

Court Decision Suspends Contribution Limits in Pittsburgh Mayoral Race

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In late April, Allegheny Court of Common Pleas Judge Joseph James issued a decision suspending Pittsburgh's contribution limits in connection with the upcoming city mayoral election. The primary election for this race is scheduled for May 21, 2013, with the winner likely to become Pittsburgh's first new mayor since 2006.

In late March, Bill Peduto, a candidate for mayor, filed a complaint against two other Democratic mayoral candidates, Michael Lamb and Jack Wagner, and their campaign committees. Both Lamb and Wagner had campaign committees with cash-on-hand raised for previous non-mayoral campaigns, and according to published reports, both intended to use those funds in connection with the ongoing mayoral campaign. (News accounts reported that Mr. Wagner, in particular, planned to use \$350,000 from a campaign committee previously formed to support his candidacies for state auditor general and governor to help overcome his late entry into the mayoral contest.) These transfers raised problems because a Pittsburgh ordinance prohibits candidates for mayor from using more than \$4,000 in funds raised for previous campaigns. Peduto's complaint requested an injunction prohibiting Lamb, Wagner and their campaign committees from using funds raised for these previous campaigns.

In response, the Wagner campaign pointed out that the contribution limits for all candidates should be waived because of a provision that was added to the city's campaign finance ordinances in 2009. Colloquially referred to as the "millionaire's exemption," the provision suspends campaign limits for all candidates in a specific city race if one candidate in that race contributes in excess of \$50,000 to his or her campaign without "declar[ing] her or his intention to contribute

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personal resources" in excess of that amount. (If a candidate declares an intention to contribute in excess of \$50,000 using personal resources, contribution limits for all candidates in that race are merely doubled.) Lamb had already contributed \$52,000 of personal funds to his campaign, a fact that Peduto had pointed out in a previous complaint.

Even though Lamb dropped out of the race before the ruling, the judge nevertheless held that Lamb's contribution to his own campaign triggered the millionaire's exemption and that all contribution limits for the mayoral race were thus suspended. Reacting to the decision, Peduto commented that he expected "five figure" donations, and that his campaign would use the funds for television advertising.