

**Chapter 2.60**

**ROSEVILLE CAMPAIGN FINANCE DISCLOSURE**

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- 2.60.030 Supplementation of state law.**
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- 2.60.050 Anonymous contributions.**
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- 2.60.080 Publication of contributors.**
- 2.60.090 Violation unlawful.**
- 2.60.100 Effect of violation on outcome of election.**
- 2.60.110 Rules of construction.**
- 2.60.120 Severability.**

**Section 2.60.020 Findings, purpose and intent.**

High costs and large campaign contributions associated with campaigns for local elective office can undermine the public's trust and confidence in the electoral process and lead to unfair competition between candidates. It is the intent of this chapter to promote the small town atmosphere of local elections consistent with community values and to end the fundraising "arms race" by lowering campaign costs and slowing the increase in campaign spending by implementing comprehensive campaign finance reforms including a voluntary expenditure ceiling, mandatory contribution limits, and an effective enforcement mechanism. (Ord. 3599 § 1 (part), 2000: Ord. 3487 § 1 (part), 2000: Ord. 1642 § 1 (part), 1982.)

**Section 2.60.030 Supplementation of state law.**

This chapter is intended to supplement the Political Reform Act of 1974. Unless otherwise provided herein, words and phrases used in this chapter including reporting periods and thresholds, shall have the same meaning as defined in the Political Reform Act of 1974, Title 9 of the Government Code of the state of California, as said Act now exists or may hereafter be amended. (Ord. 3599 § 1 (part), 2000: Ord. 1642 § 1 (part), 1982.)

**Section 2.60.040 Definitions.**

Whenever in this chapter the following words or phrases are used, they shall mean as follows:

- A. "Candidate" means any individual who is listed on the ballot or who has begun to circulate nominating petitions or authorized others to circulate petitions in his/her behalf, for nomination for or election to any elective city office, or who receives a contribution or makes an expenditure or gives his/her consent for any other person to receive a contribution with a view to bringing about his/her nomination or election to any city office, whether or not the

specific elective office for which he/she will seek nomination or election is known at the time the contribution is received or the expenditure is made and whether or not he/she has announced his/her candidacy or filed a declaration of candidacy at such time. Candidate also includes any holder of any elective city office who is the subject of a recall election.

- B. "Campaign" means the effort associated with seeking election to any elective city office.
- C. "Campaign Period" for general election means the period from a point nine (9) months prior to the general election for any elective city office, until the December 31st immediately following such general election. "Campaign Period" for a special election means the period from the date the City Council calls for special election until two months after the special election. Except as provided in Section 2.60.065E below, no candidate shall retain or expend any contribution received outside of the campaign period for any election in which he/she is a candidate.
- D. "Contribution" means a payment, 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. An expenditure made at the behest of a candidate, committee or elected officer is a contribution to the candidate, committee or elected officer unless full and adequate consideration is received for making the expenditure.
  - 1. Contribution includes the purchase of tickets for events such as dinners, luncheons, rallies and similar fund-raising events; the granting of credit other than in the normal course of business; the granting of discounts or rebates not extended to the public generally or the granting of discounts or rebates by television and radio stations and newspapers not extended on an equal basis to all candidates for the same office; and 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 on behalf of a candidate or committee without payment of full and adequate consideration.
  - 2. Contribution shall further include any payment received by a committee from another committee.
  - 3. Contribution shall not include amounts received pursuant to an enforceable promise to the extent such amounts have been previously reported as a contribution.
  - 4. Contribution shall not include the cost of an event held in honor or behalf of a candidate or committee when the total cost of the event amounts to no more than two hundred dollars and when the event is not held for the purpose of obtaining contributions to the candidate or committee.
  - 5. Notwithstanding the foregoing definition, contribution shall not include volunteer personal services or payments made by an individual for his own travel expenses if such payments are made voluntarily without any understanding or agreement that they shall be, directly or indirectly, repaid to him. Further, contribution shall not include an independent expenditure.
  - 6. A candidate's own money or property used on behalf of his candidacy shall not be considered a contribution.
- E. "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 he/she, his/her agent or any other committee he/she controls has a significant influence on the actions or decisions of the committee.

- F. "Election" means any general or special election held in the city of Roseville, including any recall election.
- G. "Independent expenditure" means an expenditure made by any person in connection with a communication which expressly advocates the election or defeat of a clearly identified candidate, or 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.
- H. "Person" means an individual, proprietorship, firm, partnership, joint venture, syndicate, business trust, company, corporation, association, committee, labor union, and any other organization or group of persons acting in concert.
- I. "Expenditure" means 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. An expenditure is made on the date payment is made or on the date consideration is received, whichever is earlier.
- J. "Contribution Period" means any calendar year in which the candidate is the defendant or respondent in a bona fide legal action, either civil, administrative, or criminal, arising from the candidate's status as a candidate or incumbent officeholder. Each calendar year shall be a separate contribution period.

(Ord. 3599 § 1 (part), 2000: Ord. 3557 § 1 (part), 2000: Ord 3487 § 1 (part), 2000: Ord. 1642 § 1 (part), 1982.)

#### **Section 2.60.045 Officeholder accounts.**

A. Following the end of the campaign period, any candidate or controlled committee may retain campaign funds in an amount not to exceed five thousand dollars (\$5000) in an account established pursuant to California Government Code Section 85201, subject to the provisions of this title.

B. All funds so retained shall be expended solely for legal or accounting expenses, charitable events, donations to any bona fide charitable, educational, civic, religious, or similar tax-exempt, nonprofit organization and expenditures associated with holding office, where no substantial part of the proceeds will have a material financial effect on the former candidate or elected officer, any member of his or her immediate family, or his or her campaign treasurer.

1. The candidate shall not be allowed to accept contributions to replenish the account authorized in subsection A above. At no time shall the account exceed five thousand dollars (\$5000).

2. Any candidate or incumbent officeholder who has been subject to the contribution limits of Section 2.60.065 shall be subject to the same contribution limits for each contribution period.

3. Any incumbent officeholder who has not previously been subject to the contribution limits of Section 2.60.065 shall be subject to the contribution limits of section 2.60.065(C) for each contribution period.

C. No funds from the campaign or officeholder accounts shall be used to pay any fine or penalty arising from a criminal conviction. In no event shall any funds from the campaign or officeholder accounts be used to institute or prosecute litigation against the City of Roseville, including but not limited to claims for defense or indemnification.

D. Upon leaving office, any funds remaining in the officeholder account may be used solely for donations to any bona fide charitable, educational, civic, religious, or similar tax-exempt, nonprofit organization, where no substantial part of the proceeds will have a material financial

effect on the former elected official, any member of his or her immediate family, or his or her campaign treasurer.

(Ord. 3981 § 1, 2003; Ord. 3717 § 1 (part), 2001; Ord. 3599 § 1 (part), 2000.)

**Section 2.60.050 Anonymous contributions.**

- A. The total anonymous contributions received by any candidate or controlled committee shall not exceed one hundred dollars.
- B. To the extent that total anonymous contributions are received in excess of that permitted by this section, the excess shall be paid by the candidate or controlled committee to the city for deposit in the general fund of the city.

(Ord. 3599 § 1 (part), 2000; Ord. 2043 § 1 (part), 1987; Ord. 1642 § 1 (part), 1982.)

**Section 2.60.060 Assumed name contributions.**

No contribution shall be made, directly or indirectly, by any person or combination of persons acting jointly in a name other than the name by which they are identified for legal purposes, nor in the name of another person or combination of persons. No person shall make a contribution in his/her or its name of anything belonging to another person or received from another person on the condition that it be used as a contribution. When it is discovered by a candidate or controlled committee that a contribution has been received in violation of this section, the candidate or controlled committee shall pay promptly the amount received in violation of this section to the city for deposit in the general fund of the city. (Ord. 3599 § 1 (part), 2000; Ord. 1642 § 1 (part), 1982.)

**Section 2.60.065 Mandatory contribution limits.**

A. **Specific Findings Regarding Two Tiered Contribution Limits.** The contribution limits set forth herein are based on the following specific findings:

1. Individual contributions in excess of \$500 result in the reasonable perception by the public of the appearance of undue influence on successful candidates by larger contributors. Limiting contributions below this level for candidates accepting the voluntary expenditure limits of this chapter will bolster the public's trust in the local electoral process.

2. Limiting contributions to \$250 for candidates who do not accept voluntary campaign limits represents a reasonable incentive for candidates to accept voluntary expenditure limits without reducing any candidate's ability to effectively campaign or to reasonably raise adequate campaign funds.

3. The difference between the alternative contribution limits is not calculated to deny any candidate the option of not accepting expenditure limits. Rather it is intended to reflect a meaningful distinction to be appreciated by both candidates and the public encouraging fair elections free from the perceived negative effects of excessive campaign spending.

B. Each Candidate and Controlled Committee shall, before accepting any contributions, file with the City Clerk, on a form provided by the clerk, a statement either accepting or rejecting the voluntary expenditure limits established pursuant to Section 2.90.010.

C. Candidates or Controlled Committees who agree to limit their campaign expenditures pursuant to Section 2.90.010 may retain no more than five hundred dollars (\$500.00) in cumulative contributions per Campaign Period from any single contributor. Any amount in excess of five hundred dollars (\$500.00) received from any single contributor shall be

returned to the contributor within fifteen (15) business days of the Candidate's or Controlled Committee's receipt of the excess Contribution. The excess Contribution and the date of its return shall be reported on forms prepared and supplied by the City Clerk.

D. Candidates or Controlled Committees who do not agree to limit their campaign expenditures pursuant to Section 2.90.010 may retain no more than two hundred fifty dollars (\$250.00) in cumulative contributions per Campaign Period from any single contributor. Any amount in excess of two hundred fifty dollars (\$250.00) received from any single contributor by any Candidate or Controlled Committee who did not agree to limit their campaign expenditures shall be returned within fifteen (15) business days of the Candidate's or Controlled Committee's receipt of the excess Contribution. The excess Contribution and the date of its return shall be reported on forms prepared and supplied by the City Clerk.

E. Contributions to a Candidate and contributions to a Candidate's Controlled Committee shall be cumulated for the purposes of the mandatory contribution limits of this chapter.

(Ord. 3717 § 1 (part), 2001: Ord. 3599 § 1 (part), 2000: Ord. 3557 § 1 (part), 2000: Ord. 3487 § 2, 2000.)

### **Section 2.60.070 Reporting campaign contributions and expenditures.**

A. In addition to those campaign contribution reports required by the Political Reform Act of 1974, as amended, each Candidate and each Controlled Committee shall file with the City Clerk:

1. A list of all contributors who have made a contribution or contributions to the Candidate or Controlled Committee in the cumulative amount of one hundred dollars (\$100.00) or more since the last report. The list shall include the name, address, occupation, and employer of each contributor, and the dollar amount of each contribution or contributions.

2. A list of all expenditures made by the Candidate or Controlled Committee to each person who received the cumulative amount of one hundred dollars (\$100) or more since the last report. The report shall include the name, and street address of each recipient, as well as the amount of each expenditure and a brief description of the consideration for which each expenditure was made.

a. For general elections, these reports shall be filed by twelve noon on:

- i. The first day of each month during the campaign period;
- ii. October 21st, and
- iii. December 31st.

b. For special elections, these reports shall be filed by twelve noon on:

- i. The first day of each month during the campaign period;
- ii. The fourteenth day before the special election; and
- iii. The sixtieth day after the special election.

3. In the event a candidate or officeholder accepts contributions or makes expenditures outside the campaign period,

a. The contribution reports required by subsection (A)(1) above shall be filed by twelve noon on the first day of each month during the contribution period.

b. The expenditure reports shall be filed within ten (10) business days of the transaction. The transaction shall be deemed to have occurred when the invoice is received or when payment is made, whichever occurs first.

C. In addition to the reports required above, each Candidate and each Controlled Committee

shall file with the City Clerk a list of all contributors who have made a contribution or contributions to the Candidate or Controlled Committee of one hundred dollars (\$100) or more, and the cumulative total of all contributions made by that contributor. These lists shall be filed by twelve noon on October 21 for general elections, and by twelve noon on the fourteenth day before the election for special elections.

D. All reports required by this section shall be filed on forms supplied by the City Clerk. (Ord. 3717 §1 (part), 2001: Ord. 3599 § 1 (part), 2000: Ord. 3557 § 1 (part), 2000: Ord. 3487 § 1 (part), 2000: Ord. 2043 § 1 (part), 1987: Ord. 1642 § 1 (part), 1982.)

#### **Section 2.60.075 Late filing fees.**

Any person who files a report required pursuant to Section 2.60.070 after the deadline imposed by that section shall, in addition to any other penalties or remedies established by this chapter, be liable in the amount of twenty-five dollars (\$25.00) per day after the deadline until the report is filed, except that any person who files a report required pursuant to Section 2.60.070B(1)(b) or Section 2.60.070(2)(b) after the deadline imposed by that section shall, in addition to any other penalties or remedies established by this chapter, be liable in the amount of two hundred fifty dollars (\$250.00) per day after the deadline until the report is filed.

Liability need not be enforced by the filing officer if he or she determines on an impartial basis that the late filing was not willful and that enforcing liability will not further the purposes of this chapter. Liability shall not be waived for any report required pursuant to Sections 2.60.070(B)(1)(b) or 2.60.070(B)(2)(b) filed more than five (5) days after the filing officer has sent specific written notice of the requirement. Liability shall not be waived for any other report required by Section 2.60.070, filed more than ten (10) days after the filing officer has given specific written notice of the filing requirement. (Ord. 3717 § 1 (part), 2001: Ord. 3599 § 1 (part), 2000: Ord. 3557 § 2, 2000.)

#### **Section 2.60.080 Publication of contributors.**

A. The City Clerk shall cause all lists submitted in accordance with the provisions of Sections 2.60.070A(1)(b), 2.60.070B(1)(b) and 2.60.070B(2)(b) to be published preceding the election in a newspaper of general circulation in the city. In addition, the clerk shall also publish each candidate's total contributions received and expenditures (cumulative to date) as indicated on the summary page of the most recently filed City of Roseville campaign contributor reporting form.

B. The City Clerk shall cause all lists submitted in accordance with the provisions of Sections 2.60.070B(1)(c) and 2.60.070B(2)(c) to be published once, within two weeks of submittal in a newspaper of general circulation in the city. In addition, the clerk shall also publish each candidate's total contributions received and expenditures (cumulative to date) as indicated on the summary page of the most recently filed City of Roseville campaign contributor reporting form.

(Ord. 3599 § 1 (part), 2000: Ord. 3557 § 1 (part), 2000: Ord. 2043 § 1 (part), 1987: Ord. 1642 § 1 (part), 1982.)

#### **Section 2.60.090 Violation unlawful.**

Any person who knowingly or willfully violates any provision of this chapter is guilty of a misdemeanor. (Ord. 3599 § 1 (part), 2000: Ord. 1642 § 1 (part), 1982.)

**Section 2.60.100 Effect of violation on outcome of election.**

If, after his/her election, a candidate is convicted of a violation of any provision 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/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 chapter at any time prior to his/her election, his/her candidacy shall be terminated immediately and he/she shall be no longer eligible for election. Any person convicted of a violation of this chapter shall be ineligible to hold city elective office for a period of three years from and after the date of his conviction. (Ord. 3599 § 1 (part), 2000: Ord. 1642 § 1 (part), 1982.)

**Section 2.60.110 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 council or the city to control campaign contribution disclosures shall avoid the effect of this chapter. (Ord. 3599 § 1 (part), 2000: Ord. 1642 § 1 (part), 1982.)

**Section 2.60.120 Severability.**

If any provision of this chapter or the application thereof to any person or circumstance, is held invalid, the validity of the remainder of the chapter and the applicability of such provisions to other persons and circumstances shall not be affected thereby. (Ord. 3599 § 1 (part), 2000: Ord. 1642 § 1 (part), 1982.)

## Chapter 2.80

### ROSEVILLE BALLOT MEASURE CONTRIBUTION DISCLOSURE

#### Sections:

<b>2.80.020</b>	<b>Findings, purpose and intent.</b>
<b>2.80.030</b>	<b>Supplementation of state law.</b>
<b>2.80.040</b>	<b>Definitions.</b>
<b>2.80.050</b>	<b>Anonymous contributions.</b>
<b>2.80.060</b>	<b>Assumed name contributions.</b>
<b>2.80.070</b>	<b>Report of contributions received.</b>
<b>2.80.080</b>	<b>Publication of ballot measure contributors.</b>
<b>2.80.090</b>	<b>Violation unlawful.</b>
<b>2.80.100</b>	<b>Rules of construction.</b>
<b>2.80.110</b>	<b>Severability.</b>

#### **Section 2.80.020 Findings, purpose and intent.**

The council of the city of Roseville finds and determines that inherent to the high cost of election campaigning is the problem of improper influence, real or potential, exercised by campaign contributors to ballot measures. It is the purpose and intent of this chapter to identify major contributors to municipal political campaigns, and to thus alleviate such improper influence, both real and potential. (Ord. 1643 § 1 (part), 1982.)

#### **Section 2.80.030 Supplementation of state law.**

This chapter is intended to supplement the Political Reform Act of 1974. Unless otherwise provided herein, words and phrases used in this chapter including reporting periods and thresholds, shall have the same meaning as defined in the Political Reform Act of 1974, Title 9 of the Government Code of the state of California, as said Act now exists or may hereafter be amended. (Ord. 1643 § 1 (part), 1982.)

#### **Section 2.80.040 Definitions.**

Whenever in this chapter, the following words or phrases are used, they shall mean as follows:  
A. "Ballot measure" means any initiative or referendum proposition to be voted on at any election, for the purpose of amending the charter of the city, or of adopting or repealing any ordinance of the city. B. "Contribution" means a payment, 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. An expenditure made at the behest of a recipient committee or elected officer is a contribution to the recipient committee or elected officer unless full and adequate consideration is received for making the expenditure.

1. Contribution includes the purchase of tickets for events such as dinners, luncheons, rallies and similar fund-raising events; the granting of credit in the normal course of business; the granting of discounts or rebates not extended to the public generally or the granting of discounts or rebates by television and radio stations and newspapers not extended on an equal basis to all recipient committees for the same office; and 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 on behalf of a recipient or committee without payment of full and adequate consideration.

2. Contribution shall further include any payment received by a recipient committee from another committee.

3. Contribution shall not include amounts received pursuant to an enforceable promise to the extent such amounts have been previously reported as a contribution.

4. Contribution shall not include the cost of an event held in honor or behalf of a recipient or committee when the total cost of the event amounts to no more than two hundred dollars and when the event is not held for the purpose of obtaining contributions to the committee.

5. Notwithstanding the foregoing definition, contribution shall not include volunteer personal services or payments made by an individual for his own travel expenses if such payments are made voluntarily without any understanding or agreement that they shall be, directly or indirectly, repaid to him. Further, contribution shall not include an independent expenditure.

C. "Election" means any general or special election held in the city, including any recall election.

D. "Person" means an individual, proprietorship, firm, partnership, joint venture, syndicate, business trust, company, corporation, association, committee, labor union, and any other organization or group of persons acting in concert.

E. "Recipient committee" means any person or combination of persons who directly or indirectly receives contributions for the purpose of making expenditures to support or oppose any ballot measure. (Ord. 1643 § 1 (part), 1982.)

#### **Section 2.80.050      Anonymous contributions.**

A. The total anonymous contributions received by any recipient committee shall not exceed one hundred dollars.

B. To the extent that total anonymous contributions are received in excess of that permitted by this section, the excess shall be paid by the recipient committee to the city for deposit in the general fund of the city. (Ord. 2043 § 2 (part), 1987; Ord. 1643 § 1 (part), 1982.)

#### **Section 2.80.060      Assumed name contributions.**

No contribution shall be made, directly or indirectly, by any person or combination of persons acting jointly in a name other than the name by which they are identified for legal purposes, nor in the name of another person or combination of persons. No person shall make a contribution in his/her or its name of anything belonging to another person or received from another person on the condition that it be used as a contribution. When it is discovered by a recipient committee that a contribution has been received in violation of this section, the recipient committee shall pay promptly the amount received in violation of this section to the city for deposit in the general fund of the city. (Ord. 1643 § 1 (part), 1982.)

#### **Section 2.80.070      Report of contributions received.**

A. Each recipient committee shall submit to the city clerk a list of contributors containing the names of all persons who have made a contribution or contributions to the recipient committee in the cumulative amount of one hundred dollars or more. The list shall contain the names of such contributors and the cumulative amount contributed by such persons.

1. For general elections, these lists shall be submitted by twelve noon on October 21.

campaign contribution disclosures shall avoid the effect of this chapter. (Ord. 1643 § 1 (part), 1982.)

**Section 2.80.110 Severability.**

If any provision of this chapter or the application thereof to any person or circumstance, is held invalid, the validity of the remainder of the chapter and the applicability of such provisions to other persons and circumstances shall not be affected thereby. (Ord. 1643 § 1 (part), 1982.)

## Chapter 2.90

### ROSEVILLE CAMPAIGN EXPENDITURES

#### Sections:

- 2.90.010** Maximum voluntary campaign expenditures.
- 2.90.015** Expenditures by candidate's controlled committee.
- 2.90.020** Statement of acceptance or rejection of ceilings.
- 2.90.30** Violation a misdemeanor.

#### **Section 2.90.010** Maximum voluntary campaign expenditures.

No Candidate or Controlled Committee who voluntarily accepts expenditure ceilings shall make Campaign Expenditures in excess of an amount equal to one dollar fifty cents (\$1.50) per registered voter of the City of Roseville. The number of registered voters for such calculation shall be determined by the City Clerk from the last available certification of registered voters by the California Secretary of State on the first day of the campaign period. Such determination by the City Clerk shall be posted in at least three (3) public places within the city and posted on the official city Internet web site. (Ord. 3557 § 4 (part), 2000; Ord. 3487 § 3 (part), 2000.)

#### **Section 2.90.015** Expenditures by candidate's controlled committee.

Expenditures by a Candidate's Controlled Committee shall be deemed expenditures by the Candidate for the purposes of this chapter. (Ord. 3557 § 4 (part), 2000.)

#### **Section 2.90.020** Statement of acceptance or rejection of ceilings.

A. Each Candidate shall, before accepting any contributions, or concurrently with filing the Candidate's nomination papers, whichever comes first, file with the City Clerk a statement of acceptance or rejection of the voluntary expenditure limits of Section 2.90.010.

B. If a Candidate accepts such campaign expenditure limits, the Candidate shall be subject to the campaign contribution limits set forth in Section 2.60.065C.

C. If a Candidate rejects such campaign expenditure limits, the Candidate shall be subject to the campaign contribution limits set forth in Section 2.60.065D.

(Ord. 3717 § 3, 2001; Ord. 3557 § 4 (part), 2000; Ord. 3487 § 3 (part), 2000.)

#### **Section 2.90.030** Violation a misdemeanor.

Violation of any provisions of this Chapter shall be a misdemeanor, punishable as provided by law, and shall be subject to the provisions of Section 2.60.100. (Ord. 3557 § 4 (part), 2000; Ord. 3487 § 3 (part), 2000.)

ORDINANCE NO. 3599

ORDINANCE OF THE COUNCIL OF THE CITY OF ROSEVILLE AMENDING  
CHAPTER 2.60 OF TITLE 2 OF THE ROSEVILLE MUNICIPAL CODE REGARDING  
CAMPAIGN FINANCE DISCLOSURE

WHEREAS, there was a general election on November 7, 2000, which included the selection of two members of the Roseville City Council; and

WHEREAS, the campaign period for this election will be ending on December 31, 2000, and

WHEREAS, the regulations that pertain to the end of the campaign period need to be clarified;

NOW, THEREFORE, THE CITY OF ROSEVILLE ORDAINS:

SECTION 1. Chapter 2.60 of Title 2 of the Roseville Municipal Code is hereby amended to read as follows:

**2.60.020 Findings, Purpose and Intent.**

High costs and large campaign contributions associated with campaigns for local elective office can undermine the public's trust and confidence in the electoral process and lead to unfair competition between candidates. It is the intent of this chapter to promote the small town atmosphere of local elections consistent with community values and to end the fundraising "arms race" by lowering campaign costs and slowing the increase in campaign spending by implementing comprehensive campaign finance reforms including a voluntary expenditure ceiling, mandatory contribution limits, and an effective enforcement mechanism.

**2.60.030 Supplementation of State law.**

This chapter is intended to supplement the Political Reform Act of 1974. Unless otherwise provided herein, words and phrases used in this chapter including reporting periods and thresholds, shall have the same meaning as defined in the Political Reform Act of 1974, Title 9 of the Government Code of the state of California, as said Act now exists or may hereafter be amended.

**2.60.040 Definitions.**

Whenever in this chapter the following words or phrases are used, they shall mean as follows:

- A. "Candidate" means any individual who is listed on the ballot or who has begun to circulate nominating petitions or authorized others to circulate petitions in his/her behalf, for nomination for or election to any elective city office, or who receives a contribution or makes an expenditure or gives his/her consent for any other person to receive a contribution with a view to bringing about his/her nomination or election to any city office, whether or not the specific elective office for which he/she will seek

nomination or election is known at the time the contribution is received or the expenditure is made and whether or not he/she has announced his/her candidacy or filed a declaration of candidacy at such time. Candidate also includes any holder of any elective city office who is the subject of a recall election.

- B. "Campaign" means the effort associated with seeking election to any elective city office.
- C. "Campaign Period" for general election means the period from a point nine (9) months prior to the general election for any elective city office, until the December 31<sup>st</sup> immediately following such general election. "Campaign Period" for a special election means the period from the date the City Council calls for special election until two months after the special election. Except as provided in section 2.60.065E below, no candidate shall retain or expend any contribution received outside of the campaign period for any election in which he/she is a candidate.
- D. "Contribution" means a payment, 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. An expenditure made at the behest of a candidate, committee or elected officer is a contribution to the candidate, committee or elected officer unless full and adequate consideration is received for making the expenditure.
1. Contribution includes the purchase of tickets for events such as dinners, luncheons, rallies and similar fund-raising events; the granting of credit other than in the normal course of business; the granting of discounts or rebates not extended to the public generally or the granting of discounts or rebates by television and radio stations and newspapers not extended on an equal basis to all candidates for the same office; and 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 on behalf of a candidate or committee without payment of full and adequate consideration.
  2. Contribution shall further include any payment received by a committee from another committee.
  3. Contribution shall not include amounts received pursuant to an enforceable promise to the extent such amounts have been previously reported as a contribution.
  4. Contribution shall not include the cost of an event held in honor or behalf of a candidate or committee when the total cost of the event amounts to no more than two hundred dollars and when the event is not held for the purpose of obtaining contributions to the candidate or committee.
  5. Notwithstanding the foregoing definition, contribution shall not include volunteer personal services or payments made by an individual for his own travel expenses if such payments are made voluntarily without any understanding or agreement that they shall be, directly or indirectly, repaid to him. Further, contribution shall not include an independent expenditure.
  6. A candidate's own money or property used on behalf of his candidacy shall not be considered a contribution.

- E. "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 he/she, his/her agent or any other committee he/she controls has a significant influence on the actions or decisions of the committee.
- F. "Election" means any general or special election held in the city of Roseville, including any recall election.
- G. "Independent expenditure" means an expenditure made by any person in connection with a communication which expressly advocates the election or defeat of a clearly identified candidate, or 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.
- H. "Person" means an individual, proprietorship, firm, partnership, joint venture, syndicate, business trust, company, corporation, association, committee, labor union, and any other organization or group of persons acting in concert.
- I. "Expenditure" means 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. An expenditure is made on the date payment is made or on the date consideration is received, whichever is earlier.
- J. "Contribution Period" means any calendar year in which the candidate is the defendant or respondent in a bona fide legal action, either civil, administrative, or criminal, arising from the candidate's status as a candidate or incumbent officeholder. Each calendar year shall be a separate contribution period.

#### **2.60.045 Officeholder Accounts.**

- (A) Following the end of the campaign period, any candidate or controlled committee may retain campaign funds in an amount not to exceed five thousand dollars (\$5000) in an account established pursuant to California Government Code Section 85201, subject to the provisions of this title.
- (B) All funds so retained shall be expended solely for legal or accounting expenses directly resulting from the status of being a candidate or incumbent officeholder.
- (C) (1) In the event that a candidate becomes the defendant or respondent in a legal action, either civil, administrative, or criminal, arising from the candidate's status as a candidate or incumbent officeholder, the candidate shall be allowed to accept contributions to replenish the account authorized in subsection A above. At no time shall the account exceed five thousand dollars (\$5000).
- (2) Any candidate or incumbent officeholder who has been subject to the contribution limits of section 2.60.065 shall be subject to the same contribution limits for each contribution period.
- (3) Any incumbent officeholder who has not previously been subject to the contribution limits of section 2.60.065 shall be subject to the contribution limits of section 2.60.065(C) for each contribution period.
- (D) No funds from the campaign or officeholder accounts shall be used to pay any fine or penalty arising from a criminal conviction. In no event shall any funds from the campaign or

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officeholder accounts be used to institute or prosecute litigation against the City of Roseville, including but not limited to claims for defense or indemnification.

**Section 2.60.050 Anonymous Contributions**

- A. The total anonymous contributions received by any candidate or controlled committee shall not exceed one hundred dollars.
- B. To the extent that total anonymous contributions are received in excess of that permitted by this section, the excess shall be paid by the candidate or controlled committee to the city for deposit in the general fund of the city.

**Section 2.60.060 Assumed Name Contributions.**

No contribution shall be made, directly or indirectly, by any person or combination of persons acting jointly in a name other than the name by which they are identified for legal purposes, nor in the name of another person or combination of persons. No person shall make a contribution in his/her or its name of anything belonging to another person or received from another person on the condition that it be used as a contribution. When it is discovered by a candidate or controlled committee that a contribution has been received in violation of this section, the candidate or controlled committee shall pay promptly the amount received in violation of this section to the city for deposit in the general fund of the city.

**Section 2.60.065 Mandatory Contribution Limits.**

- A. **Specific Findings Regarding Two Tiered Contribution Limits.** The contribution limits set forth herein are based on the following specific findings:
  - 1. Individual contributions in excess of \$500 result in the reasonable perception by the public of the appearance of undue influence on successful candidates by larger contributors. Limiting contributions below this level for candidates accepting the voluntary expenditure limits of this chapter will bolster the public's trust in the local electoral process.
  - 2. Limiting contributions to \$250 for candidates who do not accept voluntary campaign limits represents a reasonable incentive for candidates to accept voluntary expenditure limits without reducing any candidate's ability to effectively campaign or to reasonably raise adequate campaign funds.
  - 3. The difference between the alternative contribution limits is not calculated to deny any candidate the option of not accepting expenditure limits. Rather it is intended to reflect a meaningful distinction to be appreciated by both candidates and the public encouraging fair elections free from the perceived negative effects of excessive campaign spending.
- B. Each Candidate and Controlled Committee shall, before accepting any contributions, file with the City Clerk, on a form provided by the clerk, a statement either accepting or rejecting the voluntary expenditure limits established pursuant to Section 2.90.010.
- C. Candidates or Controlled Committees who agree to limit their campaign expenditures pursuant to Section 2.90.010 may retain no more than five hundred dollars (\$500.00) in cumulative contributions per Campaign Period from any single contributor. Any amount in excess of five hundred dollars (\$500.00) received from any single contributor shall be returned to the contributor within fifteen (15) business days of the Candidate's or Controlled Committee's

receipt of the excess Contribution. The excess Contribution and the date of its return shall be reported on forms prepared and supplied by the City Clerk.

D. Candidates or Controlled Committees who do not agree to limit their campaign expenditures pursuant to Section 2.90.010 may retain no more than two hundred fifty dollars (\$250.00) in cumulative contributions per Campaign Period from any single contributor. Any amount in excess of two hundred fifty dollars (\$250.00) received from any single contributor by any Candidate or Controlled Committee who did not agree to limit their campaign expenditures shall be returned within fifteen (15) business days of the Candidate's or Controlled Committee's receipt of the excess Contribution. The excess Contribution and the date of its return shall be reported on forms prepared and supplied by the City Clerk.

E. Candidates or controlled committees shall be allowed to retain and expend contributions received prior to the effective date of this ordinance for the Campaign Period concluding December 31, 2000.

F. Contributions to a Candidate and contributions to a Candidate's Controlled Committee shall be cumulated for the purposes of the mandatory contribution limits of this chapter.

**2.60.070 Reporting Campaign Contributions and Expenditures**

A. In addition to those campaign contribution reports required by the Political Reform Act of 1974, as amended, each Candidate and each Controlled Committee shall file with the City Clerk:

1. A list of all contributors who have made a contribution or contributions to the Candidate or Controlled Committee in the cumulative amount of one hundred dollars (\$100.00) or more since the last report

(a) Schedule "A" of the report shall include the name, address, occupation, and employer of each contributor, and the dollar amount of each contribution or contributions.

(b) Schedule "B" of the report shall include only the names of contributors who have made a contribution or contributions to the Candidate or Controlled Committee, and the cumulative total of all contributions made by that contributor.

2. A list of all expenditures made by the Candidate or Controlled Committee to each person who received the cumulative amount of one hundred dollars (\$100) or more since the last report. The report shall include the name, and street address of each recipient, as well as the amount of each expenditure and a brief description of the consideration for which each expenditure was made.

B. 1. For general elections, these reports shall be filed by twelve noon on:

- (a) The first day of each month during the campaign period;
- (b) October 21st, and
- (c) December 31st.

2. For special elections, these reports shall be filed by twelve noon on:

- (a) The first day of each month during the campaign period;
- (b) The fourteenth day before the special election; and
- (c) The sixtieth day after the special election.

3. In the event a candidate or officeholder accepts contributions or makes expenditures outside the campaign period,

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(a) The contribution reports required by subsection (A)(1) above shall be filed by twelve noon on the first day of each month during the contribution period.

(b) The expenditure reports shall be filed within three (3) business days of the transaction. The transaction shall be deemed to have occurred when the invoice is received or when payment is made, whichever occurs first.

C. All reports required by this section shall be filed on forms supplied by the City Clerk.

**2.60.075 Late Filing Fees.**

Any person who files a report required pursuant to §2.60.070 after the deadline imposed by that section shall, in addition to any other penalties or remedies established by this chapter, be liable in the amount of twenty-five dollars (\$25.00) per day after the deadline until the report is filed, except that any person who files a report required pursuant to §2.60.070B(1)(b) or §2.60.070(2)(b) after the deadline imposed by that section shall, in addition to any other penalties or remedies established by this chapter, be liable in the amount of two hundred fifty dollars (\$250.00) per day after the deadline until the report is filed.

**2.60.080 Publication of Contributors.**

A. The city clerk shall cause all lists submitted in accordance with the provisions of Sections 2.60.070A(1)(b), 2.60.070B(1)(b) and 2.60.070B(2)(b) to be published preceding the election in a newspaper of general circulation in the city. In addition, the clerk shall also publish each candidate's total contributions received and expenditures (cumulative to date) as indicated on the summary page of the most recently filed City of Roseville campaign contributor reporting form.

B. The city clerk shall cause all lists submitted in accordance with the provisions of Sections 2.60.070B(1)(c) and 2.60.070B(2)(c) to be published once, within two weeks of submittal in a newspaper of general circulation in the city. In addition, the clerk shall also publish each candidate's total contributions received and expenditures (cumulative to date) as indicated on the summary page of the most recently filed City of Roseville campaign contributor reporting form.

**2.60.090 Violation Unlawful.**

Any person who knowingly or willfully violates any provision of this chapter is guilty of a misdemeanor.

**2.60.100 Effect of Violation on Outcome of Election.**

If, after his/her election, a candidate is convicted of a violation of any provision 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/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 chapter at any time prior to his/her election, his/her candidacy shall be terminated immediately and he/she shall be no longer eligible for election. Any person convicted of

a violation of this chapter shall be ineligible to hold city elective office for a period of three years from and after the date of his conviction.

**2.60.110 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 council or the city to control campaign contribution disclosures shall avoid the effect of this chapter.

**2.60.120 Severability.**

If any provision of this chapter or the application thereof to any person or circumstance, is held invalid, the validity of the remainder of the chapter and the applicability of such provisions to other persons and circumstances shall not be affected thereby.

**SECTION 2.** This ordinance is hereby declared to be a measure pertaining to an election, immediately effective pursuant to the provisions of Section 5.03 of the Charter.

**SECTION 3.** The City Clerk is hereby authorized and directed to post a true copy of the foregoing ordinance in each of three conspicuous locations in the City and she shall immediately after such posting enter in the ordinance book, under the record of the ordinance, a certificate under her hand stating the time and place of such publication by posting.

PASSED AND ADOPTED by the Council of the City of Roseville this 6th day of December, 2000, by the following vote on roll call:

AYES COUNCILMEMBERS: Earl Rush, Richard Rocucci, Dan Goodhall, Rocky Rockholm, Claudia Gamar

NOES COUNCILMEMBERS: None

ABSENT COUNCILMEMBERS: None

(d)(5)

MAYOR

ATTEST

(d)(5)  
ASSISTANT

City Clerk

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