

## CHAPTER 4. - CAMPAIGN FINANCING <sup>[2]</sup>

<sup>(2)</sup> **Editor's note**— Prior to amendment by Ord. No. 95-10, adopted Sept. 12, 1995, the provisions of this chapter derived from Ord. No. 202, adopted Dec. 13, 1977; Initiative Ord. No. 81-1, adopted Nov. 3, 1981; Initiative Ord. No. 87-1, adopted Nov. 3, 1987; and Ord. No. 92-11, adopted July 14, 1992.

Sec. 1-2-401. - Name.

Sec. 1-2-402. - Purpose.

Sec. 1-2-403. - Relation to Political Reform Act.

Sec. 1-2-404. - Contribution limitations.

Sec. 1-2-405. - Adjustment of campaign contribution limits and candidates loans.

Sec. 1-2-406. - Definitions.

### **Sec. 1-2-401. - Name.**

This chapter shall be known and may be cited as the City of Irvine Campaign Financing Law.

(Ord. No. 95-10, § 2, 9-12-95; Ord. No. 97-12, § 1, 6-24-97)

### **Sec. 1-2-402. - Purpose.**

The purpose of this chapter is to ensure an environment in the City of Irvine wherein all candidates for elective office are placed on an equal plan relative to the amount of campaign contributions received by them, and further to ensure that the amount contributed by any person does not materially influence the outcome of any election. To achieve this purpose, this chapter imposes a maximum limitation on the amount of campaign contributions which may be received from a single source for an election campaign.

(Ord. No. 95-10, § 2, 9-12-95; Ord. No. 97-12, § 1, 6-24-97)

### **Sec. 1-2-403. - Relation to Political Reform Act.**

This chapter is intended to be a supplement to and in no way be in conflict with the Political Reform Act. Unless otherwise defined in this chapter, words and phrases shall have the same meaning here as that given to them by the Political Reform Act.

(Ord. No. 95-10, § 2, 9-12-95; Ord. No. 97-12, § 1, 6-24-97)

### **Sec. 1-2-404. - Contribution limitations.**

A. No person other than the candidate shall make, and no candidate or campaign treasurer shall solicit or accept from any person, any contribution which will cause the total amount contributed by such person in any election cycle for that City candidate to exceed \$300 as adjusted in accordance with section 1-2-405

B. Any person, including any committee, that makes any independent expenditure during an election

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cycle in support of or opposition to any City candidate, shall not accept any contribution(s) from any person which exceeds in the aggregate the amount set forth in this section for that election cycle.

**Note**—Section 1-2-404(B) was challenged in a federal court lawsuit. The Ninth Circuit Court of Appeals determined that contribution limits for independent expenditure committees are subject to judicial review under the strict scrutiny standard. (*Lincoln Club v. City of Irvine* (9th Cir. 2001) 292 F.3d 934.) Afterward, the City entered into a stipulated judgment not to enforce the provisions of Section 1-2-404(B). However, because Section 1-2-404(B) was enacted by the voters (Initiative Ordinance 96-01), it cannot be formally repealed without approval of the voters. Therefore, its provisions remain in the Municipal Code, although they are not subject to enforcement.

C. The provisions of this section shall not apply to a City candidate's contribution of his or her personal funds or community property funds to his or her own campaign committee, but shall apply to contributions from the separate property of a City candidate's spouse.

(Ord. No. 95-10, § 2, 9-12-95; Initiative Ord. No. 96-01, 11-5-96; Ord. No. 97-12, § 1, 6-24-97)

**Sec. 1-2-405. - Adjustment of campaign contribution limits and candidates loans.**

The campaign contribution limitations set forth in section 1-2-404A shall be adjusted at the beginning of each mayoral election cycle as follows:

A. The base for computing the adjustment shall be the consumer price index (all items) for the Los Angeles-Anaheim-Riverside area, published by the United States Department of Labor, Bureau of Labor Statistics ("index"), which is published for the month of November, 1994 ("beginning index"). If the index published for November immediately prior to each mayoral election cycle ("adjustment index") is greater or less than the beginning index, the maximum campaign contribution or candidate loan limitation for any election occurring subsequent thereto shall be set by multiplying the maximum campaign contribution or candidate loan limitation set forth in this chapter by a fraction, the numerator of which is the adjustment index and the denominator of which is the beginning index and rounding the resultant figure to the nearest \$10.

B. If the index is changed so that the base year differs from that used in the beginning index, the index shall be converted in accordance with the conversion factor published by the United States Department of Labor, Bureau of Labor Statistics. If the index is discontinued or revised, such other government index or computation with which it is replaced shall be used in order to obtain substantially the same results as would be obtained if the index had not been discontinued or revised.

(Ord. No. 95-10, § 2, 9-12-95; Initiative Ord. No. 96-01, 11-5-96; Ord. No. 97-12, § 1, 6-24-97)

**Sec. 1-2-406. - Definitions.**

Unless the particular provisions or context otherwise requires, the definitions and provision contained in this Section shall govern the construction, meaning, and application of words and phrases used in this chapter:

- (a) *City candidate* shall mean any person who is a candidate for the office of mayor or member of the city council of the city.
- (b) *Election cycle* shall mean as follows:
  - (1) For purposes of a candidate for the office of mayor of the city, the term "election cycle" shall mean any two-year period commencing on January 1 following a city election for the

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office of mayor, and concluding on December 31 following the next succeeding city election for the office of mayor.

(2) For purposes of a candidate for the office of member of the city council of the city, the term "election cycle" shall mean any four-year period commencing on January 1 following a city election for the office of a councilmember and concluding on December 31 following the next succeeding city election for that office.

(3) For purposes of a special election for the office of mayor or a member of the city council of the city, the term "election cycle" shall mean any period commencing on the date on which the city council calls a special election, and concluding on the last day of the month following the month of that special election.

(c) *Political Reform Act* shall mean the Political Reform Act of 1974, as amended, Government Code Section 81000, et seq., as it may be amended from time to time.

(Ord. No. 04-07, § 2, 8-24-04)