

Philadelphia Board of Ethics

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Philadelphia Board of Ethics Files Enforcement Petition Against Clerk of Quarter Sessions, Vivian Miller

PHILADELPHIA – The Philadelphia Board of Ethics filed a Petition in the Court of Common Pleas to enforce violations of the City’s campaign finance law committed by Clerk of Quarter Sessions, Vivian Miller.

The Petition alleges that Ms. Miller violated the City’s “single committee rule” when she used a second political committee in addition to her designated candidate committee to make expenditures to influence her re-election to office in 2007. The City’s campaign finance law requires candidates for local office to use only one political committee to receive contributions and make expenditures while running for office. By using two political committees to make expenditures to influence her re-election in both the primary and general elections in 2007, Ms. Miller violated the City’s single committee rule, according to the Petition.

As described in the Petition, Ms. Miller used both her designated candidate committee, the Committee to Re-Elect Vivian Miller, and the 51st Democratic Ward Committee (a political action committee registered and operating under state law) to make expenditures to influence her re-election. The Petition also notes that Ms. Miller used the second political committee to influence her re-election less than two months after Board staff explained the single committee rule to her in a letter.

The Petition alleges that Ms. Miller distributed cash from the second political committee to pay election workers to “get out the vote” for her re-election. The Petition describes how she used the second political committee to make more than 30% of expenditures to influence her 2007 primary election and almost all of her expenditures to influence her re-election in the general election that year. In so doing, the Petition alleges that she violated the single committee rule in both the primary and general elections in 2007.

As detailed in the Petition, the Board first presented the alleged violations to Ms. Miller on April 22, 2009. Over the next several months, the Board engaged in extensive settlement negotiations with Ms. Miller through her attorney. However, the parties were unable to reach a settlement agreement.

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When candidates for City office use multiple political committees to influence their election, they violate the single committee rule. In addition to violating the law, candidates' use of multiple political committees to influence their election makes it more difficult for the public and the Ethics Board to track the flow of money used by the candidates to influence their election and gives candidates an unfair advantage over those who "play by the rules."

The Board's Petition seeks \$3,000 in civil penalties from Ms. Miller for two violations of the single committee rule in 2007.

The Philadelphia Board of Ethics is a five-member independent board established by ordinance, approved by Philadelphia voters in May 2006, and installed on November 27, 2006. It is charged with providing ethics training for all City employees and enforcing City campaign finance, financial disclosure and conflict of interest laws. The Ethics Board has authority to render advice, investigate complaints and issue fines.

Charges brought by the Board are merely allegations and no violation has been established unless and until the Board satisfies its burden of proof in a judicial or administrative enforcement proceeding, pursuant to Board Regulation No. 2, Subpart C and D.

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