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**Chapter 2.13 CAMPAIGN CONTRIBUTION LIMITATIONS**

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**Article I. General Findings**

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**2.13.010 Title.**

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This chapter may be cited as the "Campaign Contribution Limits Code" of the city of Sacramento. (Ord. 2000-048 § 1)

**2.13.020 Findings.**

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The city council of the city of Sacramento finds and declares as follows:

- A. The policy of this city is to protect the integrity of the electoral process.
- B. Monetary contributions to political campaigns are a legitimate form of participation in the political process, but the financial strength of certain individuals or organizations should not permit them to exercise a disproportionate or controlling influence on the election of candidates for municipal office. The increasing amounts of expenditures in political campaigns have forced many candidates for elective office to raise larger and larger sums from individuals or interest groups with a specific financial stake in city matters. This can cause the public perception that the votes of city council members and decisions of elected officials are being improperly influenced by monetary contributions. Such a perception can undermine the credibility of the city council and the governmental process.
- C. The best interests of the citizens of the city of Sacramento are served by reducing the direct and indirect costs of campaigns.
- D. The city finds that limitations on contributions of money, services and materials by individuals or groups to municipal election campaigns should be imposed by law to protect the public health, safety and welfare. These limitations, however, should be reasonable so as not to discourage personal expression or participation in the political process.
- E. The constant pressure to raise contributions during both election years and off-election years is distracting elected municipal officials from addressing the needs of the community.
- F. Some elected municipal officials are responding to high campaign costs by raising large amounts of money in off-election years to either pay off campaign debts previously incurred or to accumulate campaign funds for future use. This fundraising distracts elected officials from important public matters, encourages contributions which may have a corrupting influence or, at the very least, the appearance of improper influence, and gives incumbent elected officials an unfair fundraising advantage over potential challengers.
- G. The integrity of the legislative process and public confidence in elected municipal officials are diminishing. (Ord. 2000-048 § 1)

**2.13.030 Purpose and intent.**

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The city council of the city of Sacramento enacts this ordinance to accomplish the following purposes:

- A. To encourage public trust in the electoral and decision-making processes of the city, and to ensure that individuals and interest groups have a fair and equal opportunity to participate in the elective and legislative process;
- B. To reduce the potential for influence by large contributors with a specific financial stake in matters before the

city, thus countering the perception that decisions of municipal officials are influenced more by the size of contributions than by the merits of proposals and what is in the best interest of the residents of the city;

- C. To encourage smaller contributions;
- D. To allow municipal officials and elected candidates to spend a smaller portion of their time on fundraising and a greater proportion of their time working on and discussing important city issues;
- E. To help restore public trust in the city's legislative and electoral institutions; and
- F. To limit the use of loans and credit in the financing of political campaigns for municipal elective office. (Ord. 2000-048 § 1)

## **Article II. Definitions**

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### **2.13.040 Definitions.**

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Unless a particular word or phrase is otherwise specifically defined in this article, or the contrary is stated or clearly appears from the context, the definitions set forth in the Political Reform Act of 1974 (Government Code Sections 81000 et seq.) shall govern the construction, meaning, and application of words and phrases used in this article. References to particular sections of the Government Code or other statutes or laws, including references in this section, shall be deemed to include any changes to such sections, statutes or laws, including any amendments, deletions, additions, renumberings or recodifications that may occur subsequent to the enactment of this ordinance.

“Campaign contribution account” means an account established pursuant to California Government Code Section 85201.

“Campaign reform fund” means those funds in the campaign reform budget unit established pursuant to Section 2.14.210.

“Candidate” means an individual who has filed a statement pursuant to California Government Code Section 85200 indicating an intent to run for city office.

“City office” means the offices of mayor and city council member.

“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.

“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.

“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.

“Contribution” means contribution as defined in California Government Code Section 82015, and shall include loans to the extent that loans are considered contributions pursuant to California Government Code Section 84216.

“Controlled committee” means controlled committee as defined in California Government Code Section 82016.

“Entity” means any person or organization, as those terms are defined herein, other than an individual.

“General election period” means the period from the first day of the month following the month in which a primary election is held through December 31st of the year in which the election for a city office is held; except that in the event a candidate for city office receives a majority of votes cast in the primary election, the period from the first day of the month following the month in which the primary election is held through December 31st of that year shall be considered to be an off-election year for that candidate for purposes of applicable contribution limitations.

“Independent expenditure” means independent expenditure as defined in California Government Code Section 82031.

“Large political committee” means a political committee of persons that has been in existence for more than six months, receives contributions from one hundred (100) or more persons and acting in concert makes contributions to one or more candidates for city elective office.

“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 of the year preceding the year of the election shall be considered an off-election year, while the period from July 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 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 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 shall be considered an off-election year for that candidate for purposes of applicable contribution limitations.

“Person” means an individual or any proprietorship, labor union, firm, partnership, joint venture, syndicate, business trust, company, corporation, association, political action committee, committee, or other entity which does not constitute a “large political committee” as defined above.

“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.

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

“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.

“Qualified campaign expenditures” means an expenditure for which matching public funds may be used pursuant to Section 2.14.200.

“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.

“Special election period” means the period from the date a city office becomes vacant through the last day of the month in which the special election for that city office is held.

“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. (Ord. 2007-012 § 2; Ord. 2005-072 § 1; Ord. 2000-048 § 1)

### **Article III. Contribution Limitations**

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#### **2.13.050 Contribution limitations.**

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A. Councilmembers. Contributions to candidates for the office of city councilmember 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 city councilmember, 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 one thousand five hundred dollars (\$1,500.00) 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.

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 controlled committee, 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 five thousand fifty dollars (\$5,050.00) 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 through 85307):

1. Contributions by Persons. No person shall make, and no candidate for the office of mayor, 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 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 three thousand fifty dollars (\$3,050.00) 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 the candidate or such candidate's controlled committee, 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 ten thousand one hundred dollars (\$10,100.00) 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.

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 nine hundred dollars (\$900.00) 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 five hundred dollars (\$3,500.00) in a calendar year. The provisions of this subsection 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.

Exception. A committee may solicit and accept contributions in excess of the limits established by subsection D if the committee makes expenditures for any lawful purpose other than supporting or opposing candidates for city elective office, provided that:

1. Funds received from contributions in excess of the limits set forth in subsection D are used only for lawful purposes other than supporting or opposing candidates for city elective office or making contributions to candidates for city elective office; and

2. The committee shall establish a separate bank account to be used for making expenditures to support or oppose candidates for city elective office or for making contributions to candidates for city elective office. All expenditures to support or oppose candidates for city elective office and all contributions made by the committee to candidates for city elective office must be made with funds from this account. A committee may not deposit into this account any

contributions that were solicited or accepted in excess of the limitations established by subsection 1 above.

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 nonmonetary contribution is made by the contributor on the earlier of the following dates: (A) 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; (B) 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 (C) 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: (A) the nonmonetary contribution; (B) its monetary equivalent; or (C) the monetary amount by which the value of the nonmonetary 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 of this section.

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.

F. Subsection D of this section relating to contributions to committees shall be of no further force and effect until further legislative action is taken by the city council by ordinance. (Ord. 2011-19 §§ 1, 2; Ord. 2009-020 § 1; Ord. 2007-098 § 2; Ord. 2007-015 §§ 1—3; Ord. 2005-072 § 2; Ord. 2003-010 § 1; Ord. 2000-048 § 1)

**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 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. (Ord. 2005-072 § 3: Ord. 2000-048 § 1)

## **2.13.060 Aggregation of contributions.**

For the purposes of the contribution limitations contained in this chapter, contributions of two or more persons or entities shall be aggregated as follows:

A. All payments made by a person or organization whose contributions or expenditure activities are financed, maintained or controlled by any corporation, labor organization, association, political party or any other person or committee, including any parent, subsidiary, branch, division department or local unit of the corporation, labor organization, association, political party or any other person, or by any group of such persons, shall be considered to be made by the person or organization financing, maintaining or controlling the contribution or expenditure.

B. Two or more persons shall be treated as one and the same person for purposes of the contribution limitations set forth in Section 2.13.050 and their contributions shall be aggregated and shall not exceed the limitations set forth in Section 2.13.050, in the following situations:

1. Related Entities. Two or more entities, including but not limited to, partnerships, limited partnerships, and corporations, shall be treated as one person for purposes of the contribution limitations set forth in 2.13.050 above, when any of the following circumstances apply:

- a. The entities share the majority of members of their governing boards.
- b. The entities share two or more officers.
- c. The entities are owned or controlled by the same majority shareholder(s) or general partner(s). For purposes of this subsection, a controlling interest means fifty (50) percent or more of the voting power of a corporation.
- d. The entities are in a parent-subsidiary relationship. A parent-subsidiary relationship exists when one corporation directly or indirectly owns shares possessing fifty (50) percent or more of the voting power of another corporation.

2. Controlling Interest. A person and any general partnership in which the person is a general partner, or a person and any corporation in which the person owns a controlling interest, shall be treated as one and the same, and the aggregate contributions made by the person and the corporation or partnership shall not exceed the contribution limitations set forth in Section 2.13.050.

For purposes of this subsection, a controlling interest in a corporation means fifty (50) percent or more of the voting power of a corporation.

C. Notwithstanding the provisions of Section 2.13.180, a candidate shall not be deemed to be in violation of this section if he or she accepts a contribution from a person or persons that exceeds the contribution limits set forth in Section 2.13.050 because of the aggregation of contributions pursuant to subsections A and B of this section. It is the intent of this section to make contributors, and not candidates, liable for violations of this section occurring as a result of the applicability of the aggregation rules set forth in subsections A and B of this section. (Ord. 2000-048 § 1)

## **2.13.065 Written solicitations by candidates.**

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 \$1,500 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 \$5,050 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 \$3,050 to a candidate for Mayor for a primary, general or special election, while a large political committee may not give more than \$10,100 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.

(Ord. 2011-019 § 3; Ord. 2009-020 § 2; Ord. 2007-015 § 4; Ord. 2005-072 § 4; Ord. 2000-048 § 1)

### **2.13.070 Transfers of funds or contributions by committees to controlled committees of candidates for city elective office.**

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A. Except as provided in subsection B of this section, any transfer of funds or contributions by a committee to a controlled committee of a candidate for city elective office including an elected councilmember or mayor, shall comply with the contribution limits set forth in Section 2.13.050; and any contribution or transfer of funds by a committee to another committee which makes contributions to a candidate for city elective office, including an elected councilmember or mayor, or which makes expenditures for or against a candidate for city elective office, including an elected councilmember or mayor, shall comply with the contribution limits set forth in Section 2.13.050.

B. Intra-Candidate Transfer of Funds. Except as otherwise prohibited by state law, a candidate for city elective office, including an incumbent running for the same or different city elective office, may transfer funds from any other committee controlled by the candidate to the candidate's committee for election to city elective office, provided all of the following requirements are met:

1. The candidate for city elective office establishes a new campaign account into which funds will be transferred. The candidate may not re-designate an existing campaign account.

2. The contributions transferred to the candidate's committee for election to a city elective office are attributed to specific contributors to the campaign contribution account from which they were transferred. Contributions shall be allocated and attributed to individual contributors on a "first in, first out" or "last in, first out" basis. For purposes of this section, the terms "first in, first out" and "last in, first out" shall have the following meanings:

a. "First in, first out" means the campaign funds being transferred are attributed to the transferring committee's contributors in chronological order beginning with the earliest of its contributors or, if there has been a prior transfer, beginning with the earliest contributor for which unattributed contributions remain.

b. "Last in, first out" means that campaign funds being transferred are attributed to the transferring committee's contributors in reverse chronological order beginning with the most recent of its contributors or, if there has been a prior

transfer, beginning with the most recent contributor for which unattributed contributions remain.

3. The contributions transferred to the candidate's committee for election to a city elective office, when aggregated with all other contributions from, and transfers attributable to, the same contributor do not exceed the amount that the contributor could have contributed to the candidate, or the controlled committee of the candidate, pursuant to Section 2.13.050. (Ord. 2007-098 § 3; Ord. 2007-012 § 1; Ord. 2000-048 § 1)

### **2.13.080 Aggregate off-election year contribution limitations.**

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#### A. Aggregate Limits.

1. Except as provided in subsection (A)(2) of this section, 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 twenty-five thousand three hundred dollars (\$25,300.00) in any single off-election year.

b. No mayor or candidate for the city office of mayor shall accept contributions totaling more than fifty thousand six hundred dollars (\$50,600.00) in any single off-election year.

2. Exception: Contributions to Pay Off Campaign Debt. Notwithstanding the limits set forth in subsection (A)(1) of this section, 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 of this chapter, 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.

B. The aggregate off-election year contribution limits set forth in subsection A of this section shall be in addition to the individual limits set forth in Section 2.13.050. The intent of this section is to impose an absolute limit on the amount that a candidate, including an incumbent, for city elective office may receive in contributions in any single off-election year, even if no single contribution exceeds the limits set forth in Section 2.13.050. It is the further intent that contributions made during off-election years shall be attributed to a particular election period, and shall be included in the amount attributed to a particular contributor for purposes of the contribution limits established by Section 2.13.050, pursuant to the rules set forth in subsection E of that section. (Ord. 2011-019 § 4; Ord. 2009-020 § 3; Ord. 2007-015 § 5; Ord. 2005-072 § 5; Ord. 2003-010 § 2; Ord. 2000-048 § 1)

### **2.13.085 Legal expense funds.**

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A. In addition to contributions received in connection with an election to an elective city office, an elected city officer or a candidate for elective city office may receive contributions for a separate legal expense fund, for deposit into a separate account, to be used solely to defray attorney's fees and other legal costs incurred in the candidate's or officer's legal defense to any civil, criminal, or administrative action or actions arising directly out of the conduct of the campaign or election process, or the performance of the officer's governmental activities and duties.

B. Any elected city officer or candidate for elective city office wishing to establish a legal expense fund pursuant to this section shall file a statement of organization for the legal expense fund pursuant to Government Code Section 84101, as amended, with the secretary of state and a copy with the city clerk. The legal expense fund shall be named "The (name of candidate or officeholder) Legal Expense Fund." The statement of organization shall identify the specific civil, criminal or administration proceeding or proceedings for which the legal expense fund is established and shall conform to the requirements of Government Code Sections 84102—84104, as amended.

C. The legal expense fund shall establish a single account at an office of a financial institution located in the city of Sacramento, and all contributions to the officer or candidate for his or her legal expenses shall be deposited into that account.

D. Only contributions that are specifically designated by the donor as being made to the legal expense fund may be deposited into the legal expense fund account. All such contributions must be made payable to the legal expense fund,



and no contribution that is not specifically made payable to the legal expense fund may be deposited into the legal expense fund account. However, nonmonetary contributions may be received and used for purposes directly related to the legal expenses for which the fund is established if the donor specifically designates in writing that the contributions have been made for such purposes.

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 one thousand dollars (\$1,000.00).

F. Expenditures from the legal expense fund account shall be made only for legal costs directly related to the civil, criminal, or administrative proceeding or proceedings for which the legal expense fund was established. In no event, however, shall any expenditures from the legal expense fund account be used to pay or reimburse any fines, penalties, judgments or settlements in connection with any criminal prosecution or any civil or administrative action in which the officer or candidate is found to have committed, or admits to, an intentional or negligent violation of the law.

G. No funds may be transferred from the legal expense fund to any other committee. Surplus funds remaining in the legal expense fund account after the proceeding or proceedings in connection with which the account was established have concluded, and after all debts are paid, may not be used for any other purpose. Such surplus funds shall be returned to donors on a pro rata basis or given to the city's general fund within six months after final conclusion of the proceeding or proceedings and the payment of all debts incurred.

H. The legal expense fund shall file campaign disclosure statements containing the same information and at the same times that the candidate or elective city officer files his or her statements in accordance with Government Code Sections 84100, et seq., as amended.

I. Except as provided in this section, a donation to a legal expense fund established pursuant to this section shall not be subject to contributions limitations.

J. This section shall constitute the sole authority for soliciting or accepting donations for legal costs for the defense of an action relating to the election process or an officer's conduct in office. (Ord. 2009-020 § 4; Ord. 2007-015 § 6; Ord. 2005-072 § 6; Ord. 2000-048 § 1)

#### **2.13.090 Contributions by spouses and children.**

A. Contributions by a husband and wife shall be treated as separate contributions and shall not be aggregated.

B. Except as provided in Section 2.13.100, contributions by dependent children shall be treated as contributions by their parent or parents. If there is joint custody of the child, one-half of the contribution shall be attributed to each parent, and if there is a single custodial parent, the contribution shall be attributed to that parent. (Ord. 2000-048 § 1)

#### **2.13.100 Contributions by spouse, children, or family members of candidate.**

Contributions to a candidate by his or her spouse of separate property, and contributions by a candidate's children or any other family members, shall be subject to the contribution limits of this article. (Ord. 2000-048 § 1)

#### **2.13.110 Effective date of contribution limitations.**

A. The contribution limitations of this chapter shall apply to contributions made on or after January 1, 2001 to a candidate for city office seeking election in 2001 or thereafter.

B. No candidate or other person shall be deemed to have violated any provisions of this article because contributions in excess of the limitations contained in Section 2.13.050 were accepted or made before the effective date of this chapter. Nothing in this chapter shall be deemed to require the return of any contribution made prior to the effective date of this chapter, and contributions made prior to the effective date of this chapter shall not be considered in determining whether a contributor or candidate is in compliance with the contribution limitations of this chapter. (Ord. 2000-048 § 1)

### **2.13.120 Periodic review.**

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A. 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 (\$50.00). No later than March 31st 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.

B. In addition to, or in lieu of, the cost of living adjustments provided for in subsection A of this section, the city council may adjust the contribution limits set forth in this chapter at any time and in the amounts that it determines to be appropriate by adoption of an ordinance amending this chapter. (Ord. 2009-020 § 5; Ord. 2005-072 § 7; Ord. 2000-048 § 1)

## **Article IV. Filing and Disclosure Requirements**

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### **2.13.130 Filing of campaign statements—Electronic format.**

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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 shall apply only to persons or combinations of persons who qualify as a committee under Section 82013 of the Political Reform Act. (Ord. 2005-072 § 8; Ord. 2000-048 § 1)

### **2.13.150 Independent expenditures.**

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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. (Ord. 2005-072 § 10; Ord. 2000-048 § 1)

### **2.13.160 Independent expenditures—Advertisements—Disclosures.**

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A. If the expenditure for a broadcast or mass mailing advertisement that expressly advocates the election or defeat of any candidate is an independent expenditure, the committee shall include on the advertisement the names of the two persons making the largest cumulative contributions to the committee making the independent expenditure. If an acronym is used to specify any committee names in this section, the names of any sponsoring organization of the committee shall be printed on print advertisements or spoken in broadcast advertisements. For the purposes of determining the two contributors to be disclosed, the contributions of each person to the committee making the independent expenditure during the one-year period before the election shall be aggregated.

B. Any broadcast or mass mailing advertisement by an independent expenditure committee that expressly advocates the election or defeat of any candidate shall clearly state that the advertisement is authorized and paid for by a committee independent of the candidate. (Ord. 2000-048 § 1)

## **Article V. Enforcement**

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### **2.13.170 Application of state laws.**

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Nothing in this article shall be deemed to exempt any person from complying with applicable provisions of any other laws of this state, including the contribution limitations contained within the California Political Reform Act (Government Code Sections 81000 et seq.). (Ord. 2000-048 § 1)

### **2.13.180 Enforcement.**

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A. Except as provided otherwise in this article, any person who wilfully or knowingly violates any provision of this chapter is guilty of a misdemeanor.

B. In addition to the penalties provided in subsection A, if after election a candidate is convicted of a violation of any of the provisions of this chapter, the election to office of such candidate shall be void and such office shall become vacant immediately thereupon or on the date upon which the candidate, if he or she is not an incumbent, would otherwise take office, whichever occurs later. In such event, the vacancy shall be filled in accordance with the procedures set forth in the city charter for the filling of vacant city offices. If a candidate is convicted of a violation of this division at any time prior to election, his or her candidacy shall be terminated immediately and the candidate shall no longer be eligible for election. Any person convicted of a violation of this article shall be ineligible to

hold city office for a period of five years from and after the date of conviction. (Ord. 2000-048 § 1)

### **2.13.190 Injunctive relief.**

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Any candidate or other resident of the city may bring an action, at any time during an off-election year, an election year or thereafter, in a court of competent jurisdiction, to enjoin actual or threatened violations of, or to compel compliance with, or to obtain judicial declarations regarding, the provisions of this chapter. (Ord. 2000-048 § 1)