

# ORDINANCE NO. 2012-021

Adopted by the Sacramento City Council

June 19, 2012

## **AN ORDINANCE AMENDING CHAPTER 2.13 OF THE SACRAMENTO CITY CODE, ESTABLISHING CAMPAIGN CONTRIBUTION LIMITS FOR CHARTER COMMISSIONERS**

### **BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:**

#### Section 1. Findings and Purpose

The charter is the city's fundamental governing document. It expresses the people's will for self-governance, and sets forth the scope and structure of city government. While there have been amendments to the charter over the years, the basic form of government established by the charter has remained unchanged for over 90 years. An elected charter commission is vested with authority to submit charter revisions or a new charter to the electorate. If a charter commission's proposals are adopted by the electorate, only another vote of the electorate can change those proposals. Thus elected charter commissioners have a unique ability to substantially affect the way in which the city's government operates.

The city has a compelling interest in preventing the actuality or appearance of quid pro quo corruption. Restricting campaign contributions to charter commission candidates serves that compelling interest. The contribution limitations for charter commissioners set by this ordinance allow candidates for the 15 commission seats the ability to amass resources necessary for effective campaign advocacy.

The purpose of this ordinance is to ensure the integrity of the charter commission election and subsequent charter revision process, prevent the actuality or appearance of corruption that attends large contributions, and to apply the city's current campaign contribution limit regulation framework to candidates for an elected charter commission, while recognizing the uniqueness of the office of charter commissioner.

#### Section 2. Section 2.13.040 of the Sacramento City Code is amended as follows:

A. The definition of "City office" is amended to read:

"City office" means the offices of mayor, city council member, and charter commissioner.

B. The definition of "Charter commissioner" is added to read:

"Charter commissioner" means a person serving on an elected charter commission pursuant to Government Code sections 34451 et seq.

C. Except as specifically amended as set forth in subsections A and B above, Section 2.13.040 remains unchanged and in full force and effect.

Section 3. Section 2.13.050 of the Sacramento City Code is amended as follows:

A. Subsection G is added to Section 2.13.050 to read:

G. Charter commissioners. Contributions to candidates for the office of charter commissioner 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 through 85307):

1. Contributions by Persons. No person shall make, and no candidate for the office of charter commissioner, or a controlled committee of such candidate, or person acting by or on behalf of such candidate or such 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 five hundred dollars (\$500.00).

2. Contributions by Large Political Committees. No large political committee shall make, and no candidate for the office of charter commissioner, or a controlled committee of such candidate, or person acting by or on behalf of such candidate or such 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 one thousand five hundred dollars (\$1500.00).

3. Contribution limits to a candidate for the office of charter commissioner are per charter commission election. The provisions of this chapter governing primary elections, general elections, special elections, and off-election years shall not be applicable to a candidate for the office of charter commissioner.

B. Except as specifically amended as set forth in subsection A above, Section 2.13.050 remains unchanged and in full force and effect.

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

A. Subsection C is added to Section 2.13.065 to read:

C. Candidate for Charter Commissioner. A candidate or controlled committee of a candidate for a charter commission position 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 charter commission position. Generally, a contributor other than a large political committee may not give more than \$500 to a candidate for a charter commission position, while a large political committee may not give more than \$1500 to a candidate for charter commission. 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. Except as specifically amended as set forth in subsection A above, Section 2.13.065

Section 5. Effective Date

This ordinance relates to the election of charter commissioners at the November 6, 2012 election, and shall take effect immediately pursuant to Sacramento City Charter section 32(g)(1).

Adopted by the City of Sacramento City Council on June 19, 2012 by the following vote:

Ayes: Councilmembers Cohn, D Fong, R Fong, McCarty, Pannell, Schenirer, Sheedy.

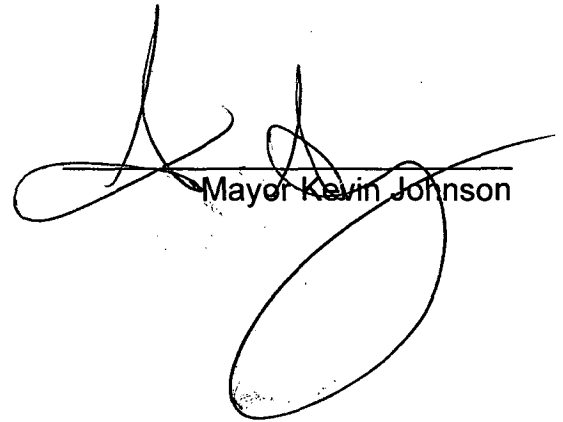
Noes: Councilmember Ashby and Mayor Johnson

Abstain: None.

Absent: None.

Attest:

  
Shirley Concolino, City Clerk

  
Mayor Kevin Johnson

Effective: June 19, 2012