Allan Domb’s Plan to Make Philadelphia’s Elections and Government More Transparent, Accountable and Ethical

A standard lament when discussing Philadelphia’s long history of mismanagement and ethical shortcomings is that the city is “corrupt and contented.”

Allan Domb knows that this famous statement is not true: few things enrage Philadelphians more than corruption, whether real or imagined. But it is true that Philadelphians do not believe that City officials are focused on the needs of city residents and workers. Recent polling reveals that as much as 85 percent of Philadelphians believe that elected officials are too focused on helping special interests and politically connected insiders, rather than serving the general public.

Allan also knows that the next mayor is going to have to make some hard choices to address the city’s problems and, to garner support for the necessary changes, the public will need to have confidence that decisions are being made for the right reasons, with no hidden agendas or beneficiaries.

Cynics may point out that past efforts to reform city government and campaigns have been sporadic and ineffective. But Allan believes the time is ripe to improve how Philadelphia operates and elects its leaders and as mayor, he will institute the broadest conflict of interest policies and ethics reforms the city has seen in generations.

Allan Domb’s Plan to Avoid Personal Conflicts of Interest
Working with nationally recognized ethics expert Claire Finkelstein1 from the University of Pennsylvania, Allan has developed a broad-based conflict of interest policy that will approximate the “gold standard” used by White House ethics counsel to deconflict federal executive branch officials upon taking office. The general principle that Allan will require all City employees to follow is:

*No public servants should use public office for the private gain of the public servant or of any person associated with the public servant.*
Allan will be the first city employee in the new administration to embrace this principle.

While ethics rules for city and state governments largely focus on disclosure, the standard used for federal executive branch employees is typically much stricter. Allan will use the federal standards in order to apply the highest ethical standards to his own tenure in office. By adapting federal ethics guidelines to Philadelphia government, Allan will go above and beyond what would otherwise be required for him and his administration.

Upon election, Allan will enter into an agreement to sell his operating businesses and the economic interests in his real estate holdings in Philadelphia to an entity which will be owned by his adult son and other outside investors. Pending the closing of the sale of his business interests, or in the unlikely event that the sale of assets fails to close, he will give an irrevocable power of attorney to an operating committee of senior managers and Klehr Harrison Partner William A. Harvey, providing them with the authority to operate and manage the assets and prohibiting them from consulting with Allan on their decisions.

Both the operating committee and Allan’s son’s entity will be prohibited from engaging in any new ground-up development or use conversions that require any zoning relief during Allan’s term as mayor. They will be permitted to maintain and renew all legally required business and rental licenses, as well as cure any code violations or other compliance issues which may arise.

During Allan’s term in office, any and all business the operating committee or his son may have with the City of Philadelphia, or any city department, will first be reviewed by an independent ethics expert. Where appropriate, his son’s entity or the operating committee will provide notice to the Philadelphia Board of Ethics of significant decisions and the rationale for those decisions.

While he is mayor, Allan will recuse himself from any matter, including signing legislation, which, in the opinion of the independent ethics expert would benefit Allan, his son’s entity or the operating committee in a manner more beneficial than the benefit that is conferred on members of the public or Philadelphia property owners generally.

Throughout his term, Allan will abstain from investing in any new operating businesses that do or plan to do business in or with the City of Philadelphia.
Additionally, he will not purchase any new real property within city limits. Allan will resign from any corporate boards or other leadership or management positions, including from any leadership position he occupies on non-profit entities within the City of Philadelphia.

Allan will move his financial assets (stocks, bonds, and any other non-diversified assets) into a “blind trust,” which will be managed by an independent third party.

As he did for his tenure on City Council, Allan will also donate his entire salary to non-profit organizations focused on education, the arts, community safety and victims, and community building.

As appropriate, Allan will consult the Philadelphia Board of Ethics about any matter otherwise not addressed by these commitments.

**Allan Domb's Commitment to Ethics in Government for City of Philadelphia Public Servants within the Executive Branch**

Allan will make instituting strict policies on conflicts of interest, against nepotism and a prohibition on gifts to government workers a priority for Philadelphia's government.

Consistent with federal executive branch practice and 18 U.S. Code § 208 as it applies to federal employees, Allan will require that all Philadelphia executive branch employees abstain from participating substantially in any particular matter that they know or reasonably should know is likely to have a direct and predictable effect on a substantial financial interest of the city employee or of a person associated with the employee.

A person is associated with a public servant or employee if that person is the public servant’s spouse, domestic partner, household member, minor child or other dependent. In addition, “a person associated with the employee” is a person with whom the public servant is acting or has an arrangement to act in the future as officer, director, trustee, general partner, attorney, consultant, contractor, or employee.
In certain emergency circumstances – such as a declared public emergency for weather or civil disturbances – a limited, short duration waiver to this strict policy may be granted. In all other cases where a waiver is sought, Allan will commit to having any requests reviewed by the independent ethics expert before any are granted.

Allan will institute a strict anti-nepotism policy for new employees or for promotions in the Office of the Mayor, as well as an 18-month ban on private sector work in the domain of the public servant’s duties after leaving government service.

Allan will also follow the lead of former Pennsylvania Governor Tom Wolf, who prohibited his staff, appointees and officials in the Executive Branch of the Commonwealth from soliciting or accepting a gift, gratuity, favor, entertainment, hospitality, loan or any other thing of monetary value, including in-kind gifts, from anyone who is not a family member or close personal friend in his very first executive order. Allan will issue a similar prohibition when he takes office.

**Allan Domb’s Commitment to Reforming Philadelphia’s Elections**

The last six years of election denials and efforts to undercut public confidence in elections by former-President Trump and his supporters has had one bright spot: it provided confirmation that our democracy is strong. Despite the unrelenting attacks on our elections, from increased voter turnout to audits and recounts to legislative hearings and innumerable legal challenges, it is clear that our electoral system, while imperfect, is secure.

However, elections must also be inclusive, accurate and transparent. Fair elections are critical because the voice of the people is the foundation of democracy. Election systems often bend toward political favorites and incumbents, setting too high a bar for first time candidates to win office. Additionally, underrepresented or disadvantaged communities face barriers to meaningful participation. That must change.

At the same time, because elections are zero sum with egos and money involved there can be an incentive to skirt rules, especially when it comes to campaign finance where penalties for non-compliance are low and too often considered “the cost of doing business.” The inability of authorities to provide accountability for abuses creates distrust in our elections.
As a first and required step, we must ensure that Philadelphia has the resources necessary to run secure, inclusive and accurate elections. As mayor, Allan will support a doubling of funding for Philadelphia’s election system, with monies dedicated to election security measures, civic education, enhancing voter turnout and securing election day poll workers.

As a second step, Allan will support significantly expanding the funding for and staffing of the Philadelphia Board of Ethics. A key priority will be increasing the level of expertise of the Board staff to handle reforms made to the city’s ethics rules, as described in greater detail below, and to investigate potential violations.

As mayor, Allan will also take action to make fundamental changes to how Philadelphia’s elections are conducted to make them more transparent, open, fair and, most importantly, accountable by:

- Reforming Philadelphia's Broken Campaign Finance System;
- Increasing Penalties for Violations of Election Law and Regulation; and
- Expanding the Opportunity for New and First Time Candidates

Reforming Philadelphia’s Broken Campaign Finance System:
Two decades ago this year, Philadelphia instituted campaign finance limits. Unfortunately, those limits have had a predictable impact: rather than control spending, campaigns have increasingly been waged by outside groups that bear little if any accountability and too often, openly flouted.

As mayor, Allan will move to fundamentally reform our campaign finance system to: **Change the definition of the term “candidate.”** Under current Philadelphia campaign finance law and regulation, an individual is not a “candidate” -- and therefore bound to the city’s campaign finance and ethics rules -- until they either publicly declare their candidacy or file petitions. Until that occurs, they can raise and spend unlimited funds in preparation of being a candidate. As mayor, Allan will move to change the city’s law to more closely mirror the federal campaign finance law. Under federal law, there is a two-year reach back period that applies in the two years leading up to the declaration of a campaign for federal office. Any candidate who raises or spends more than $5,000 on a campaign – including during the reach back period – to follow all campaign finance regulations, including limits and public disclosure rules.
Make campaign finance limits per election, not per annum. Philadelphia's current campaign finance limits of $3,100 per person and $12,600 for a political action committee (PAC) are inexplicably deemed annual limits, not limits for each election. In practice that means that a candidate, usually an incumbent, can receive the maximum contributions from a donor each year they are running or in office, adding up to thousands more than they would otherwise be eligible to receive under a per election campaign system. Moreover, because the limits are annual and not per election, as federal limits are, any candidate who wins a competitive and expensive primary will find their ability to fund a winning competitive general election limited. As mayor, Allan will move to change Philadelphia's campaign finance laws to make contribution limits per election and not per year.

Expand campaign finance reporting to increase disclosure and require immediate disclosure of some contributions. Philadelphia's current campaign finance reporting schedule allows for long periods of minimal or no disclosure of incumbent fundraising, even as they vote on or otherwise take action on key city issues. As just one example, incumbent members of City Council are required to submit only annual disclosures during their term (in most circumstances), despite the fact that they vote on dozens, if not hundreds of bills in any given year. As mayor, Allan will require, at a minimum, a mid-year report to be filed by any incumbent and the automatic disclosure of any campaign donations received by a registered lobbyist.

Increase penalties for violations. Allan knows that even with increased disclosure and new limits, there will continue to be violations of the city's campaign finance laws if accountability remains ineffective and penalties remain low. While any campaign finance system is imperfect, and campaigns can be understaffed and overwhelmed, there is no excuse for deliberate attempts to evade campaign finance rules or for campaigns to make repeated “mistakes.” As mayor, Allan will move to create a scale of penalties that is better matched to their severity. For repeat offenders, criminal penalties will apply. All financial penalties will continue to be paid for from a candidate's personal funds, not campaign funds.

Expanding Opportunities for New and First Time Candidates: Impose term limits for all city elected offices. Of the ten largest cities in the country, Philadelphia is the only city to impose term limits on the executive branch, but not its legislative body. Further, Philadelphia has no term limits for those holding office as District Attorney, City Controller, Register of Wills, Sheriff or City Commissioner. Elected offices should not be lifetime appointments. Rather, they
should be finite in time, to incentivize more timely actions, increase effectiveness, and encourage new voices and perspectives to enter the public forum. As mayor, Allan will champion efforts to adopt term limits for all city elected offices. Each elected office should be limited to a maximum of three consecutive four-year terms, except for the mayor, who should remain limited to two consecutive four-year terms.

Create an independent redistricting commission. At almost every level of government, legislative bodies responsible for drawing their own districts do so with the explicit agenda of protecting incumbents or drawing boundaries to ensure the election of a preferred candidate. The ability to tweak district lines to protect a specific candidate is one significant reason why so many incumbents rarely, if ever, face significant electoral challenges. As mayor, Allan will work to amend the City Charter to create an independent redistricting committee for City Council Districts. This will replace the current system whereby councilmembers draw and vote to approve their own districts.

Rotate order of candidates on ballot. Everyone connected to Philadelphia politics knows the importance of getting a “good ballot” position by pulling the right number out of the Horn and Hardart coffee can used by election officials to set the candidate order. While ballot position is not determinative, especially in higher profile races, it does have an impact in multi-candidate races where candidates have lower name identification, especially when candidates with a “bad ballot” position drop out. Allan believes it is fundamentally undemocratic to let chance determine who represents voters, rather than determining such representation by qualifications and vision. That’s why, as mayor, he will propose legislation to require random rotation of candidates’ ballot positions on ballots across the city and reduce the benefit a lucky pull from a coffee can provides.

Expand mandatory training for candidates and committees. Campaigns are difficult and the rules guiding them are often complex and technical. While larger or better funded campaigns can afford to retain experts to increase compliance, smaller grassroots campaigns may not be able to afford this expense, thus putting candidates and their staff in jeopardy of violating the rules. The city has an obligation to ensure that candidates and committees have access to the information and training they need to run compliant campaigns. While the city’s Board of Ethics does offer ethics and campaign finance training, they should be required for all candidates, treasurers and campaign managers.
Allan believes that elections are so important is because who governs, and the beliefs they hold, are critical for preserving and promoting democratic governance.

For this reason, it is not enough to say to voters that someone did not violate election law, therefore government is running effectively and ethically. As mayor, Allan will move to ensure that Philadelphia municipal government is more transparent, more accountable, and that it operates with the highest ethical standards.

Allan will also take steps to ensure that Philadelphia:

**Becomes the most transparent city in America.** It is essential for city government to operate openly and honestly with citizens and to provide maximum access to information. Only then can government be fully accountable and transparent. As mayor, Allan will make accountability and transparency more than just buzzwords. He will expand Open Data Philly by requiring all city departments to monitor, evaluate, and report on their respective programs and to transfer the information in a responsible and timely manner to the Office of Information and Technology for the purposes of sharing on Open Data Philly.

**Expands and makes permanent an Independent Office of Inspector General.** Philadelphia has a troubled history of public corruption. These actions have serious consequences for the city and the taxpayers, possibly none more damaging than the blow they inflict on public confidence and trust in government. Allan understands that building and sustaining public trust is essential to public service. As mayor, he will make transparency, accountability, and integrity pillars of his administration. To help uphold these values, Allan will appoint experienced, highly reputable legal professionals to lead the Office of the Inspector General and support their work with all necessary resources to clean up city government. He will push to make the office permanent and independent and support the expansion of the office's jurisdiction to include all branches of city government.

**Reform Councilmanic prerogative and limit “block by block” legislation.** Philadelphia's long-standing practice of allowing Councilmanic prerogative to dictate important development, zoning, and other land-use decisions is arcane and out of step with modern principles of good governance. At a basic level, it is anti-democratic. As mayor, Allan will begin the process of reforming Councilmanic prerogative by issuing an Executive Order directing city agencies to cease any deference to councilmanic prerogative in decision-making unless required by law. He will also work with city departments and the Council itself to codify common guidelines and timelines for zoning reviews, and to define rules for routine, non-
discretionary matters, such as approving signage and parking permits, to obviate the need for councilmanic approval and promote efficiency. Relatedly, as mayor, Allan will limit any efforts to propose and enact “block by block” legislation. Legislation that can treat a business or homeowner differently on one block than another should be unacceptable except in certain situations (e.g. keeping certain businesses away from schools). If presented with a bill that changes requirements with no justification, Allan will veto it.

**Institute a stricter city-wide gift limit.** The corrupting influence of special interests on the business of government manifests in no small way through the giving of gifts, in-kind services, and other favors to city officials by lobbyists and the interests they serve. As Philadelphia’s mayor, Allan will push to institute a stricter gift policy for all city employees and work to have the gift limit apply to Council staff as well.

**Increase access to and improve ethics training for all city employees.** Code of Ethics policies and regulations are often written in legalese and should be made more accessible to enhance understanding and compliance. In addition to making materials more digestible for basic comprehension, it is critical that employees are offered the possibility of participating in a variety of training programs, and that they cover both in-person and online options. As mayor, Allan will not only look to upgrade and modernize the city's ethics training programs but also require that they be conducted more regularly and that they require an achievement assessment that demonstrates awareness of the city's ethics code.

**Make ethics and conflict of interest laws apply to all City of Philadelphia employees.** Anyone who has spent time in and around Philadelphia’s City Hall knows that some Council staff are heavily involved in their employer’s political operations, ranging from drafting and posting social media content to helping fundraise. Just as most city employees are prohibited from engaging in political activity in most circumstances, so too should City Council staff. As mayor, Allan will work with Council leaders to have a policy on political activities that mirrors the strict policy applied to executive branch employees.

**Expand required financial disclosures to include family, associated persons, such as live-in partners and candidates for office.** Philadelphia has done an admirable job in recent years of expanding disclosure requirements for possible conflicts of interest any senior government officials and elected officials may have. One recent reform does not go far enough, however. As mayor, Allan will move to
expand the disclosure requirements of the source and amount of any income for senior government leaders to include immediate household and associated persons, such as live-in partners and adult children or parents. He will also work to require candidates for office to make similar disclosures.

**Extend pay-to-play rules to other government actions, including land sales and zoning changes.** Philadelphia government action is far broader than the laws proposed, debated and voted upon by City Council and signed into law by the mayor. It includes everything from contracting for the sale of land to zoning changes and permitting decisions. As part of his overall plan to dramatically expand transparency and minimize conflicts of interest in government, Allan will move to extend the city’s expanded pay-to-play protections to cover all other government actions, including those taken by boards and commissions appointed by the mayor.

**Enact an 18-month limit on private business engagement in the former public servant’s area of service after leaving city government.** As mayor, Allan will move to enact an 18-month ban on private sector work in the domain of the public servant’s duties after leaving government services, the same rule he will impose on his executive office staff and appointees.

**Advocate for a Recall Amendment to the Pennsylvania Constitution**

Although this is not in the mayor’s control, Allan believes that the State Legislature’s attempt to remove District Attorney Larry Krasner is both legally dubious and counter to how local control should function. While Allan does not agree with how the District Attorney has been doing his job -- prosecutors should not pick and choose what laws they are going to enforce, even if they retain discretion about which individual cases to pursue based on the facts -- Allan also does not believe that legislators in communities hours away should be nullifying the will of Philadelphia voters. The Pennsylvania Commonwealth Court has recently supported Allan’s perspective on this matter. Allan will continue to speak out clearly and forcefully for the rule of law and work to ensure that core democratic processes are not being used merely to settle personal vendettas and score political points with voters.

In the place of impeachment, Allan believes that Philadelphia voters, who twice elected the District Attorney, should have the opportunity to remove him through a recall process, as is commonly available in other large cities. As mayor, Allan will work with Harrisburg leaders to amend the Pennsylvania Constitution to allow Pennsylvania cities of the First Class the ability to recall its elected officials.
Claire Finkelstein is the Algernon Biddle Professor of Law and Professor of Philosophy at the University of Pennsylvania and the founder and faculty director of the Center for Ethics and the Rule of Law (CERL), a non-partisan interdisciplinary institute affiliated with the University of Pennsylvania’s Annenberg Public Policy Center (APPC). Professor Finkelstein was part of the team of experts that developed the conflict of interest policies and ethics guidelines for President Biden.

Nine of the ten largest U.S. cities have term limits.