

1
2 CITY OF FILLMORE
CITY COUNCIL ORDINANCE 91-664

3 CAMPAIGN CONTRIBUTION LIMITS

4 The City Council of the City of Fillmore does ordain as
5 follows:

6 Section 1. Purpose of Provision.

7 A. Large sums of money are often expended to finance
8 American election campaigns. Inherent in the high cost of election
9 campaigning is the problem of excessive or improper influence, real
10 or perceived, exercised by campaign contributors over elected
11 officials, and over the electoral process itself. It is the pur-
12 pose and intent of the City Council, in enacting this ordinance, to
13 place realistic and enforceable limits on the amount that indivi-
14 dual persons may contribute to political campaigns in city
15 elections; and to require appropriate reporting requirements so as
16 to make certain that these limitations will in fact be enforced;
17 and otherwise to provide for fair and full enforcement of all the
18 provisions of this ordinance.

19 B. This ordinance is enacted in accordance with the terms of
20 Section 7 of Article XI of the Constitution of this state, §22808
21 of the Elections Code, and §81013 of the Government Code and may be
22 cited as the "City of Fillmore Election Campaign Contribution Limi-
23 tation Ordinance".

24 Section 2. Definitions. The definitions of words and phrases
25 provided in the Political Reform Act of 1974, as amended (Gov't.
26 Code §81000, et seq.), shall be applicable when those same words
27 are used in this ordinance, with the following exceptions:

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2 A. "Business or labor committee" means a committee created
3 or sponsored by a corporation, partnership, labor union or other
4 business entity for the sole purpose of using the voluntary dona-
5 tions of its members or employees for public purposes.

6 B. "Candidate" means any individual listed on the ballot for
7 nomination for and for election to any city office, or who other-
8 wise has taken affirmative action to seek nomination or election to
9 city office, or who receives a contribution or makes an expendi-
10 ture, or who gives his or her consent for any other person to
11 receive a contribution or make an expenditure with a view to bring-
12 ing about his or her nomination or election to any city office.
13 "Candidate" also means an officeholder in connection with a recall
14 election relating to such officeholder.

15 C. "Committee" means any person or combination of persons
16 formed or existing primarily to support or oppose a candidate or a
17 local ballot measure, not a city general purpose committee active
18 in the city.

19 D. "Controlled Committee" means a committee which is
20 controlled directly or indirectly by a candidate or local measure
21 proponent or which acts jointly with a candidate, controlled com-
22 mittee or local measure proponent in connection with the making of
23 expenditures. A candidate or local measure proponent controls a
24 committee if he, his agent or any other committee he controls has
25 a significant influence on the actions or decisions of the commit-
26 tee.

27 E. "Contribution" shall have the same meaning as that set
28 forth in §82015 of the California Government Code.

F. "Corporation" means a corporation organized under the

1 laws of California, or any other state or nation.

2 G. "City office" means any of the following:

3 Member of the city council, city clerk or city treasurer.

4 H. "Election", "election of a candidate," and "city elec-
5 tion" mean any regular or special city election, including a recall
6 election, and excluding a school district and special district
7 election which involves the election of any person to any city
8 office. For the purpose of this chapter, a primary election shall
9 be considered a separate election from a general election.

10 I. "Enforcement authority" means the city attorney. Nothing
11 in this chapter shall be construed as limiting the authority of any
12 law enforcement agency, prosecuting attorney or other person to
13 enforce the provisions of this chapter, under any circumstances
14 where such law enforcement agency, prosecuting attorney or other
15 person has lawful authority to do so.

16 J. "Individual" means an individual person, and shall not
17 include a partnership, corporation, association, firm, business
18 entity, committee, club, other organizations, or a group of persons
19 however organized.

20 K. "Measure" means a city proposition submitted to a popular
21 vote at an election by initiative, referendum, for recall or as an
22 advisory measure.

23 L. "Person" does not include the candidate in connection
24 with any limit placed on what may be contributed to the candidate's
25 campaign, and does not include "committee" or "controlled commit-
26 tee."

27 M. "Proceedings to qualify a recall petition for the ballot"
28 means the attempt by any person or persons to qualify a recall

1 petition for submission of the same to a popular vote at any elec-
2 tion whether or not such recall is ultimately qualified for the
3 ballot.

4 Section 3. Rules of Construction. This ordinance shall be
5 construed liberally in order to effectuate its purposes. No error,
6 irregularity, informality, neglect or omission of any officer in
7 any procedure taken under this chapter which does not directly
8 affect the jurisdiction of the city to limit campaign contributions
9 shall avoid the effect of this chapter.

10 Section 4. Campaign Contributions - Limitations. The follow-
11 ing campaign contribution limitations shall apply in any city elec-
12 tion, and in any proceedings to qualify a recall petition for the
13 ballot:

14 A. Elections of a Candidate. No person shall make, and no
15 campaign treasurer, committee chairperson or other person shall
16 solicit or accept from any person, candidate or committee any
17 contribution in support of or in opposition to a candidate, or any
18 contribution to any committee, which will cause the total amount
19 contributed by any person, in either support of or in opposition to
20 such candidate and to any and all committees in support of or in
21 opposition to such candidate, with respect to any single city
22 election, to exceed two hundred and fifty dollars (\$250.00).

23 B. Proceedings to Qualify a Recall Election for the Ballot.
24 No person shall make, and no campaign treasurer, committee chair-
25 person or other person shall solicit or accept from any person or
26 committee, any contribution either in support of or in opposition
27 to any proceedings to qualify a recall petition for the ballot, or
28 any contribution to any committee, which will cause the total

1 amount contributed by any person either in support of or in opposi-
2 tion to any proceedings to qualify a recall petition for the
3 ballot, to exceed two hundred and fifty dollars (\$250.00), except
4 as otherwise set forth in Section 5. Nothing in this section shall
5 prevent a person from contributing up to the maximum amount per-
6 mitted by this chapter in connection with proceedings to qualify a
7 recall petition for the ballot, and further making an additional
8 contribution, up to the maximum amount permitted by this chapter,
9 in connection with any subsequent recall election, if such recall
10 in fact qualifies for the ballot and is submitted to a popular
11 vote.

12 C. No candidate, campaign treasurer or other person shall
13 utilize for campaign purposes any contribution from any person or
14 committee without first determining that the acceptance of such
15 contribution will not, on a cumulative basis, or on any other
16 basis, cause the person making such contribution, or any other
17 person, to violate any campaign contribution limit established by
18 this ordinance. A person who has received a contribution and who
19 has utilized such contribution for campaign purposes shall not be
20 held criminally liable for a failure to properly determine that the
21 acceptance of such contribution would cause the person making such
22 contribution to violate any campaign contribution limit established
23 by this ordinance, if the candidate, campaign treasurer or other
24 person has first received a written statement from the person
25 making the contribution, stated that the contribution does not
26 violate any such election campaign contribution limit.

27 D. If a candidate, campaign treasurer, or other person is
28 offered a contribution which would be in excess of the limitations

1 set forth in this section, the candidate, campaign treasurer or
2 other person shall refuse the contribution. If, however, a contri-
3 bution is received which is in violation of this section, the
4 candidate, campaign treasurer or other person receiving such
5 contribution shall return to the contributor within thirty days of
6 receipt the amount of any such payment or contribution received
7 which is in excess of the amount permitted by this section.

8
9 E. If any person is found by a court to be in violation of
10 this section, each campaign treasurer or other person who received
11 part or all of the contribution or contributions which constitute
12 the violation shall pay promptly the amount received from such
13 person in excess of the amount permitted by this section to the
14 city treasurer, for deposit in the general fund of the city.

15 Section 5. Committee and Controlled Committee Contributions.

16 Notwithstanding the provisions of Section 4, a committee or
17 controlled committee may make contributions to one or more candi-
18 dates or committees provided that:

19 A. Such contributions shall not exceed a total of six hun-
20 dred dollars (\$600.00) per election, in support of or in opposition
21 to any given candidate. Contributions in support of or in opposi-
22 tion to any measure shall not exceed six hundred dollars (\$600.00)
23 per election.

24 B. No contribution to any committee or controlled committee
25 from an individual member shall exceed the limitations established
26 in this ordinance for total contributions to candidates or commit-
27 tees.

28 C. Contributions to any committee or controlled committee by
any person shall be reported by the recipient committee pursuant to

1 any provisions of this ordinance and any applicable provisions of
2 state law.

3 Section 6. Reporting Requirements. Filing of campaign reports
4 in compliance with the Political Reform Act of 1974 shall be deemed
5 compliance with this ordinance so long as the election contribution
6 limitations set forth in this ordinance are complied with, except
7 that all contributions shall be reported.

8 Section 7. Enforcement. The enforcement of the provisions of
9 this ordinance, and the penalties for violation of this ordinance,
10 shall be as set forth in the Enforcement Sections of the Political
11 Reform Act of 1974.

12 Section 8. Exclusion of Existing Campaign Contributions. The
13 campaign contribution limitations of this ordinance shall not apply
14 to campaign contributions received prior to the effective date of
15 this ordinance by or on behalf of a person holding a city office as
16 of July 1, 1991.

17 Section 2. The City Clerk shall cause this ordinance to be
18 published once in the Fillmore Herald within fifteen (15) days
19 after its passage, together with the names of the members of the
20 City Council voting for and against it, and it shall take effect
21 and be enforced thirty (30) days after its passage.

22 PASSED and ADOPTED this 13th day of August, 1991.

23
24 (d)(5)
25 _____
26 SCOTT LEE, Mayor

27 ATTEST:

28 (d)(5) _____
NOREEN WITHERS, City Clerk

