



City Council Report

915 I Street, 1st Floor

Sacramento, CA 95814

www.cityofsacramento.org

File ID: 2019-00151

February 12, 2019

Consent Item 03

Title: (Pass for Publication) Ordinance Amending Various Sections of Sacramento City Code chapter 2.13, Relating to Campaign Contribution Limitations

Location: Citywide

Recommendation: 1) Pass a Motion waiving City Council Rule of Procedure, Chapter 13, Section B.1.i(ii) allowing City Council to review and adopt an ordinance without the Law and Legislation Committee's prior review; 2) review an ordinance amending various sections of Sacramento City Code chapter 2.13, relating of campaign contribution limitations; and 3) pass for publication the ordinance title as required by Sacramento City Charter 32(c) to be adopted on February 26, 2019.

Contact: Wendy Klock-Johnson, MMC, Assistant City Clerk, (916) 808-7509; Danielle Perez, Senior Deputy City Clerk, (916) 808-6710, Office of the City Clerk.

Presenter: None.

Attachments:

- 1-Description/Analysis
- 2-Ordinance (Redline)
- 3-Ordinance (Clean)

Description/Analysis

Issue Detail: The Sacramento City Code requires a biennial adjustment of the elected-official campaign contribution limits. The proposed ordinance adjusts the various financial limits contained in the campaign contribution limitations chapter of the Sacramento City Code to reflect changes in the Consumer Price Index (CPI). It also amends the definitions of certain election periods, to track the recent change in the date of the statewide primary election date.

Sacramento City Code chapter 2.13 sets campaign contribution limitations, including limits on individual and large political committee contributions. These limits include campaign contributions, aggregate off-year limits, and contributions to legal defense funds. As provided in the City Code, the City Clerk must bring forth amendments in every odd year updating these limits to reflect any increase or decrease in the Consumer Price Index for All Urban Consumers (CPI-U) over the previous two years (2017 and 2018). Based on the activity of the CPI-U, 2.1% and 2.4% respectively, the amendments reflect the “2019 Proposed Limits” column of the table below.

Limit Type	Office	2017 Approved Limits	2019 Proposed Limits
Contribution Limits – From: Person From: Large Political Committee	To: Councilmember	1,650 5,600	1,750 5,850
Contribution Limits – From: Person From: Large Political Committee	To: Mayor	3,350 11,150	3,500 11,650
Aggregate Off-Year Contributions	Councilmember	27,850	29,150
Aggregate Off-Year Contributions	Mayor	55,750	58,300
Legal Defense Fund Contributions	Councilmember and Mayor	1,100	1,150

City Code section 2.14.320.E provides that in any budget year in which funds for public funding of campaigns are not included in the Campaign Reform Fund budget, such limits shall not be adjusted. Therefore, the limits for campaign spending and public matching funds are not being adjusted at this time.

The proposed ordinance also amends the definition of “off-election year” and “primary election period.” Currently, an “off-election year” runs from January 1 through June 30 of the calendar year preceding an election. A “primary election period” runs from July 1 of the year preceding an election through the month of the primary election. For example, if the city code is not

amended, January 1, 2019 to June 30, 2019 would be considered an “off-election year” for persons seeking city elective office in 2020; then the “primary election period” for that person would start on July 1, 2019.

These dates are premised on a primary election date in June. A candidate has historically had a one-year “primary election period.” However, the city ties its primary election date to the statewide primary election date. (Sacramento City Code, section 1.16.020.) The state has changed the statewide primary election date from June to March. (S.B. 568.) Therefore, the city’s primary elections will now be held in March. This change results in a “primary election period” that is three months shorter than intended under chapter 2.13. The proposed ordinance thus makes date adjustments to account for the change in state law.

Policy Considerations: Approving updates to the contribution limits is in alignment with procedures contained in the City Code. Alternatively, as is provided in City Code section 2.13.120(B), the City Council may, in lieu of the cost of living adjustment, adjust the limits as deemed appropriate.

Economic Impacts: None.

Environmental Considerations: None.

Sustainability: None.

Commission/Committee Action: None. Due to urgency, the City Manager authorized the bypass of Law and Legislation Committee review, presenting this item directly to City Council.

Rationale for Recommendation: In compliance with City Code, update the various campaign contribution limits to reflect changes in the CPI.

Financial Considerations: Updating the contribution limits to reflect changes in the CPI provide campaign committees with the ability to raise funds for election expenses in correlation to the rising cost of consumer services.

Local Business Enterprise (LBE): None.

ORDINANCE NO.

Adopted by the Sacramento City Council

Date Adopted

AN ORDINANCE AMENDING VARIOUS SECTIONS OF CHAPTER 2.13 OF THE SACRAMENTO CITY CODE, RELATING TO CAMPAIGN CONTRIBUTION LIMITATIONS

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

SECTION 1.

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

1. The definition of "off-election year" is amended to read as follows:

"Off-election year" ~~shall mean~~ each of the calendar years during the term of a city elective office in which an election for that office is not held, subject to the following:

1. For purposes of a regular election for city elective office, the period from January 1st through ~~June 30th~~ March 31st of the year preceding the year of the election ~~shall be~~ considered an off-election year, while the period from ~~July~~ April 1st through December 31st of that year ~~shall be~~ considered part of the election year and the aggregate limitations on off-year contributions set forth in Section 2.13.050 ~~shall be~~ are not ~~be~~ applicable to contributions made during that period.

2. If a candidate for city elective office receives a majority of votes cast in the primary election, the period from the first date of the month immediately following the month of the primary election through December 31st of that year ~~shall be~~ considered an off-election year for that candidate.

3. For purposes of a special election to fill a city elective office that became vacant in a year prior to the year of the special election, the prior year ~~shall be~~ is not ~~be~~ considered an off-election year.

4. For purposes of a special election to fill a city elective office, the period from the first day of the month immediately following the month in which the special election is held through December 31st of the year of the special election ~~is~~ shall be considered an off-election year for that candidate for purposes of applicable contribution limitations.

2. The definition of "primary election period" is amended to read as follows:

“Primary election period” means the period from ~~July~~April 1st of the year preceding the year of the election through the last day of the month in which the primary election is held.

B. Except as amended by subsection A above, all provisions of section 2.13.040 remain unchanged and in full effect.

SECTION 2.

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

1. Subsection A is amended to read as follows:

A. Councilmembers. Contributions to candidates for the office of city councilmember ~~shall be~~are subject to the following limitations in addition to any limitations established by the Political Reform Act:

1. Contributions by Persons. No person shall make, and no candidate for the office of city councilmember, ~~or a~~-controlled committee of ~~such~~the candidate, or person acting by or on behalf of ~~such~~the candidate or ~~such~~the candidate’s controlled committee shall accept, any contribution that would cause the total amount contributed by that person to the candidate, or to the candidate’s controlled committee, to exceed ~~\$1,650~~\$1,750 in any of the following periods: a primary election period; a general election period; or a special election period. If the Political Reform Act establishes a lower limit for special elections, the lower limit applies.

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 ~~such~~the ~~candidate~~controlled committee, or person acting by or on behalf of ~~such~~the candidate or ~~such~~the candidate’s controlled committee shall accept, any contribution that would cause the total amount contributed by that large political committee to the candidate, or to the candidate’s controlled committee, to exceed ~~\$5,600~~\$5,850 in any of the following periods: a primary election period; a general election period; or a special election period. If the Political Reform Act establishes a lower limit for special elections, the lower limit applies.

2. Subsection B is amended to read as follows:

B. Mayor. Contributions to candidates for the office of mayor shall be subject to the following limitations in addition to any limitations established by the Political Reform Act:

1. Contributions by Persons. No person shall make, and no candidate for the office of mayor, ~~or a~~-controlled committee of ~~such~~the candidate, or person acting by or on

behalf of ~~such~~the candidate or ~~such~~the candidate's controlled committee, shall accept into the candidate's campaign contribution account, any contribution that would cause the total amount contributed by that person to the candidate, or to the candidate's controlled committee to exceed ~~\$3,350~~\$3,500 in any of the following periods: a primary election period; a general election period; or a special election period. If the Political Reform Act establishes a lower limit for special elections, the lower limit applies.

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 the candidate ~~or such candidate's controlled committee~~, or person acting by or on behalf of ~~such~~the candidate or ~~such~~the 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 ~~\$11,150~~\$11,650 in any of the following periods: a primary election period; a general election period; or a special election period. If the Political Reform Act establishes a lower limit for special elections, the lower limit applies.

B. Except as amended by subsection A above, all provisions of section 2.13.050 remain unchanged and in full effect.

SECTION 3.

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

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 ~~\$1,650~~\$1,750 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 ~~\$5,600~~\$5,850 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 ~~\$3,350~~ \$3,500 to a candidate for Mayor for a primary, general or special election, while a large political committee may not give more than ~~\$11,150~~ \$11,650 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 4.

A. Subsection A.1 of section 2.13.080 of the Sacramento City Code is amended to read as follows:

1. Except as provided in subsection (A)(2) of this section, the following aggregate off-election year contribution limits apply:
 - a. No councilmember or candidate for the city office of councilmember shall accept contributions totaling more than ~~\$27,850~~ \$29,150 in any single off-election year.
 - b. No mayor or candidate for the city office of mayor shall accept contributions totaling more than ~~\$55,750~~ \$58,300 in any single off-election year.

B. Except as amended by subsection A above, all provisions of section 2.13.080 remain unchanged and in full effect.

SECTION 5.

A. 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 ~~\$1,100~~\$1,150.

B. Except as amended by subsection A above, all provisions of section 2.13.085 remain unchanged and in full effect.

Adopted by the City of Sacramento City Council on _____ by the following vote:

Ayes:

Noes:

Abstain:

Absent:

MAYOR

Attest:

City Clerk

Passed for Publication:

Published:

Effective:

ORDINANCE NO.

Adopted by the Sacramento City Council

Date Adopted

AN ORDINANCE AMENDING VARIOUS SECTIONS OF CHAPTER 2.13 OF THE SACRAMENTO CITY CODE, RELATING TO CAMPAIGN CONTRIBUTION LIMITATIONS

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

SECTION 1.

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

1. The definition of “off-election year” is amended to read as follows:

“Off-election year” means each of the calendar years during the term of a city elective office in which an election for that office is not held, subject to the following:

1. For purposes of a regular election for city elective office, the period from January 1st through March 31st of the year preceding the year of the election is considered an off-election year, while the period from April 1st through December 31st of that year is considered part of the election year and the aggregate limitations on off-year contributions set forth in Section 2.13.050 are not applicable to contributions made during that period.

2. If a candidate for city elective office receives a majority of votes cast in the primary election, the period from the first date of the month immediately following the month of the primary election through December 31st of that year is considered an off-election year for that candidate.

3. For purposes of a special election to fill a city elective office that became vacant in a year prior to the year of the special election, the prior year is not considered an off-election year.

4. For purposes of a special election to fill a city elective office, the period from the first day of the month immediately following the month in which the special election is held through December 31st of the year of the special election is considered an off-election year for that candidate for purposes of applicable contribution limitations.

2. The definition of “primary election period” is amended to read as follows:

“Primary election period” means the period from April 1st of the year preceding the year of the election through the last day of the month in which the primary election is held.

B. Except as amended by subsection A above, all provisions of section 2.13.040 remain unchanged and in full effect.

SECTION 2.

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

1. Subsection A is amended to read as follows:

A. Councilmembers. Contributions to candidates for the office of city councilmember are subject to the following limitations in addition to any limitations established by the Political Reform Act:

1. Contributions by Persons. No person shall make, and no candidate for the office of city councilmember, controlled committee of the candidate, or person acting by or on behalf of the candidate or the candidate's controlled committee shall accept, any contribution that would cause the total amount contributed by that person to the candidate, or to the candidate's controlled committee, to exceed \$1,750 in any of the following periods: a primary election period; a general election period; or a special election period. If the Political Reform Act establishes a lower limit for special elections, the lower limit applies.

2. Contributions by Large Political Committees. No large political committee shall make, and no candidate for the office of city council member, controlled committee of the candidate, or person acting by or on behalf of the candidate or the candidate's controlled committee shall accept, any contribution that would cause the total amount contributed by that large political committee to the candidate, or to the candidate's controlled committee, to exceed \$5,850 in any of the following periods: a primary election period; a general election period; or a special election period. If the Political Reform Act establishes a lower limit for special elections, the lower limit applies.

2. Subsection B is amended to read as follows:

B. Mayor. Contributions to candidates for the office of mayor shall be subject to the following limitations in addition to any limitations established by the Political Reform Act:

1. Contributions by Persons. No person shall make, and no candidate for the office of mayor, controlled committee of the candidate, or person acting by or on behalf of the candidate or the candidate's controlled committee, shall accept into the candidate's campaign contribution account, any contribution that would cause the total amount contributed by that person to the candidate, or to the candidate's controlled committee to exceed \$3,500 in any of the following periods: a primary election period; a general

election period; or a special election period. If the Political Reform Act establishes a lower limit for special elections, the lower limit applies.

2. Contributions by Large Political Committees. No large political committee shall make, and no candidate for the office of mayor, controlled committee of the candidate, or person acting by or on behalf of the candidate or the 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 \$11,650 in any of the following periods: a primary election period; a general election period; or a special election period. If the Political Reform Act establishes a lower limit for special elections, the lower limit applies.

B. Except as amended by subsection A above, all provisions of section 2.13.050 remain unchanged and in full effect.

SECTION 3.

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

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 \$1,750 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 \$5,850 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 \$3,500 to a candidate for Mayor for a primary, general or special election, while a large political committee may not give more than \$11,650 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 4.

A. Subsection A.1 of section 2.13.080 of the Sacramento City Code is amended to read as follows:

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

a. No councilmember or candidate for the city office of councilmember shall accept contributions totaling more than \$29,150 in any single off-election year.

b. No mayor or candidate for the city office of mayor shall accept contributions totaling more than \$58,300 in any single off-election year.

B. Except as amended by subsection A above, all provisions of section 2.13.080 remain unchanged and in full effect.

SECTION 5.

A. 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 \$1,150.

B. Except as amended by subsection A above, all provisions of section 2.13.085 remain unchanged and in full effect.

Adopted by the City of Sacramento City Council on _____ by the following vote:

Ayes:

Noes:

Abstain:

Absent:

MAYOR

Attest:

City Clerk

Passed for Publication:

Published:

Effective: