions or vouchers from a specified number of adult residents. It will bar the use of public funds to pay for legal defense, fines, or repayments of personal loans to candidates' campaigns, and will specify that public funding systems shall not discriminate based on party or according to whether a candidate is a challenger or an incumbent.

SB 42 will not create public financing of campaigns or require any government to offer public financing. It will simply remove the ban and allow local governments and the state the option to enact laws that create programs for public financing of campaigns while requiring basic protections for fairness, accountability, and where the money can come from.

SUPPORT

California Clean Money Campaign (sponsor)
California Common Cause (cosponsor)
League of Women Voters of California (cosponsor)

FOR MORE INFORMATION

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