

ORDINANCE NO. 2005-072

Adopted by the Sacramento City Council

September 13, 2005

**AN ORDINANCE AMENDING VARIOUS SECTIONS OF
CHAPTER 2.13 AND REPEALING SECTION 2.13.140 OF
THE SACRAMENTO CITY CODE RELATING TO
CAMPAIGN CONTRIBUTION LIMITATIONS**

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO

SECTION 1. Section 2.13.040 of the Sacramento City Code is amended as follows:

A. The definition of "Campaign reform fund" set forth in section 2.13.040 is amended to read as follows:

"Campaign reform fund" means those funds in the campaign reform budget unit established pursuant to section 2.14.210.

B. The definition of "City campaign statement" set forth in section 2.13.040 is repealed.

C. The definition of "City supplemental post-election statement" is added to section 2.13.040 to read as follows:

"City supplemental post-election statement" means a statement filed under section 2.14.270 on a form prescribed by the city clerk and containing the information specified in section 84211 of the Political Reform Act, except as expressly waived by the city clerk, and any additional information as prescribed by the city clerk. The statement shall report information "per election to date."

D. The definition of "City supplemental pre-election statement" is added to section 2.13.040 to read as follows:

"City supplemental pre-election statement" means a statement filed under section 2.14.110 on a form prescribed by the city clerk and containing the information specified in section 84211 of the Political Reform Act, except as expressly waived by the city clerk, and any additional information as prescribed by the city clerk. The statement shall report information "per election to date."

E. The definition of "City supplemental statements and forms" is added to section 2.13.040 to read as follows:

"City supplemental statements and forms" means the supplemental pre-election and supplemental post-election statements that must be filed with the city clerk by certain candidates for city elective office under sections 2.14.110 and 2.14.270, the Statement of Organization Large Political Committee that must be filed with the city clerk under section 2.13.055, and the Public Financing Matching Funds Request that must be filed with the city clerk under section 2.14.180.

F. The definition of "Political Reform Act" or "Act" is added to section 2.13.040 to read as follows:

"Political Reform Act" or "Act" means the Political Reform Act of 1974, California Government Code section 81000 *et seq.*, as it may be amended from time to time.

G. The definition of "Regulations" is added to section 2.13.040 to read as follows:

"Regulations" means Title 2 (Political Reform) of the California Code of Regulations (section 18110 *et seq.*) as it may be amended from time to time.

H. The definition of "Statement of Organization Large Political Committee" is added to section 2.13.040 to read as follows:

"Statement of Organization Large Political Committee" means a form prescribed by the city clerk setting forth the name of the large political committee and the date of its formation, and certifying that the committee qualifies as a large political committee.

I. The definition of "Public Financing Matching Funds Request" is added to section 2.13.040 to read as follows:

"Public Financing Matching Funds Request" means a form prescribed by the city clerk containing the information determined by the city clerk and the director of the City's Department of Finance to be needed to enable the clerk and the director to determine the candidate's eligibility to receive matching funds.

J. Except as specifically amended in subsections A through and including I, above, all other provisions of section 2.13.040 shall remain unchanged and in full force and effect.

SECTION 2. Section 2.13.050 of the Sacramento City Code is amended to read as follows:

2.13.050 Contribution limitations.

A. Council Members.

Contributions to candidates for the office of city council member shall be subject to the following limitations in addition to the limitations established by Article 3 of Chapter 5 of the Political Reform Act (Government Code Sections 85301--85307).

1. Contributions by Persons.

No person shall make, and no candidate for the office of city council member, or a controlled committee of said candidate, or person acting by or on behalf of said candidate or said candidate's controlled committee shall accept, any contribution which would cause the total amount contributed by that person to the candidate, or to the candidate's controlled committee, to exceed eight hundred dollars (\$800.00) in any of the following periods: a primary election period, a general election period, or a special election period; provided that, to the extent the Political Reform Act establishes a lower limit for special elections, the lower limit shall apply.

2. Contributions by Large Political Committees.

No large political committee shall make, and no candidate for the office of city council member, or a controlled committee of said controlled committee, or person acting by or on behalf of said candidate or said candidate's controlled committee shall accept, any contribution which would cause the total amount contributed by that large political committee to the candidate, or to the candidate's controlled committee, to exceed three thousand three hundred dollars (\$3,300.00) in any of the following periods: a primary election period; a general election period; or a special election period; provided that, to the extent the Political Reform Act establishes a lower limit for special elections, the lower limit shall apply.

B. Mayor.

Contributions to candidates for the office of mayor shall be subject to the following limitations in addition to the limitations established by Article 3 of Chapter 5 of the Political Reform Act (Government Code Sections 85300--85307).

1. Contributions by Persons.

No person shall make, and no candidate for the office of mayor, or a controlled committee of said candidate, or person acting by or on behalf of said candidate or said candidate's controlled committee, shall accept into the candidate's campaign contribution account, any contribution which would cause the total amount contributed by that person to the candidate, or to the candidate's controlled committee to exceed one thousand one hundred dollars (\$1,100.00) in any of the following periods: a primary election period; a general election period; or a special election period; provided that, to the extent the Political Reform Act establishes a lower limit for special elections, the lower limit shall apply.

2. Contributions by Large Political Committees.

No large political committee shall make, and no candidate for the office of mayor, or a controlled committee of said candidate or said candidate's controlled committee, or person acting by or on behalf of said candidate or said candidate's controlled committee shall accept, any contribution which would cause the total amount contributed by that large political committee to the candidate, or to the candidate's controlled committee, to exceed five thousand five hundred dollars (\$5,500.00) in any of the following periods: a primary election period; a general election period; or a special election period; provided that, to the extent the Political Reform Act establishes a lower limit for special elections, the lower limit shall apply.

C. Contributions by a Candidate to the Candidate's Campaign.

Nothing in subsections A and B of this section is intended to limit the amount that a candidate may contribute to his or her own campaign from his or her personal funds.

D. Contributions to Committees.

No person shall make to any committee which contributes to any candidate for city elective office or makes expenditures for or against any candidate for city elective office, and no such committee shall accept from any person a contribution or contributions totaling more than eight hundred dollars (\$800.00) in a calendar year; and no large political committee shall make to any committee which contributes to any candidate for city elective office or makes expenditures for or against any candidate for city elective office, and no such committee shall accept from any large political committee a contribution or contributions totaling more than three thousand three hundred dollars (\$3,300.00) in a calendar year. The provisions of this subsection D shall not apply to contributions to candidates and candidate-controlled committees, which shall be subject to the limits set forth in subsections A and B of this section.

E. Making and Acceptance of Contributions, Timing of Contributions and Contributions to Officeholders in Off-Election Years.

1. Making and Acceptance of Contributions.

For purposes of this chapter, a contribution shall have been considered to have been "made" and "accepted" as follows:

a. Monetary Contributions.

i. Making of Monetary Contributions.

For purposes of the contribution limitations of this chapter, a monetary contribution is made on the date the contribution is mailed, delivered, or otherwise transmitted to the candidate or a controlled committee. The date of the check or other negotiable instrument by which the contribution is made may be presumed by the

candidate or controlled committee to be the date on which the contribution was mailed, delivered or otherwise transmitted, unless it is known to the candidate to be later than the date the contribution is mailed, delivered or otherwise transmitted, in which case the earlier date shall be considered the date on which the contribution is made.

ii. Acceptance of Monetary Contributions.

For purposes of the contribution limits of this chapter, a monetary contribution shall be deemed "accepted" on the date that it is made; provided that a monetary contribution shall not be considered accepted for purposes of this chapter if it is not cashed, negotiated or deposited, and, in addition, is returned to the donor within fourteen (14) days of receipt.

b. Nonmonetary Contributions.

i. Making of Nonmonetary Contributions.

A non-monetary contribution is made by the contributor on the earlier of the following dates: (i) the date that funds are expended by the contributor for goods or services if the specific expenditure is made at the request of the candidate or controlled committee; (ii) the date that the candidate or controlled committee or agent of the candidate or controlled committee obtains possession or control of the goods or services; or (iii) the date that the candidate or controlled committee otherwise receives the benefit of the expenditure.

ii. Acceptance of Nonmonetary Contributions.

A nonmonetary contribution is deemed accepted on the date that it is made by the contributor; provided, that a nonmonetary contribution shall be deemed not to have been accepted for purposes of this chapter if it is returned within fourteen (14) days of having been made by returning to the contributor any of the following: (i) the non-monetary contribution; (ii) its monetary equivalent; or (iii) the monetary amount by which the value of the non-monetary contribution exceeds the contribution limits of this chapter.

2. Timing of Contributions.

For purposes of this chapter, a contribution shall be deemed to be a contribution during a general election period only if it is made by the contributor on or after the first day of the month immediately following the month in which the primary election is held.

3. Contributions Made in Off-Election Years.

a. Contributions made to candidates for city elective office during an off-election year shall be attributed to, and shall be considered to have been made during, the primary election period, general election period or special election period for

purposes of the contribution limits established by subsections A and B above.

i. Contributions to Officeholders in Off-Election Years.

Contributions to an incumbent mayor or an incumbent member of the city council made in an off-election year shall be considered contributions for the election in which the incumbent acquired his or her office, unless the contributions are accepted and deposited into a new campaign contribution account for a future election to the same or different office.

ii. Contributions to Nonincumbent Candidates in Off-Election Years.

Contributions made during an off-election year to a nonincumbent candidate for a future city elective office for which a primary or special election will be held shall be considered contributions made during the primary or special election period unless the contributions are accepted and deposited into a campaign contribution account established for a prior election or an election for a different office.

SECTION 3. Section 2.13.055 of the Sacramento City Code is amended to read as follows:

2.13.055 Filing of Statement of Organization Large Political Committee prior to making contributions that exceed the contribution limits applied to persons.

Not less than seven (7) calendar days prior to making a contribution to a candidate in an amount that itself or in combination with other contributions previously made to the candidate exceeds the amount that a person may contribute to a candidate pursuant to sections 2.13.050 A (1) and 2.13.050 B (1), a large political committee shall file with the city clerk the following documents:

1. Statement of Organization Large Political Committee, and
2. A copy of the large political committee's most recent Statement of Organization Recipient Committee (California Form 410) filed pursuant to the Act and the Regulations.

SECTION 4. Section 2.13.065 of the Sacramento City Code is amended to read as follows:

2.13.065 Written solicitations by candidates.

Any candidate or controlled committee of a candidate making a written solicitation for a contribution to the candidate's campaign for city elective office shall include one of the following written notices in no less than ten-point type on each solicitation.

A. Candidate for City Council Position.

A candidate or controlled committee of a candidate for a city council position other than mayor shall provide the following written notice:

NOTICE

Chapter 2.13 of the Sacramento City Code limits the amounts that a contributor may give to a candidate for a City Council position for a primary, general or special election. Generally, a contributor other than a large political committee may not give more than \$800 to a candidate for a City Council position for a primary, general or special election, while a large political committee may not give more than \$3,300 to a candidate for City Council for a primary, general or special election. Chapter 2.13 contains certain other rules that may affect the amounts that an individual contributor may give. Please read Chapter 2.13 before making a contribution to my campaign.

B. Candidate for Mayoral Position.

A candidate or controlled committee of a candidate for mayor shall provide the following written notice:

NOTICE

Chapter 2.13 of the Sacramento City Code limits the amounts that a contributor may give to a candidate for Mayor for a primary, general or special election. Generally, a contributor other than a large committee may not give more than \$1,100 to a candidate for Mayor for a primary, general or special election, while a large political committee may not give more than \$5,500 to a candidate for Mayor for a primary, general or special election. Chapter 2.13 contains certain other rules that may affect the amounts that an individual contributor may give. Please read Chapter 2.13 before making a contribution to my campaign.

SECTION 5. Subsection (A) of Section 2.13.080 of the Sacramento City Code is amended to read as follows:

A. Aggregate Limits.

1. Except as provided in subsection (A)(2) below, the following aggregate off-election year contribution limits shall apply:

a. No councilmember or candidate for the city office of councilmember shall accept contributions totaling more than sixteen thousand four hundred and fifty dollars (\$16,450.00) in any single off-election year.

b. No mayor or candidate for the city office of mayor shall accept contributions totaling more than thirty two thousand nine hundred dollars (\$32,900.00) in any single off-election year.

2. Exception: contributions to pay off campaign debt.

Notwithstanding the limits set forth in subsection (A)(1) above, a contributor may make, and a candidate or former candidate may accept, a contribution to pay off debts incurred for a primary or other election occurring prior to the date of the contribution, provided that the aggregate of contributions made to the candidate for one or more city offices does not exceed the contribution limits set forth in Section 2.13.050 above, and the contribution is properly reported on any required campaign statement filed under the Political Reform Act or the Regulations or any required city supplemental statement or form.

SECTION 6. Subsection (E) of Section 2.13.085 of the Sacramento City Code is amended to read as follows:

E. No person (other than the officer or candidate) shall make, and no legal expense fund committee for an elective city officer or candidate for elective city office shall solicit or accept, contributions from any person to a legal defense fund totaling more than eight hundred dollars (\$800.00).

SECTION 7. Section 2.13.120 of the Sacramento City Code is amended to read as follows:

2.13.120 Periodic review.

The contribution limits set forth in this chapter shall be adjusted in the first quarter of every odd-numbered year to reflect any increase or decrease in the cost of living over the previous two-year period, as shown by the Bureau of Labor Statistics Consumer Price Index for All Urban Consumers (CPI-U). Such adjustments shall be rounded off to the nearest fifty dollars. No later than March 1 of each odd-numbered year, the city clerk shall bring forth to the city council an ordinance amending the contribution limit amounts stated in this chapter to reflect the increase or decrease in the CPI-U pursuant to this section.

SECTION 8. Section 2.13.130 of the Sacramento City Code is amended to read as follows:

2.13.130 Filing of campaign statements; electronic format.

A. Whenever any elected city officer, candidate or committee is required to file California Form 460 under the Political Reform Act and Regulations with the city clerk, the information reported shall include information "per election to date."

B. Whenever any elected city officer, candidate or committee is required to file a campaign statement under the Political Reform Act or the Regulations with the city clerk, the elected officer, candidate or committee shall file at the same time a copy of the statement on a computer diskette or other electronic media, in a format prescribed by the city clerk, provided that the clerk has prescribed the format at least sixty (60) days before the statement is due. If no format has been prescribed in a timely manner, the elected city officer, candidate or committee shall file the statement in a format suitable for electronic scanning. The provisions of this subsection B. shall apply only to persons or combinations of persons who qualify as a "committee" under section 82013 of the Political Reform Act.

SECTION 9. Section 2.13.140 of the Sacramento City Code is repealed.

SECTION 10. Section 2.13.150 of the Sacramento City Code is amended to read as follows:

2.13.150 Independent expenditures.

Any person or organization who makes independent expenditures of more than five thousand dollars (\$5,000.00) in support of or in opposition to any candidate for city office shall notify the city clerk, the candidate who is the subject of the expenditure, and all other candidates of such expenditure or expenditures by mailgram, telegram, guaranteed overnight mail through the United States Postal Service or equivalent private delivery service, or personal delivery within twenty-four (24) hours. Such notification shall be made each time this threshold of five thousand dollars (\$5,000.00) is met. For purposes of this section, expenditures made during the primary and general election periods shall be accumulated and notice shall be given each time the five thousand dollar (\$5,000.00) threshold is reached, regardless of whether five thousand dollars (\$5,000.00) is spent in a single election period.

Adopted by the City of Sacramento City Council on September 13, 2005 by the following vote:

Ayes: Councilmembers Cohn, Hammond, McCarty, Pannell, Sheedy, Tretheway, Waters and Mayor Fargo.

Noes: None

Abstain: None

Absent: Fong



Mayor Heather Fargo

Attest:

Shirley Concolino

Shirley Concolino, City Clerk

Passed for Publication: September 6, 2005; Published September 9, 2005

Effective October 13, 2005