

CHAPTER 1.30

PETALUMA CAMPAIGN FINANCE

Prior legislation: Ord. 2106 NCS.

1 Editor's Note: Prior ordinance history includes portions of Ordinance No. [2106](#).

2 Editor's Note: Pursuant to Section 2 of Ordinance No. [2198](#) NCS, the city of Petaluma shall reimburse the office of the district attorney for all expenses incurred in enforcing Chapter [1.30](#).

1.30.010 Title.

This chapter shall be entitled "Petaluma Campaign Finance." (Ord. 2198 NCS §1 (part), 2004; Ord. 2156 NCS §1 (part), 2003.)

1.30.020 Legislative intent.

To assure the public that:

- A. Excessive campaign costs and large contributions do not cause corruption or the appearance of corruption in the election process;
- B. Large campaign contributions will not be used to buy political access or to influence governmental actions;
- C. Access to large amounts of money will not be a prime requirement for participation in the political process;
- D. They are fully informed of the contributors to political campaigns. (Ord. 2198 NCS §1 (part), 2004; Ord. 2156 NCS §1 (part), 2003.)

1.30.022 Relation to Political Reform Act of 1974¹.

This chapter is intended to supplement the Political Reform Act of 1974 (Government Code Title [9](#), §§ [81000](#) et seq.). Unless a word or term is specifically defined in this chapter, or the contrary is stated or clearly appears from the context, words and terms used herein shall have the same meaning as defined or used in Title 9 of the California Government Code, in which the Political Reform Act of 1974 is codified, and as supplemented by the Regulations of the Fair Political Practices Commission as set forth in Title 2, Division 6 of the California Code of Regulations, as the same may be, from time to time, amended. If a definition of any word or term defined in this chapter is preempted by the provision of the Political Reform Act or the Regulations of the Fair Political Practices Commission, then the definition in said Act and Regulations shall prevail. (Ord. 2198 NCS §1 (part), 2004; Ord. 2156 NCS §1 (part), 2003.)

1.30.025 Definitions.

- A. "Person" means an individual, proprietorship, firm, partnership, joint venture, syndicate, business trust, company, corporation, limited liability company, association, committee, and any other organization or group of persons acting in concert.
- B. "City election" means any general election, special election or recall election.
- C. "Election cycle" means the applicable period as set forth in Section [1.30.035](#).
- D. "Candidate" means any person who is a candidate for mayor or city council for the city of Petaluma, including incumbent mayor or council members, appointed or elected whether or not a candidate for reelection.
- E. "Indebted former candidate" means a person who was a candidate for mayor or city council at any city election and who has campaign debt remaining from such election after expiration of the election cycle for the office of which he or she was a candidate. (Ord. 2198 NCS §1 (part), 2004; Ord. 2156 NCS §1 (part), 2003.)

1.30.030 Contribution limitation.

- A. No candidate for city council or mayor, or candidate committee, or council member or mayor shall solicit or accept any contribution, including any "in-kind" contribution, that will cause the total contributions to that candidate from any person to exceed two hundred dollars during any election cycle. The receipt of any contribution which would cause the total amount of contributions to a candidate from a single person to exceed two hundred dollars shall promptly return any such excess to the donor. The provisions of this section shall not apply to contributions by a candidate for city council or mayor of his or her own funds to his or her own controlled committee. Contributions by the spouse of a candidate for city council or mayor from such spouse's separate property shall be subject to the contribution limits.
- B. *Elective Council Members and Candidates with Outstanding Debt from Prior Election.* No person shall make, and no mayor or city council member or indebted former candidate, or treasurer of any controlled committee of any mayor or city council member or indebted former candidate, shall solicit or accept any contributions for the purpose of retiring outstanding debt from a prior city election which would cause the total amount contributed by such person to such mayor or council member or indebted former candidate or to his or her controlled committee, to exceed two hundred dollars for the election in which the outstanding debt was incurred, regardless of when the contribution(s) is made or received.
- C. *Recall Elections.* The contribution limitations set forth in subsection A above shall also apply to any committee which collects contributions for the purpose of making expenditures in support of or opposition to the recall of a mayor or city council member, and to contributions received by such mayor or city council member during a recall election cycle as defined in Section [1.30.035](#).
- D. *Candidate's Personal Funds.* The provisions of this section shall not apply to a candidate's contribution of his or her personal funds to his or her own controlled committee. Contributions by the spouse of a candidate from such

spouse's separate property shall be subject to the contribution limitations set forth in subsection [A](#). (Ord. 2198 NCS §1 (part), 2004; Ord. 2156 NCS §1 (part), 2003.)

1.30.035 Election cycles.

A. *General Elections.* For purposes of any election for city council or mayor, the term election cycle as used in this chapter shall mean the period commencing on January 1 of the year following a year in which a city council election is held and ending on December 31 of the year in which the next succeeding election is held.

B. *Special Elections.* For purposes of any special election for city council or mayor, the term election cycle as used in this chapter shall mean the period commencing on the date a special election is called by the city council and ending on the thirtieth day following said special election.

C. *Recall Elections.* For purposes of any recall election for city council or mayor, the term election cycle as used in this chapter shall mean the period commencing on either the date a committee is formed pursuant to the Political Reform Act in support of a recall election or the date the city clerk approves a recall petition for circulation and gathering of signatures, whichever occurs earlier, and ending on the thirtieth day following the first to occur of any the following:

1. The time provided by law for the gathering of signatures on recall petitions expires without sufficient recall petition signature having been filed with the city clerk to require a recall election;
2. All committees formed in support of the recall have been terminated pursuant to the provisions of the Political Reform Act;
3. The date the recall election is held.

D. *Campaign Debt.* Nothing in this chapter shall prohibit indebted candidates and/or their controlled campaign committee from soliciting and receiving funds to pay off their campaign debt in accordance with the provisions of Section [1.30.030](#), after the end of the election cycles defined above. (Ord. 2198 NCS §1 (part), 2004; Ord. 2156 NCS §1 (part), 2003.)

1.30.040 Disclosure requirement.

A. Each candidate for city council or mayor, or candidate committee, or council member or mayor, shall provide detailed itemization, as defined in the California Political Reform Act of 1974, for all contributions received in excess of twenty-five dollars.

B. Each candidate for city council or mayor, or candidate committee shall file a third pre-election Campaign Disclosure Statement (Form 460 or any successor form thereto), as provided by the California Fair Political Practices Commission for the period from the end of the period covered by the second preelection statement to eleven fifty-nine p.m. on the third business day immediately preceding election day (normally Thursday). Such

statement shall be filed with the clerk of the city of Petaluma by five p.m. on the second business day immediately preceding election day (normally Friday).

C. Each candidate, and each committee making independent expenditures, who sends a mailing or distributes more than two hundred substantially similar pieces of campaign literature shall send a copy of the mailing or other literature to the city clerk at the same time the mailing or other literature is given to the post office or otherwise distributed. During the election campaign, the city clerk merely serves as a repository for such literature and shall not judge or comment on the contents of such literature. (Ord. 2198 NCS §1 (part), 2004; Ord. 2156 NCS §1 (part), 2003.)

1.30.041 Electronic filing.

A. Any elected officer, candidate, committee, or other person required to file statements, reports, or other documents ("statements") as required by Chapter 4 of the Political Reform Act (Government Code Section [84100](#) et seq.) shall file such statements using the city clerk's online system according to procedures established by the city clerk. These procedures shall ensure that the online system complies with the requirements set forth in Government Code Section [84615](#). Elected officers, candidates, or committees required to file statements must file such statements using the city clerk's online system, unless exempt from the requirement to file online pursuant to Government Code Section [84615\(a\)](#) because the officer, candidate, or committee receives less than two thousand dollars in contributions and makes less than two thousand dollars in expenditures in a calendar year.

B. All other individuals required to file statements of economic interest pursuant to Chapter 7 of the Political Reform Act (Government Code Section [87200](#) et seq.) or the city's adopted conflict of interest code shall file electronically using the city clerk's online system.

C. Any elected officer, candidate, or committee who has electronically filed a statement using the city clerk's online system is not required to file a copy of that document in paper format with the city clerk.

D. The city clerk shall issue an electronic confirmation that notifies the filer that the statement was received; the notification shall include the date and the time that the statement was received and the method by which the filer may view and print the data received by the city clerk. The date of filing for a statement filed online shall be the day that it is received by the city clerk.

E. The online filing system shall ensure the integrity of the data transmitted and shall include safeguards against efforts to tamper with, manipulate, alter, or subvert the data.

F. The online filing system shall enable electronic filers to complete and submit filings free of charge.

G. The online filing system shall only accept a filing in the standardized record format that is developed by the California Secretary of State pursuant to Government Code Section [84602\(a\)\(2\)](#) and that is compatible with the Secretary of State's system for receiving an online or electronic filing.

H. The online filing system shall include a procedure for filers to comply with the requirement that they sign statements under penalty of perjury pursuant to Government Code Section [81004](#).

- I. If the city clerk's system is not capable of accepting a statement due to technical difficulties, an elected officer, candidate, or committee shall file that statement in paper format with the city clerk.
- J. The city clerk's system shall make all the data filed available on the city's webpage in an easily understood format that provides the greatest public access. The data shall be made available free of charge and as soon as possible after receipt. The data made available on the city's webpage shall not contain the street name and building number of the persons or entity representatives listed on the electronically filed forms or any bank account number required to be disclosed by the filer. The city clerk's office shall make a complete, unredacted copy of the statement, including any street names, building numbers, and bank account numbers disclosed by the filer, available to any person upon request.
- K. The city clerk's office shall maintain, for a period of at least ten years commencing from the date filed, a secured, official version of each online or electronic statement which shall serve as the official version of that record for purpose of audits and any other legal purpose. (Ord. 2751 NCS §3, 2020.)

1.30.042 Aggregation of contributions.

The contributions of any person whose contributions are directed and controlled by another person shall be aggregated with those of the controlling person for purposes of the contribution limits. Contributions by a married person shall be treated as the separate contributions of such person and shall not be aggregated with any contributions of the spouse of such person. (Ord. 2198 NCS § 1 (part), 2004; Ord. 2156 NCS §1 (part), 2003.)

1.30.044 Loan to city candidates and their controlled committees.

- A. A loan shall be considered a contribution from the maker and the guarantor of the loan and shall be subject to the contribution limitations of this chapter.
- B. The proceeds of a loan made to a candidate for city council or mayor by a commercial lending institution in the regular course of business on the same terms available to members of the public shall not be subject to the contribution limitations of this chapter if the loan is made directly to the candidate. The guarantors of such a loan shall remain subject to the contribution limits of this chapter.
- C. Extensions of credit (other than loans pursuant to subsection B) for a period of more than thirty days are subject to the contribution limitations of this chapter.
1. An "extension of credit" means the provision of goods or services for which payment in full is not received. An extension of credit is deemed to begin by the earlier of two dates:
 - a. Fifteen days after the date specified on the invoice for payment; or
 - b. Forty-five days from the date the goods or services were delivered.
 2. "Payment in full" means payment of not less than fair market value for the goods or services provided.

3. An extension of credit for a period of more than thirty days is a contribution subject to the contribution limitations of the chapter, except as provided in paragraph 5, d, e, f and g of this subsection.
4. If a candidate or a candidate's controlled committee has an extension of credit for more than thirty days outstanding with a provider or vendor of goods or services, any additional credit extended to the candidate or the candidate's controlled committee by the same provider or vendor of goods or services shall be a contribution to the candidate or the candidate's controlled committee from the person subject to all of the contribution limitations of the Act.
5. If all of the following criteria are satisfied by a provider or vendor of goods or services, it shall (i) be a complete defense for the provider or vendor of the goods or services in any enforcement action initiated by the city, and (ii) relieve the provider or vendor of the goods or services of any reporting requirements of this title;
 - a. The credit arrangement was recorded in a written instrument;
 - b. It is a primary business of the provider or vendor of goods or services to provide similar goods or services;
 - c. The provider or vendor of goods or services provided the goods or services in the ordinary course of business and on the same terms and conditions offered to customers generally;
 - d. The provider or vendor of goods or services did not have actual knowledge that the candidate or committee would not be able to pay within the time limit specified in subsection (a);
 - e. The provider or vendor of goods or services made reasonable efforts to collect the full amount of the payment owed within one hundred twenty days of the date specified in subsection (a);
 - f. The provider or vendor of goods or services entered into the agreement with the intent that the candidate or committee would be required to pay within the time limit specified in subsection (a); and,
 - g. The provider or vendor of goods or services did not extend any additional credit to the candidate or the candidate's controlled committee when the candidate or the candidate's controlled committee already had an extension of credit for more than thirty days outstanding with the same provider or vendor of goods or services as provided in paragraph 5, d.

D. This section shall apply only to loans and extensions of credit used or intended for use for campaign purposes or which are otherwise connected with the holding of public office. (Ord. 2198 NCS §1 (part), 2004; Ord. 2156 NCS §1 (part), 2003.)

1.30.045 Outstanding debt retirement and reporting.

A. Any mayor or city council member or indebted former candidate, or any controlled committee of any such officer or candidate, accepting any contribution(s) for the purpose of retiring outstanding debt from a prior city election and required by city or state law to report such contributions on Schedule A of Fair Political Practices

Commission Form 460, or any successor form thereto, shall, at the time required for the reporting of such contributions on Schedule A and in addition to any other reporting requirements under state law, clearly designate on said Schedule A which contributions were received for the purpose of retiring outstanding debt and for which prior city election such contributions were received.

B. Any contribution accepted for the purpose of retiring outstanding debt from a prior city election shall be applied to reduce or retire said outstanding debt in the same reporting period in which such contribution was accepted. The application of any contribution to retire outstanding debt from a prior city election (i.e., repayment of outstanding loans and payment of accrued expenses) shall be itemized and identified on the appropriate schedules and on the Summary Page of Form 460, or any successor form thereto, provided by the Fair Political Practices Commission.

C. If the mayor or city council member or indebted former candidate, or a controlled committee of any such officer or candidate, receives contributions for the purpose of retiring outstanding debt from a prior city election and the amount of the contributions exceeds the amount of the debt, the excess funds may be used for any other campaign or officeholder expense and shall not be subject to the aggregation requirements set forth in Section [1.30.042](#) in the election cycle in which the excess funds are expended. (Ord. 2198 NCS §1 (part), 2004; Ord. 2156 NCS §1 (part), 2003.)

1.30.046 Multiple campaign committees.

A. A candidate for city council or mayor shall have no more than one controlled committee and such controlled committee shall have only one bank account out of which all qualified campaign and officeholder expenses related to that office shall be made.

B. This section does not prevent a candidate for city council or mayor or a city council member or mayor from establishing another controlled committee solely for the purpose of running for a state, federal, county or other elective office, or for opposing his or her recall. (Ord. 2198 NCS §1 (part), 2004; Ord. 2156 NCS §1 (part), 2003.)

1.30.070 Independent expenditures.

A. Any person or entity making independent expenditures which aggregate in excess of twenty-five dollars during any election cycle shall deliver notice in writing of such independent expenditure, as well as the amount of such expenditure, and a detailed description of the use of such independent expenditure. Such notice shall be filed with the city clerk on a form prepared by the city clerk for such purpose. The notice shall specifically state the name of the candidate or candidates whom the independent expenditure is intended to support or oppose and shall also include the information required to be provided in the Campaign Disclosure Statement (Form 465 or any successor form thereto) as provided by the California Fair Political Practices Commission. Each independent expenditure shall require delivery of a new notice. Such notice shall be filed for the same reporting periods and be the same deadlines as are expenditures by candidates pursuant to the California Fair Political Act and by Section [1.30.040\(B\)](#) of this chapter.

B. Any person or entity making an independent expenditure in excess of twenty-five dollars shall disclose in any political message produced by the expenditure, the full name, address, and phone number of the person or organization, the name of the registered agent, the amount of the expenditure, and the specific statement that the advertisement of material is not authorized by any candidate. Persons or organizations who make independent expenditures for or against a candidate or committee shall indicate clearly on any material published, displayed or broadcast that it was not authorized by a candidate or committee controlled by a candidate. Such disclosure shall be printed in 12-point type or larger in any printed materials, and prominently displayed in any non-printed materials or message. (Ord. 2198 NCS §1 (part), 2004; Ord. 2156 NCS §1 (part), 2003.)

1.30.080 Enforcement².

- A. *No Criminal Penalties.* Notwithstanding any other provision of the Petaluma Municipal Code, any violation of any provision of this chapter shall be enforceable solely as provided in this section.
- B. *Civil Liability.* Any person who fails to comply with any provision or requirement of this chapter shall be strictly liable to the city of Petaluma in a sum not to exceed the following amount for each such violation:
1. For the making or accepting of any contribution in excess of the applicable contribution limits specified in this chapter, a sum equal to three times the amount by which the contribution exceeds the applicable contribution limit, or the sum of five hundred dollars, whichever is greater, for each violation.
 2. For any other violation of this chapter, the sum of five hundred dollars for each violation.
- C. *Right to Cure Unknowing Violation.* In the event a candidate accepts a contribution and then becomes aware it is in violation of the contribution limit, that violation by the candidate may be excused if the candidate returns the contribution or contributes it to the City General Fund within fourteen days of becoming aware of the violation.
- D. *Debt Owning to City.* Any amount due from any person pursuant to subsection B above shall be a debt due and owing upon demand to the General Fund of the city of Petaluma.
- E. *Civil Action to Collect Debt and Obtain Other Relief.* The district attorney of the county of Sonoma shall file and prosecute a civil action in superior court, to recover any amount(s) due and owing to the city of Petaluma by any person pursuant to this section, or to enjoin any violation or otherwise compel compliance with the requirements of this chapter.
- F. *Limitations of Actions.* No civil action shall be brought under the provisions of this section unless said action is filed within one year following the date of such violation.
- G. *Remedial Measures.* If the district attorney determines or believes that any person (the target party) has violated any provision of this chapter, the district attorney may, at his or her sole discretion, advise the target party of remedial measures which may be taken by the target party to avoid possible civil action (the "remedial measures"). Such remedial measures may, but need not necessarily, include the payment of a civil fine to the city. Nothing contained herein shall be deemed to require the district attorney to offer remedial measures to any target party. In the event the target party is offered and timely performs such remedial measures to the

satisfaction of the district attorney, the district attorney shall advise the target party (and any person who, in writing, informed or complained to the district attorney concerning any such violation), in writing, that the alleged violation has been resolved (the "letter of resolution") and, in such event, no civil action shall thereafter be filed or maintained relating to such alleged violation of this chapter. (Ord. 2198 NCS §1 part), 2004; Ord. 2156 NCS §1 (part), 2003.)

The Petaluma Municipal Code is current through Ordinance 2800 NCS, passed December 20, 2021.

Disclaimer: The city clerk's office has the official version of the Petaluma Municipal Code. Users should contact the city clerk's office for ordinances passed subsequent to the ordinance cited above.

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