

Bond Case Briefs

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CAMPAIGN FINANCE - PENNSYLVANIA

O'Connor v. City of Philadelphia Bd. of Ethics

Supreme Court of Pennsylvania - December 15, 2014 - A.3d - 2014 WL 7101300

Creditor law firm brought declaratory judgment action against city and city ethics board, seeking declaration that post-election debt forgiveness to mayoral candidate's campaign committee was not a "contribution" to candidate's campaign under municipal campaign finance law. The Court of Common Pleas dismissed action based on lack of standing, and the Commonwealth Court affirmed. Firm appealed.

The Supreme Court of Pennsylvania held that law firm's forgiveness of mayoral candidate's campaign committee's debt did not constitute a "contribution" to candidate's political campaign.

Debt incurred in favor of law firm by political campaign committee, for legal fees to defend mayoral candidate in ballot challenge litigation, was not debt incurred for use in advocating or influencing the election of the candidate, and therefore firm's post-election forgiveness of such debt did not constitute a "contribution" to candidate's political campaign, as would be subject to contribution limitation of city's campaign finance law, where firm did not agree to represent candidate in the ballot litigation pro bono or at a discounted rate in an effort to promote him as candidate, and there was no evidence that committee, at time it retained firm, anticipated that firm would forgive debt once election was over.