

Davis Municipal Code

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[Chapter 12 ELECTIONS](#)

Article 12.02 ELECTION CAMPAIGN LIMITS

12.02.010 Intent and purpose.

- (a) The intent and purpose of the city council in enacting this article is to:
- (1) Place realistic and enforceable limits on the amount individuals may contribute to city council candidates in municipal elections to avoid corruption of city council members and the appearance of corruption;
 - (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.
- (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; and
 - (2) That a contribution limit per individual contributor per candidate will advance the city council's goals of avoiding corruption and minimizing the appearance of corruption and preserving citizen confidence and participation in the municipal election process, while preserving the First Amendment rights of citizens to express support for particular candidates; and
 - (3) 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. (Ord. 1624 § 1; Ord. 2172 § 1, 2005; Ord. 2518 § 1, 2017; Ord. 2566 § 2, 2019)

12.02.020 Definitions.

The definitions set forth in the Political Reform Act of 1974 ([Government Code](#) Section 81000 et seq., as amended) shall govern interpretation of this article, unless otherwise specified herein.

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

Campaign statement as used in this article means an itemized report containing the information required by this article. A candidate or committee may use the forms for campaign statements required to be filed pursuant to the State Political Reform Act ([Government Code](#) Section 81000 et seq.).

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: (1) such person files a statement of intention to be a candidate for elective office pursuant to Section 85200 of the [Government Code](#); or (2) any of the conditions set forth in below are met, and up until the time the candidate or any committee controlled by the candidate files a statement of termination pursuant to Section [12.02.070](#).

Committee means any person or combination of persons who directly or indirectly:

- (1) Receives contributions totaling two hundred fifty dollars or more in a calendar year; or
- (2) Makes independent expenditures of two hundred fifty dollars or more in a calendar year; or

(3) Makes contributions of two hundred fifty dollars or more in a calendar year to or at the behest of candidates or committees. (Ord. 1624 § 1; Ord. 1926 §§ 1, 2; Ord. 2172 § 1, 2005; Ord. 2211 § 1, 2005; Ord. 2518 § 2, 2017; Ord. 2566 § 2, 2019)

12.02.030 Contribution limitations.

- (a) **City council candidates.** 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 fifty 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.
- (c) **Anonymous contributions.** 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. (Ord. 1624 § 1; Ord. 2172 § 1, 2005; Ord. 2211 § 2, 2005; Ord. 2518 § 3, 2017; Ord. 2566 § 2, 2019)

12.02.040 Campaign statements.

In addition to the disclosure requirements of the Political Reform Act, candidates and their controlled committees, and all other committees shall disclose:

- (a) 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.
- (b) 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.
- (c) 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:
- (1) Full name;
 - (2) Street address;
 - (3) Occupation;
 - (4) Name of employer or, if self-employed, name of the business;
 - (5) 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;
 - (6) Cumulative amount of contributions; and
 - (7) If a loan, (i) the original date and amount of each loan, (ii) due date and interest rate of the loan, (iii) cumulative payment made or received to date at the end of the reporting period, and (iv) balance outstanding at the end of the reporting period.
- (d) **Additional pre-election campaign statement.** In addition to the campaign statements required to be filed pursuant to the Political Reform Act, candidates and their controlled committees, and all other committees active in any given election shall file a pre-election statement as follows:
- No later than five days before the election for the period beginning sixteen days and ending six days before the election.
- (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](#) Section 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.

(f) Whenever any local candidate or committee is required to file campaign statements, that candidate or committee shall file them in an electronic format. The electronic filing shall serve as the filing of record.

(g) In any instance in which the original statement is required to be filed with the Secretary of State and a copy is required to be filed with the City of Davis, the copy may be submitted as an electronic filing. (Ord. 1624 § 1; Ord. 2077, 2002; Ord. 2172 § 1, 2005; Ord. 2262 § 1, 2006; Ord. 2518 § 6, 2017; Ord. 2566 § 2, 2019)

12.02.050 Disclosure of independent expenditures.

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, electronic mail, 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. (Ord. 1926 § 5, 1998; Ord. 2172 § 1, 2005; Ord. 2518 § 7, 2017; Ord. 2566 § 2, 2019)

12.02.060 Declaration in lieu of campaign statement.

If a candidate or committee has received contributions totaling less than two hundred dollars and has made expenditures of less than one hundred dollars, the candidate or committee treasurer may, in lieu of filing a campaign statement, file, at the same deadlines as campaign statements, a verified declaration with the city clerk that to the best of his or her knowledge, not more than two hundred dollars has been received in contributions and not more than one hundred dollars has been expended on behalf of, in support of, or in opposition to a candidacy or measure. (Ord. 1624 § 1; Ord. 2172 § 1, 2005; Ord. 2518 § 8, 2017; Ord. 2566 § 2, 2019)

12.02.070 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 one thousand dollars or six months imprisonment; or both. Prosecution for violation of this article 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 article 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 article. (Ord. 1624 § 1; Ord. 2172 § 1, 2005; Ord. 2211 § 3, 2005; Ord. 2518 § 11, 2017; Ord. 2566 § 2, 2019)

12.02.080 Late filing of campaign statement or declaration.

If any person files a campaign statement or declaration after any deadline imposed by this article, 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. 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. (Ord. 1624 § 1; Ord. 2172 § 1, 2005; Ord. 2518 § 12, 2017; Ord. 2566 § 2, 2019)

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