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ORDINANCE NO. 2262

AN ORDINANCE AMENDING SECTION 12.01.050 OF THE DAVIS MUNICIPAL CODE CONCERNING THE DISCLOSURE OF CAMPAIGN CONTRIBUTIONS OF MORE THAN TWENTY-FIVE DOLLARS

a

WHEREAS, Section 12.01.050(a)(6) of the Davis Municipal Code currently provides that candidates for elected city office and their committees are required to disclose contributions from a person of more than twenty-five dollars; and

WHEREAS, other committees, such as those formed to support or oppose city ballot measures, are required to disclose contributions from a person of more than one hundred dollars; and

WHEREAS, the City Council of the City of Davis desires to require the same disclosure for all candidates and committees.

THE CITY COUNCIL OF THE CITY OF DAVIS DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 12.01.050(a)(6) of the Davis Municipal Code is hereby amended to read as follows:

"(6) If the cumulative amount of contributions (including loans) received from a person is more than twenty-five dollars and a contribution or loan has been received from that person during the period covered by the campaign statement, all of the following:

- (A) His or her full name,
- (B) His or her street address,
- (C) His or her occupation,
- (D) The name of his or her employer or, if self-employed, the name of the business,
- (E) The date and amount received for each contribution received during the period covered by the campaign statement and if the contribution is a loan, the interest rate for the loan, and
- (F) The cumulative amount of contributions;"

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INTRODUCED on July 25, 2006, and PASSED AND ADOPTED by the City Council of the City of Davis on this first day of August 2006 by the following vote:

AYES: Asmundson, Heystek, Saylor, Souza, Greenwald
 NOES: None
 ABSENT: None

(S) [Redacted Signature]

Sue Greenwald
Mayor

ATTEST:

(S) [Redacted Signature]

Margaret Roberts, CMC
City Clerk

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ORDINANCE NO. 1926

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
~~DAVIS~~ AMENDING CHAPTER 8A OF THE DAVIS MUNICIPAL
CODE HAVING TO DO WITH ELECTION CAMPAIGN LIMITATIONS
AND REPORTING REQUIREMENTS FOR INDEPENDENT
EXPENDITURE COMMITTEES AND TO ADD NOTICE
REQUIREMENTS FOR INDEPENDENT EXPENDITURES FOR
MAILERS AND ADVERTISEMENTS APPLICABLE TO CITY
COUNCIL ELECTIONS.

WHEREAS, the City Council finds and declares that the City's campaign contribution ordinance, including, but not limited to, the disclosure requirements and campaign contribution limitations, has greatly contributed to an open and fair political process, has increased public participation in city elections, and has decreased the public perception of undue or unfair influence in city elections by large contributors; and

WHEREAS, recently, independent committees have become a larger participant in city elections and have caused the public to question whether candidates for office are unduly influenced by large contributions made to independent committees; and

WHEREAS, the public interest in open and fair elections will be enhanced by limiting contributions to independent committees that support or oppose candidates for office in city elections; and

WHEREAS, the public interest in open and fair elections will be enhanced by removing any unfair surprise to candidates for office by independent expenditures made by independent committees in support of or opposition to a candidate through pre-notice of mailers and expenditures in support of or opposition to candidates by independent expenditure committees; and

WHEREAS, the amendments contained in this ordinance will enhance the public participation in city elections and promote fair and open elections;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF DAVIS DOES
ORDAIN AS FOLLOWS:

Section 1. Section 8A-2(f) of Chapter 8A of the Davis Municipal Code is hereby amended to read as follows:

(f) "Committee" means any person or combination of persons who directly or indirectly:

(1) Receive contributions totaling two hundred fifty dollars (\$250) or more in a calendar year; or

(2) Makes independent expenditures totaling two hundred fifty dollars (\$250) or more in a calendar year; or

(3) Makes contributions of two hundred fifty dollars (\$250) or more in a calendar year to or at the behest of candidates or committees.

Section 2. Section 8A-2(r) is hereby added to Chapter 8A of the Davis Municipal Code to read as follows:

2(r) "Slate mailer" means any mass mailing for or against one or more candidates or ballot measures.

Section 3. Section 8A-3.5 of Chapter 8A of the "Davis Municipal Code is hereby added to read as follows:

Sec. 8A-3.5 Limitations on contributions by persons to independent committees that support or oppose candidates.

(a) No person shall make, or no person or committee shall solicit, contributions in excess of one hundred dollars (\$100) from any person in any single candidacy period for or to a committee which makes independent expenditures of two hundred fifty dollars (\$250) or more in support or in opposition to any candidate.

(b) No committee which makes independent expenditures of two hundred fifty dollars (\$250) or more in support of or in opposition to any candidate shall accept any contribution in excess of one hundred dollars (\$100) from any person in any single candidacy period.

Section 4. Section 8A-5(a) of Chapter 8A of the Davis Municipal Code is hereby amended to read as follows:

Sec. 8A-5 Campaign Statement

(a) Each candidate and committee shall file with the city clerk within the times specified in subsection (c) of this section an original and one copy of campaign statements. When the city's technology allows, each candidate and committee shall have the option to file electronically. When electronic filing is available, the city clerk shall notify each candidate and committee with current filing obligations. Each campaign statement shall contain the following information:

Section 5. Section 8A-5.5 is hereby added to Chapter 8A of the Davis Municipal Code to read as follows:

Sec. 8A-5.5. Notice of Independent Expenditures.

Any committee that makes independent expenditures of two hundred fifty dollars (\$250) or more in support or in opposition to any candidate shall notify the city clerk and all candidates running for the same seat within 24 hours by facsimile transmission, overnight delivery, or personal delivery each time this \$250 dollar threshold is met. This notice shall include a copy of any mailing or advertisement produced, if applicable.

Section 6. Section 8A-6 of Chapter 8A of the Davis Municipal-Code is hereby amended to read as follows:

Sec. 8A-6. Declaration in lieu of campaign statement

If a candidate or committee has received contributions totaling less than two hundred dollars (\$200) and has made expenditures less than one hundred dollars (\$100), the candidate or committee treasurer may, in lieu of filing a campaign statement under section 8A-5, file, at the time established in subsection (c) or section 8A-5, an original verified declaration and one copy with the city clerk that to the best of his or her knowledge, not more than two hundred dollars (\$200) has been received in contributions and not more than one hundred dollars (\$100) has been expended on behalf of, in support or in opposition to a candidacy or measure.

Section 7. Section 8A-8 of Chapter 8A of the Davis Municipal Code is hereby amended to read as follows:

Sec. 8A-8. Requirements for mass mailing.

(a) If a candidate or committee sends a mass mailing, the name, street address, and city of the candidate or committee must be shown on the outside of each piece of mail in the mass mailing and on at least one of the inserts included within each piece of mail.

(b) If the sender of the mass mailing is a single candidate or committee, the name, street address, and the city of the candidate or committee need only be shown on the outside of each piece of mail.

(c) The information required by this section must appear on the envelope and insert in at least eight-point type, and in a printed or drawn box set apart from any other printed matter (Ord. No. 1624, §1 (part).)

(d) If a candidate or committee sends a slate mailer, it must comply with the notice requirements set out in Government Code §84305.5 and/or City Code Section 8A-5-5, if applicable.

PASSED AND ADOPTED THIS 11TH DAY OF FEBRUARY, 1998, BY THE FOLLOWING VOTE:

AYES: Boyd, Forbes, Kaneko, Partansky, Wolk.

NOES: None.

ABSENT: None.

(d)(5)

LOIS WOLK, Mayor

ATTEST:

(d)(5)

BETTE E. RACKI, City Clerk

ORDINANCE NO. 2172

AN ORDINANCE OF THE CITY OF DAVIS AMENDING CHAPTER 12, ELECTIONS, OF THE DAVIS MUNICIPAL CODE TO REQUIRE ADDITIONAL DISCLOSURE ON INDEPENDENT EXPENDITURE COMMUNICATIONS, TO CLARIFY INDEPENDENT EXPENDITURE REPORTING REQUIREMENTS, AND TO MAKE CLARIFYING AND TECHNICAL CHANGES TO CONFORM TO STATE LAW

THE CITY COUNCIL OF THE CITY OF DAVIS DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Chapter 12 of the Davis Municipal Code is hereby amended to read as follows:

Chapter 12

- 12.01.010 Intent and purpose.**
- 12.01.020 Definitions.**
- 12.01.030 Limitations on contributions by persons to candidates.**
- 12.01.035 Limitations on contributions by persons to independent committees that support or oppose candidates.**
- 12.01.040 Committee statement of organization.**
- 12.01.050 Campaign statements.**
- 12.01.055 Disclosure of independent expenditures.**
- 12.01.060 Declaration in lieu of campaign statement.**
- 12.01.070 Termination.**
- 12.01.080 Requirements for mass mailing.**
- 12.01.090 Violations; criminal.**
- 12.01.100 Late filing of campaign statement or declaration.**
- 12.01.110 Date of general municipal elections.**
- 12.01.120 Severability.**

12.01.010 Intent and purpose.

- (a) The intent and purpose of the city council in enacting this chapter is to:
- (1) Place realistic and enforceable limits on the amount individuals may contribute to political campaigns in municipal elections;
 - (2) Supplement the requirements of state law with regard to the reporting of campaign contributions and expenditures;
 - (3) Prevent the exercise of undue or improper influence, or its appearance, over elected officials by contributors to or independent supporters of political campaigns;
 - (4) Inform the public of the sources and objects of campaign contributions and expenditures;
 - (5) Encourage wide citizen participation in municipal elections; and
 - (6) Limit the ever-increasing cost of municipal election campaigns.

- (b) In view of these purposes, the city council finds:
- (1) That municipal elections are municipal affairs and the regulation of campaign expenditures and contributions in municipal elections is not preempted by general state law and is a proper subject of municipal regulation under the authority granted to cities by Article XI, section 7 of the California Constitution, Government Code section 81013, and Elections Code section 10202;
 - (2) That the prohibition of large contributions serves to help minimize the overall cost of municipal election campaigns;
 - (3) That a contribution limit of one hundred dollars per individual contributor per candidate will advance the city council's goals of preserving citizen confidence and participation in the municipal election process, minimize increases in the overall costs of municipal elections, while preserving the First Amendment rights of citizens to express support for particular candidates and points of view; and
 - (4) That certain provisions of the State's Political Reform Act are applicable to the city, and nothing in this Chapter is intended to conflict with any provisions of state law that regulate city elections, as they exist now or may be amended in the future.

12.01.020 Definitions.

For the purposes of this chapter, the following words and phrases will have the meanings respectively ascribed to them by this section:

- (a) "**Campaign statement**" as used in this chapter means an itemized report, prepared on a form provided by the city clerk, and containing the information required by this chapter.
- (b) "**Candidacy period**" means the period of time in which a person is a candidate for a specific elective office in any one election commencing with the date, whichever is earlier, either (i) such person files a statement of intention to be a candidate for elective office pursuant to Section 85200 of the Government Code, or (ii) any of the conditions set forth in section 12.01.020(c) are met, and up until the time the candidate or any committee controlled by the candidate files a statement of termination pursuant to section 12.01.070.
- (c) "**Candidate**" means:
 - (1) A person whose name is listed on a ballot for nomination for or election to any elective city office; or
 - (2) A person who is qualified to have write-in votes on his or her behalf counted by election officials; or
 - (3) A person who receives a contribution or makes an expenditure with the intent of bringing about his or her nomination or election; or
 - (4) A person who gives his or her consent to another person to receive a contribution or make an expenditure with the intent of bringing about his or her nomination or election; or
 - (5) Any city office holder who is the subject of a recall election;

(6) Subsections (c)(3) and (4) of this section apply whether or not the specific elective office for which the person will seek nomination or election is known at the time the contribution is received or the expenditure is made; and whether or not the person has announced his or her candidacy or filed a declaration of candidacy at the time the contribution is received or the expenditure is made.

(d) "**Clerk**" means the city clerk.

(e) "**Closing date**" means the date through which any report or statement filed under this chapter is required to be complete.

(f) "**Committee**" means any person or combination of persons who directly or indirectly:

- (1) Receives contributions totaling two hundred fifty dollars (\$250) or more in a calendar year; or
- (2) Makes independent expenditures of two hundred fifty dollars (\$250) or more in a calendar year; or
- (3) Makes contributions of two hundred fifty dollars (\$250) or more in a calendar year to or at the behest of candidates or committees.

(g) "**Contribution**" means:

- (1) A payment, a gift, a forgiveness of a loan, a payment of a loan by a third party, or an enforceable promise to make a payment except to the extent that full and adequate consideration is received unless it is clear from the surrounding circumstances that it is not made for political purposes;
- (2) A payment made at the behest of a committee, as defined in section 12.01.020(f)(1) is a contribution to the committee unless full consideration is received from the committee for making the payment;
- (3) A payment made at the behest of a candidate is a contribution to the candidate unless either full and adequate consideration is received from the candidate, or if it is clear from the surrounding circumstances that the payment was made for purposes unrelated to his or her candidacy for elective office. A payment is made for purposes related to a candidate's candidacy for elective office if all or a portion of the payment is used for election-related activities, as defined in Government Code section 82015(b)(2)(C). The following types of payments are presumed to be for purposes unrelated to a candidate's candidacy for elective office:
 - (A) A payment made principally for personal purposes, in which case it may be considered a gift.
 - (B) A payment made by a state, local, or federal governmental agency or by a nonprofit organization that is exempt from taxation under section 501(c)(3) of the Internal Revenue Code.

(C) A payment not covered by section 12.01.020(g)(3)(A), made principally for governmental or charitable purposes is neither a gift nor a contribution, but payments of this type that are made at the behest of a candidate who is an elected official shall be reported within 30 days following the date on which the payment(s) equal or exceed one hundred dollars in the aggregate from the same source in the same calendar year in which they are made. The report shall be filed with the city clerk and shall contain all of the information required by Government Code section 82015(b)(2)(B)(iii), as it reads now or as it may be amended in the future. Once the one hundred dollars aggregate threshold from a single source has been reached for a calendar year, all payments for the calendar year made by that source must be disclosed within 30 days after the date the threshold was reached or the payment was made, whichever occurs later.

(4) The term "contribution" includes:

- (A) The purchase of tickets for events such as dinners, luncheons, rallies, and similar fundraising events,
- (B) The candidate's own money or property used on behalf of his or her candidacy other than personal funds of the candidate used to pay either a filing fee for a declaration of candidacy or a candidate statement for the sample ballot.
- (C) The granting of discounts or rebates not extended to the public generally or the granting of discounts or rebates by television or radio stations and newspapers not extended on an equal basis to all candidates for the same office,
- (D) The payment of compensation by any person for the personal services or expenses of any other person if such services are rendered or expenses incurred at the behest of a candidate or committee without payment of full consideration,
- (E) The transfer of anything of value received by a committee from another committee, unless full consideration is received;

(5) The term "contribution" does not include:

- (A) Amounts received pursuant to an enforceable promise to the extent such amounts have been previously reported as a contribution and are limited in accordance with the terms of this chapter; however, the fact that such amounts have been received shall be indicated in the campaign statement,
- (B) A payment made by an occupant of a home for costs related to any meeting or fundraising event held in the occupant's home if the costs for the meeting or fund-raising event are two hundred dollars or less,
- (C) A payment made by an owner of a business for costs related to any meeting or fundraising event held on the business premises if the costs for the meeting or fundraising event are two hundred dollars or less,
- (D) Volunteer personal services or payments made by an individual for his or her own travel expenses if such payments are made voluntarily without any understanding or agreement that they shall be, directly or indirectly, repaid by him or her,
- (E) Use of a candidate's own home in furtherance of his or her own candidacy.

(F) A contribution made at the behest of a candidate for a different candidate or to a committee not controlled by the behesting candidate is not a contribution to the behesting candidate.

(h) **"Controlled committee"** means a committee which is controlled directly or indirectly by a candidate, or which acts jointly with a candidate or controlled committee in connection with the making of expenditures. A candidate controls a committee if the candidate, his or her agent, or any other committee controlled by the candidate has a significant influence on the actions or decisions of the committee. A political party committee, as defined in Government Code section 85205, is not a controlled committee.

(i) **"Elected officer"** means any person who holds an elective office or has been elected to an elective office but has not yet taken office. A person who is appointed to fill a vacant elective office is an elected officer.

(j) **"Election"** means any city, general, special or recall election held in the city.

(k) **"Expenditure"** means:

(1) A payment, a forgiveness of a loan, a payment of a loan by a third party, or an enforceable promise to make a payment, unless it is clear from the surrounding circumstances that it is not made for political purposes;

(2) An expenditure is made on the date the payment is made or on the date consideration, if any, is received, whichever is earlier. An expenditure does not include a candidate's use of his or her own money to pay for either a filing fee for a declaration of candidacy or a candidate statement prepared for the sample ballot.

(l) **"Fundraising event"** means any political event organized for the purpose of raising funds to be used in support of or opposition to any candidate or measure.

(m) **"Gift"** means:

(1) Any payment that confers a personal benefit on the recipient to the extent that consideration of equal or greater value is not received and includes a rebate or discount in the price of anything of value unless the rebate or discount is made in the regular course of business to members of the public without regard to official status;

(2) Notwithstanding subsection (m)(1) of this section, the term "gift" does not include:

(A) Informational material such as books, reports, pamphlets, calendars or periodicals. No payment for travel or reimbursement for any expenses shall be deemed informational material,

(B) Gifts which are not used and which, within thirty days after receipt, are returned to the donor or delivered to a charitable organization without being claimed as a charitable contribution for tax purposes,

- (C) Gifts from an individual's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin or the spouse of any such person; however, a gift from any such person is a gift if the donor is acting as an agent or intermediary for any person not covered by this paragraph and must be reported under section 12.01.050, under this chapter,
- (D) Campaign contributions required to be reported under this chapter,
- (E) Any devise or inheritance,
- (F) Personalized plaques, trophies and awards with an individual value of less than two hundred fifty dollars,
- (G) Gifts from foreign governments,
- (H) Meals or incidental gifts from the same person not exceeding a total of ten dollars in a calendar month.

(n) **"Independent expenditure"** means an expenditure made by any person in connection with a communication which:

- (1) Expressly advocates the election, or defeat of a clearly identified candidate, or the qualification, passage or defeat of a clearly identified measure; or
- (2) Taken as a whole and in context, unambiguously urges a particular result in an election; but which is not made to or at the behest of the affected candidate or committee.

(o) **"Mass mailing"** means two hundred or more identical or nearly identical pieces of mail. Mass mailing does not include a form letter or other mail sent in response to a request, letter or other inquiry.

(p) **"Measure"** means any proposition submitted to a popular vote at any election by action of the city council, or which is submitted or is intended to be submitted to a popular vote at an election by initiative, referendum or recall procedure, whether or not it qualifies for the ballot.

(q) **"Person"** shall be as defined in section 1.01.020 of this Code.

(r) **"Slate mailer"** means any mass mailing for or against one or more candidates or ballot measures.

12.01.030 Limitations on contributions by persons to candidates.

(a) No person shall make and no candidate shall solicit or accept any contribution which would cause the total amount contributed by that person to that candidate, including contributions to all committees controlled by the candidate, to exceed one hundred dollars for any single candidacy period.

(b) The provisions of this section shall not apply to a candidate's contribution of his or her personal funds to his or her own campaign. Any such contributions shall be disclosed in accordance with section 12.01.050.

- (c) Contributions by a husband and wife shall be treated as separate contributions and shall not be aggregated. Contributions by children under eighteen shall be treated as contributions by their parents and attributed either one-half to each parent or entirely to a single custodial parent.
- (d) No person shall make an anonymous contribution or contributions to a candidate or committee or any other person exceeding ten dollars for any single candidacy period. An anonymous contribution of more than ten dollars shall not be kept by the intended recipient but instead shall, within fourteen days of receipt, be paid to the city clerk for deposit in the general fund of the city.
- (e) Contributions in excess of the maximum amount provided in subsection (a) of this section shall, within fourteen days of receipt, either be (1) returned to the donor, or (2) paid to the city clerk for deposit in the general fund of the city.
- (f) A contribution shall not be considered received if it is not negotiated, deposited or utilized, and, in addition, either returned to the donor or paid to the city clerk for deposit in the general fund of the city within fourteen days of receipt.

12.01.035 Limitations on contributions by persons to independent committees that support or oppose candidates.

- (a) No person shall make, and no person or committee shall solicit, contributions in excess of one hundred dollars (\$100) from any person in any single candidacy period for or to a committee which makes independent expenditures of two hundred fifty dollars (\$250) or more in support of or in opposition to any candidate.
- (b) No committee which makes independent expenditures of two hundred fifty dollars (\$250) or more in support of or in opposition to any candidate shall accept any contribution in excess of one hundred dollars (\$100) from any person in any single candidacy period.

12.01.040 Committee statement of organization.

- (a) Every committee which is a committee by virtue of subsection (f)(1) of section 12.01.020 shall file with the city clerk a statement of organization within ten days after it has qualified as a committee.
- (b) If an independent expenditure committee qualifies as a committee pursuant to subsection (f)(1) of section 12.01.020 prior to the election but after the closing date of the last campaign statement required to be filed prior to the election by a candidate or committee participating in such election, and makes independent expenditures of two hundred fifty dollars (\$250) or more to support or oppose a candidate or candidates for elected office, the committee shall file a statement of organization with the city clerk within 24 hours of qualifying as a committee. This requirement is in addition to the reporting requirement set forth in section 12.01.055.

(c) The statement of organization shall include:

- (1) The name, street address and telephone number, if any, of the committee;**
- (2) The full name, street address and telephone number, if any, of the treasurer and other principal officers;**
- (3) The full name and office sought by any candidate and the title and ballot letter or number, if any, of any measure which the committee supports or opposes as its primary activity. A committee which does not support or oppose one or more candidates or ballot measures as its primary activity shall provide a brief description of its political activities, including whether it supports or opposes candidates or measures and whether such candidates or measures have common characteristics such as a political party affiliation;**
- (4) The disposition of surplus funds which will be made in the event of dissolution.**

(d) Whenever there is a change in any of the information contained in a statement of organization, an amendment shall be filed with the city clerk within ten days to reflect the change.

(e) A candidate or committee may use the forms for campaign statements required to be filed pursuant to the state Political Reform Act (Government Code § 81000 et seq.) in order to comply with the reporting requirements of this section; provided, however, that such campaign statements shall contain all information required by this section.

12.01.050 Campaign statements.

(a) Each candidate and committee shall file with the city clerk within the times specified in subsection (c) of this section an original and one copy of campaign statements. When the city's technology allows, each candidate and committee shall have the option to file electronically. When electronic filing is available, the city clerk shall notify each candidate and committee with current filing obligations. Each campaign statement shall contain the following information:

- (1) The total amount of the contributions received during the period covered by the campaign statement and the total cumulative amount of contributions received;**
- (2) The total amount of expenditures made during the period covered by the campaign statement and the total cumulative amount of expenditures made;**
- (3) The total amount of contributions received during the period covered by the campaign statement from persons who have given a cumulative amount of more than twenty-five dollars;**
- (4) The total amount of contributions received during the period covered by the campaign statement from persons who have given a cumulative amount of twenty-five dollars or less;**
- (5) The balance of cash and cash equivalents on hand at the beginning and end of the period covered by the campaign statement;**
- (6) If the cumulative amount of contributions (including loans) received from a person is more than twenty-five dollars for that candidacy period and a contribution or loan has been received from that person during the period covered by the campaign statement, all of the following:**

- (A) His or her full name,
- (B) His or her street address,
- (C) His or her occupation,
- (D) The name of his or her employer or, if self-employed, the name of the business,
- (E) The date and amount received for each contribution received during the period covered by the campaign statement and if the contribution is a loan, the interest rate for the loan, and
- (F) The cumulative amount of contributions;

(7) If the cumulative amount of loans received from or made to a person is more than twenty-five dollars, and a loan has been received from or made to a person during the period covered by the campaign statement, or is outstanding during the period covered by the campaign statement, all of the following:

- (A) His or her full name,
- (B) His or her street address,
- (C) His or her occupation,
- (D) The name of his or her employer, or if self-employed, the name of the business,
- (E) The original date and amount of each loan,
- (F) The due date and interest rate of the loan,
- (G) The cumulative payment made or received to date at the end of the reporting period,
- (H) The balance outstanding at the end of the reporting period, and
- (I) The cumulative amount of contributions.

(8) For each person, other than the filer, who is directly, indirectly or contingently liable for repayment of a loan received or outstanding during the period covered by the campaign statement, all of the following:

- (A) His or her full name,
- (B) His or her street address,
- (C) His or her occupation,
- (D) The name of his or her employer or if self-employed, the name of the business, and
- (E) The amount of his or her maximum liability outstanding;

(9) The total amount of expenditures made during the period covered by the campaign statement to persons who have received one hundred dollars or more;

(10) The total amount of expenditures made during the period covered by the campaign statement to persons who have received less than one hundred dollars;

(11) For each person to whom an expenditure of one hundred dollars or more has been made during the period covered by the statement, all of the following:

- (A) His or her full name,
- (B) His or her street address,
- (C) The amount of each expenditure,
- (D) A brief description of the consideration for which each expenditure was made,

(E) In the case of an expenditure which is a contribution to a candidate, elected officer, or committee or an independent expenditure to support or oppose a candidate or measure, in addition to the information required in paragraphs (A) through (D) above, the date of the contribution or independent expenditure; the cumulative amount of contributions made to a candidate, elected officer or committee, or the cumulative amount of independent expenditures made relative to a candidate or measure; the full name of the candidate; and the office for which he or she seeks nomination or election. In the case of a contribution in support of or opposition to a measure, the number or letter of the measure and the jurisdiction in which the measure, the number or letter of the measure and the jurisdiction in which the measure or candidate is voted upon, and

(F) The information required in subsections (a)(10)(A--D) of this section, for each person, if different from the payee, who has provided consideration for an expenditure or one hundred dollars or more during the period covered by the campaign statement. For purposes of subsections (a)(9), (10) and (11) only, the term "expenditure" or "expenditures" means any individual payment or accrued expense, unless it is clear from surrounding circumstances that a series of payments or accrued expenses are for a single service or product;

(12) The full name, residential or business address of the filer, or in the case of a committee, the name, street address and telephone number of the committee and of the committee treasurer.

(b) In addition to the other information to be included on the campaign statements set forth in this section, the preelection campaign statement required to be filed pursuant to subsection (c)(2) of this section shall include an estimate of additional expenditures the candidate or committee reasonably expects be made on or before the date of the election. This section shall not be considered to be violated if the estimate is unintentionally at variance with the amount actually expended.

(c) Campaign statements shall be filed at the following times:

(1) Semiannual statements: Each year no later than July 31st for the period beginning January 1st and ending June 30th, and no later than January 31st for the period beginning July 1st and ending December 31st.

(2) Pre-election statements and special campaign statements and reports:

(1) In accordance with the times set forth in Sections 84200.5, 84200.6, 84200.7, 84200.8, 84202.5 and 84203 of the Government Code; and

(2) No later than 5 days before the election for the period beginning 16 days and ending 6 days before the election.

(d) A candidate or committee may use the forms for campaign statements required to be filed pursuant to the state Political Reform Act (Government Code § 81000 *et seq.*) in order to comply with the reporting requirements of this section; provided, however, that such campaign statements shall contain the additional information required by this section.

12.01.055 Disclosure of independent expenditures.

- (a) Any committee that makes an independent expenditure of two hundred fifty dollars or more in support of or in opposition to any candidate shall include on any printed mailing, advertisement, or other printed communication a statement that reads substantially as follows, "This communication is not authorized by any candidate for _____ or any candidate's committee," and shall be printed in at least 10 point font in a color contrasting with the background color. The following statement shall be aired on any radio or television advertisement or any other non-printed communication, "This communication is not authorized by any candidate for _ or any candidate's committee," and shall either be printed in a clearly readable manner with a reasonable degree of color contrast between the background and the printed statement, for a period of at least four seconds, or shall be orally stated at the end of any non-televised communication.
- (b) In accordance with section 12.01.020(k), an independent expenditure is considered made on the earlier of the date the independent expenditure committee makes a payment, or the date the independent expenditure receives consideration, if any.
- (c) Any committee that makes independent expenditures of two hundred fifty dollars or more in support or in opposition to any candidate shall notify the city clerk and all candidates running for the same seat within twenty-four hours by facsimile transmission, overnight delivery, or personal delivery each time this two hundred fifty dollar threshold is met. This notice shall include a copy of any mailing or advertisement produced, if applicable.
- (d) Any committee that is required to provide notification under subsection(c) of this section 12.01.055 shall, in addition to any requirements of sections 12.01.040 or 12.01.050, report its full name, street address, and telephone number; the full name of the candidate and the office for which the candidate seeks election for which the independent expenditure advocated the election or defeat of; the names, street addresses and telephone numbers of all contributors who contributed more than twenty-five dollars; the date of the expenditure; the amount of the expenditure; a description of goods or services for which the independent expenditure was made; and the cumulative amount of expenditures to such person. This information is supplemental to any information that may be required to be reported under section 12.01.050 or Government Code sections 84203.5 or 84204. Any committee required to provide notification under this subsection (d) may use forms required to be filed pursuant to the state Political Reform Act (Government Code § 81000 et seq.) in order to comply with the reporting requirements of this section; provided, however, that such forms shall contain all information required by this section.

12.01.060 Declaration in lieu of campaign statement.

If a candidate or committee has received contributions totaling less than two hundred dollars (\$200) and has made expenditures of less than one hundred dollars (\$100), the candidate or committee treasurer may, in lieu of filing a campaign statement under section 12.01.050, file, at the times established in subsection (c) of section 12.01.050, an original verified declaration and one copy with the city clerk that to the best of his or her knowledge, not more than two hundred

dollars (\$200) has been received in contributions and not more than one hundred dollars (\$100) has been expended on behalf of, in support of or in opposition to a candidacy or measure.

12.01.070 Termination.

Candidates and committees qualifying under subsection (f)(1) of section 12.01.020 shall file statements of termination with the city clerk in order to terminate their filing obligations under this chapter. Such statements of termination shall contain information sufficient to ensure that the candidate or committee will have no activity which must be disclosed pursuant to this chapter subsequent to the termination. A candidate or committee may use the form statement of termination required to be filed pursuant to the state Political Reform Act (Government Code § 81000 *et seq.*) in order to comply with this section.

12.01.080 Requirements for mass mailing.

- (a) Except as provided in subsection (b), if a candidate or committee sends a mass mailing, the name, street address, and city of the candidate or committee must be shown on the outside of each piece of mail in the mass mailing and on at least one of the inserts included within each piece of mail.
- (b) If the sender of the mass mailing is a single candidate or committee, the name, street address, and city of the candidate or committee need only be shown on the outside of each piece of mail.
- (c) If the sender of a mass mailing is a controlled committee, the name of the person controlling the committee shall be included in addition to the information required by subdivision (a).
- (d) The information required by this section must appear on the envelope and insert in at least six-point type, and in a printed or drawn box set apart from any other printed matter.
- (e) If a slate mailer organization, as defined in Government Code section 84208.4, sends a slate mailer, it must comply with the notice requirements set out in Government Code Section 84305.5 and/or city Code section 12.01.055.

12.01.090 Violations; criminal.

- (a) Any person who knowingly or willfully violates any provision of this chapter is guilty of a misdemeanor, punishable by a fine of not more than five hundred dollars or six months imprisonment; or both. Prosecution for violation of this chapter must be commenced within four years after the date on which the violation occurred.
- (b) If a person is convicted of a violation of this chapter after election, and is thereby made ineligible to hold public office under the laws of this state, the vacancy thus created will be filled in accordance with the procedures provided in the state Government Code. If a candidate is convicted of a violation of any of the provisions of this chapter at any time before election, his or her candidacy will be terminated and he or she will not be a candidate for any elective office for four years following the date of conviction.

(c) The district attorney of Yolo County is responsible for enforcing the criminal provisions of this chapter.

12.01.100 Late filing of campaign statement or declaration.

If any person files a campaign statement or declaration after any deadline imposed by this chapter, he or she may, in addition to any other penalties or remedies established by this chapter, be liable to the city clerk in the amount of ten dollars per day after the deadline until the statement or declaration is filed. Liability need not be enforced by the city clerk if on an impartial basis he or she determines that the late filing was not willful and that enforcement of the liability will not further the purposes of this chapter, except that no liability shall be waived if a statement or declaration is not filed within three days for a preelection campaign statement or declaration, and ten days for semiannual campaign statements or declarations after the city clerk has sent specific written notice of the filing requirement. The city clerk shall deposit any funds received under this section into the general fund of the city. No liability under this section shall exceed the cumulative total amount of contributions stated in the late campaign statement or declaration or fifty dollars, whichever is greater.

12.01.110 Date of general municipal elections.

City general municipal elections shall be held in even-numbered years on the same day as the statewide direct primary elections.

12.01.120 Severability

If any section, subsection, sentence, clause, phrase or portion of this chapter for any reason is held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the chapter. The city council hereby declares that it would have adopted this chapter and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

INTRODUCED on July 20, 2004 and PASSED AND ADOPTED by the City Council of the City of Davis on this 27th day of July, 2004 by the following vote:

AYES: GREENWALD, PUNTILLO, SAYLOR, SOUZA, ASMUNDSON.

NOES: NONE.

RUTH UY ASMUNDSON
Mayor

ATTEST:

BETTE E. RACKI
City Clerk

ORDINANCE NO. 2211

AN ORDINANCE OF THE CITY OF DAVIS AMENDING SECTIONS 12.01.020, 12.01.030 AND 12.01.090 OF CHAPTER 12, ELECTIONS, OF THE DAVIS MUNICIPAL CODE TO DEFINE THE TERM "SPOUSE" TO INCLUDE A REGISTERED DOMESTIC PARTNER RECOGNIZED UNDER STATE LAW AND TO INCREASE THE MAXIMUM PENALTY FOR VIOLATING ANY PROVISION OF CHAPTER 12

WHEREAS, the Fair Political Practices Commission recently adopted a regulation providing that a spouse includes a registered domestic partner recognized under state law; and

WHEREAS, this ordinance amends the City of Davis' election code to similarly define "spouse."

WHEREAS, Chapter 12 of the Davis Municipal Code provides that a violation of any of its provisions is a misdemeanor subject to a maximum fine of \$500 and/or six months in county jail; and

WHEREAS, the City Council desires to change the maximum fine to \$1,000.

THE CITY COUNCIL OF THE CITY OF DAVIS DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Subdivision (s) is hereby added to section 12.02.020 of the Davis Municipal Code to read as follows:

(s) "**Spouse**" means a husband, wife, or registered domestic partner recognized under state law.

Section 2. Subdivision (c) of Section 12.01.030 of the Davis Municipal Code is hereby amended to read as follows:

(c) Contributions by a *person and his or her spouse* shall be treated as separate contributions and shall not be aggregated. Contributions by children under eighteen shall be treated as contributions by their parents and attributed either one-half to each parent or entirely to a single custodial parent.

Section 3. Subdivision (a) of Section 12.01.090 of the Davis Municipal Code is hereby amended to read as follows:

(a) Any person who knowingly or willfully violates any provision of this chapter is guilty of a misdemeanor, punishable by a fine of not more than *one thousand* dollars or six months imprisonment; or both. Prosecution for violation of this chapter must be commenced within four years after the date on which the violation occurred.

INTRODUCED on June 21, 2005 and PASSED AND ADOPTED by the City Council of the City of Davis on June 28, 2005 by the following vote:

AYES: GREENWALD, PUNTILLO, SAYLOR, SOUZA, ASMUNDSON.

NOES: NONE.

RUTH UY ASMUNDSON
Mayor

ATTEST:

BETTE E. RAČKI
City Clerk