

Chapter 2.76 - CAMPAIGN CONTRIBUTION LIMITS

Sections:

2.76.010 - Purpose.

- A. Large sums of money are often expended to finance American election campaigns. Inherent in the high cost of election campaigning is the problem of excessive or improper influence, real or perceived, exercised by campaign contributors over elected officials, and over the electoral process itself. It is the purpose and intent of the city council, in enacting the ordinance codified in this chapter, to place realistic and enforceable limits on the amount that individual persons may contribute to political campaigns in city elections; and to require appropriate reporting requirements so as to make certain that these limitations will in fact be enforced; and otherwise to provide for fair and full enforcement of all the provisions of this chapter.
- B. This chapter is enacted in accordance with the terms of Section 7 of Article XI of the Constitution of this state, Section 22808 of the Elections Code, and Section 81013 of the Government Code and may be cited as the "city of Fillmore election campaign contribution limitation ordinance."

(Ord. 664 § 1, 1991)

2.76.020 - Definitions.

The definitions of words and phrases provided in the Political Reform Act of 1974, as amended (Govt. Code Section 81000, et seq.), shall be applicable when those same words are used in this chapter, with the following exceptions:

- A. "Business or labor committee" means a committee created or sponsored by a corporation, partnership, labor union or other business entity for the sole purpose of using the voluntary donations of its members or employees for public purposes.
- B. "Candidate" means any individual listed on the ballot for nomination for and for election to any city officer, or who otherwise has taken affirmative action to seek nomination or election to city office, or who receives a contribution or makes an expenditure, or who gives his or her consent for any other person to receive a contribution or make an expenditure with a view to bringing about his or her nomination or election to any city office. "Candidate" also means an office holder in connection with a recall election relating to such officeholder.
- C. "Committee" means any person or combination of persons formed or existing primarily to support or oppose a candidate or a local ballot measure, not a city general purpose committee active in the city.
- D. "Controlled committee" means a committee which is controlled directly or indirectly by a

candidate or local measure proponent or which acts jointly with a candidate, controlled committee or local measure proponent in connection with the making of expenditures. A candidate or local measure proponent controls a committee if he, his agent or any other committee he controls has a significant influence on the actions or decisions of the committee.

- E. "Contribution" shall have the same meaning as that set forth in Section 82015 of the California Government Code.
- F. "Corporation" means a corporation organized under the laws of California, or any other state or nation.
- G. "City office" means any of the following: member of the city council, city clerk or city treasurer.
- H. "Election," "election of a candidate," and "city election" mean any regular or special city election, including a recall election, and excluding a school district and special district election which involves the election of any person to any city office. For the purpose of this chapter, a primary election shall be considered a separate election from a general election.
- I. "Enforcement authority" means the city attorney. Nothing in this chapter shall be construed as limiting the authority of any law enforcement agency, prosecuting attorney or other person to enforce the provisions of this chapter, under any circumstances where such law enforcement agency, prosecuting attorney or other person has lawful authority to do so.
- J. "Individual" means an individual person, and shall not include a partnership, corporation, association, firm, business entity, committee, club, other organizations, or a group of persons however organized.
- K. "Measure" means a city proposition submitted to a popular vote at an election by initiative, referendum, for recall or as an advisory measure.
- L. "Person" does not include the candidate in connection with any limit placed on what may be contributed to the candidate's campaign, and does not include "committee" or "controlled committee."
- M. "Proceedings to qualify a recall petition for the ballot" means the attempt by any person or persons to qualify a recall petition for submission of the same to a popular vote at any election whether or not such recall is ultimately qualified for the ballot.

(Ord. 664 § 2, 1991)

2.76.030 - Rules of construction.

This chapter shall be construed liberally in order to effectuate its purposes. No error, irregularity, informality, neglect or omission of any officer in any procedure taken under this chapter which does not directly affect the jurisdiction of the city to limit campaign contributions shall avoid the effect of this chapter.

(Ord. 664 § 3, 1991)

2.76.040 - Campaign contributions—Limitations.

The following campaign contribution limitations shall apply in any city election, and in any proceedings to qualify a recall petition for the ballot:

- A. Elections of a Candidate. No person shall make, and no campaign treasurer, committee chairperson or other person shall solicit or accept from any person, candidate or committee any contribution in support of or in opposition to a candidate, or any contribution to any committee, which will cause the total amount contributed by any person, in either support of or in opposition to such candidate and to any and all committees in support of or in opposition to such candidate, with respect to any single city election, to exceed two hundred fifty dollars.
- B. Proceedings to Qualify a Recall Election for the Ballot. No person shall make, and no campaign treasurer, committee chairperson or other person shall solicit or accept from any person or committee, any contribution either in support of or in opposition to any proceedings to qualify a recall petition for the ballot, or any contribution to any committee, which will cause the total amount contributed by any person either in support of or in opposition to any proceedings to qualify a recall petition for the ballot, to exceed two hundred fifty dollars, except as otherwise set forth in Section 2.76.050. Nothing in this section shall prevent a person from contributing up to the maximum amount permitted by this chapter in connection with proceedings to qualify a recall petition for the ballot, and further making an additional contribution, up to the maximum amount permitted by this chapter, in connection with any subsequent recall election, if such recall in fact qualifies for the ballot and is submitted to a popular vote.
- C. No candidate, campaign treasurer or other person shall utilize for campaign purposes any contribution from any person or committee without first determining that the acceptance of such contribution will not, on a cumulative basis, or on any other basis, cause the person making such contribution, or any other person, to violate any campaign contribution limit established by this chapter. A person who has received a contribution and who has utilized such contribution for campaign purposes shall not be held criminally liable for a failure to properly determine that the acceptance of such contribution would cause the person making such contribution to violate any campaign contribution limit established by this chapter, if the candidate, campaign treasurer or other person has first received a written statement from the person making the contribution, stated that the contribution does not violate any such election campaign contribution limit.
- D. If a candidate, campaign treasurer, or other person is offered a contribution which would be in excess of the limitations set forth in this section, the candidate, campaign treasurer or

other person shall refuse the contribution. If, however, a contribution is received which is in violation of this section, the candidate, campaign treasurer or other person receiving such contribution shall return to the contributor within thirty days of receipt the amount of any such payment or contribution received which is in excess of the amount permitted by this section.

- E. If any person is found by a court to be in violation of this section, each campaign treasurer or other person who received part or all of the contribution or contributions which constitute the violation shall pay promptly the amount received from such person in excess of the amount permitted by this section to the city treasurer, for the deposit in the general fund of the city.

(Ord. 664 § 4, 1991)

2.76.050 - Committee and controlled committee contributions.

Notwithstanding the provisions of Section 2.76.040, a committee or controlled committee may make contributions to one or more candidates or committees provided that:

- A. Such contributions shall not exceed a total six hundred dollars per election, in support of or in opposition to any given candidate. Contributions in support of or in opposition to any measure shall not exceed six hundred dollars per election.
- B. No contribution to any committee or controlled committee from an individual member shall exceed the limitations established in this chapter for total contributions to candidates or committees.
- C. Contributions to any committee or controlled committee by any person shall be reported by the recipient committee pursuant to any provisions of this chapter and any applicable provisions of state law.

(Ord. 664 § 5, 1991)

2.76.060 - Reporting requirements.

Filing of campaign reports in compliance with the Political Reform Act of 1974 shall be deemed compliance with this chapter so long as the election contribution limitations set forth in this chapter are complied with, except that all contributions shall be reported.

(Ord. 664 § 6, 1991)

2.76.070 - Enforcement.

The enforcement of the provisions of this chapter, and the penalties for violation of this chapter, shall be as set forth in the enforcement sections of the Political Reform Act of 1974.

(Ord. 664 § 7, 1991)

2.76.080 - Exclusion of existing campaign contributions.

The campaign contribution limitations of this chapter shall not apply to campaign contributions received prior to the effective date of the ordinance codified in this chapter by or on behalf of a person holding a city office as of July 1, 1991.

(Ord. 664 § 8, 1991)