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[Article 4 – Miscellaneous](#)**Chapter 2.76 Election and Campaign Regulations**

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**2.76.010 Purpose.**

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The purpose of this chapter is to establish limits on the amounts of money that may be contributed to political campaigns in municipal elections for City Council office. It is the City Council's intent to address the perception that unregulated campaign contributions lead to improper influence over elected officials and to establish realistic, narrowly tailored and enforceable limits on the amounts which may be contributed to political campaigns consistent with rights of political expression protected by the United States Constitution.

The City Council finds that the establishment of campaign contribution limits is authorized by Section 10202 of the California Elections Code and Section 81013 of the California Government Code.

The Council further finds that the limit imposed herein is not so low as to infringe on candidates' ability to communicate with the voters, as evidenced by the research and report prepared by the City Clerk indicating that in recent municipal elections the large majority of contributions were in amounts at or lower than the limit imposed herein.

(Ord. 09-835 § 1, 2009; Ord. 09-830 § 1, 2009)

**2.76.020 Definitions.**

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The definitions set forth in the Political Reform Act of 1974, as amended (California Government Code Section 81000 *et seq.*) shall govern the interpretation of this chapter. As used in this chapter:

- a. The word "candidate" shall include a candidate's controlled committee.
- b. "Campaign materials" means written materials created for the purpose of expressing support or opposition to a candidate for City Council, including, without limitation, mass mailers, websites, emails and campaign signs.
- c. A "committee" shall be limited to a committee formed or existing primarily to support or oppose a candidate for City Council.

(Ord. 16-981 § 1, 2016; Ord. 09-835 § 1, 2009; Ord. 09-830 § 1, 2009)

**2.76.030 Contribution Limitations.**

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No person shall make a contribution to any candidate that would cause the total amount contributed by such person to exceed one thousand dollars (\$1,000.00) in connection with any single election. No candidate for City Council shall solicit or accept a contribution from any person that would cause the total amount received from such person to exceed one thousand dollars (\$1,000.00) in connection with any single election.

For purposes of this section:

- a. Contributions by spouses or domestic partners shall be treated as separate contributions and shall not be aggregated.
- b. Contributions by children under the age of eighteen shall be attributed equally to each parent or guardian.

This section shall not apply to expenditures by a candidate of his or her own funds in support of his or her own campaign.

(Ord. 20-1099 § 1, 2020; Ord. 11-866 § 1, 2011; Ord. 09-835 § 1, 2009; Ord. 09-830 § 1, 2009)

**2.76.040 Election Cycle.**

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No person shall make a contribution to any candidate or any committee prior to the date that is twenty-four months before the election for which the contribution is made. No candidate for City Council or any committee shall solicit or accept a contribution from any person prior to the date that is twenty-four months before the election for which the contribution is made.

(Ord. 13-907 § 1, 2013; Ord. 09-835 § 1, 2009; Ord. 09-830 § 1, 2009)

### **2.76.050 Campaign Accounts.**

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No candidate for City Council or committee shall expend contributions received in connection with a particular election on campaign expenses associated with a subsequent election. Campaign accounts of candidates elected to office in which there is a surplus following payment of campaign debts shall be redesignated as officeholder accounts and maintained in compliance with Section 2.76.060. Any surplus funds beyond those permitted to be retained in an officeholder account shall be expended exclusively in compliance with Government Code Section 89515 or remitted to the city to be used for programs that enhance voter education and participation in elections. Candidates shall provide the City Clerk with documentary evidence that the balance in their campaign accounts complies with Section 2.76.060 within ten days of redesignation of the account as an officeholder account.

(Ord. 13-907 § 1, 2013; Ord. 09-835 § 1, 2009; Ord. 09-830 § 1, 2009)

### **2.76.060 Officeholder Accounts.**

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Following the municipal election at which a candidate is elected or re-elected, the candidate's campaign account shall be redesignated as an officeholder account. No person shall make and no City Councilmember shall solicit or accept a contribution directly into an officeholder account. An officeholder account shall not hold more than ten thousand dollars (\$10,000.00) at any one time. Funds in an officeholder account shall be used only for officeholder expenses associated with holding office in accordance with Sections 89512 through 89519 of the California Government Code, excluding that part of Subsection 89513(g) pertaining to loans to candidates, political parties or committees. Funds in an officeholder account shall not be used or expended: (a) in connection with an election of the City Councilmember or any other person for any elected office; (b) for campaign consulting, research, polling or similar services in connection with an election; (c) for membership dues in any athletic club or similar club or organization membership in which is primarily personal or social (but excluding membership in or contributions to community-serving or civic organizations); (d) as supplemental compensation for city employees for performance of an act that would be required or expected of that person in the regular course of his or her duties; or (e) for any expenditure that would violate the provisions of Government Code Sections 89506 and 89512 through 89519. Every City Councilmember who establishes and maintains an officeholder account shall file with the City Clerk a semi-annual report on a form provided by the Clerk enumerating all deposits into the officeholder account and identifying all disbursements from the account in excess of one hundred dollars (\$100.00) by showing the payee, date, amount, person(s) whose expenses were reimbursed and purpose of each such disbursement. The Councilmember shall retain all receipts, invoices and other documents documenting disbursements from the account.

(Ord. 09-835 § 1, 2009; Ord. 09-830 § 1, 2009)

### **2.76.065 Committee Disclosure of Top Donors.**

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All primarily formed committees shall identify on all campaign materials the names of the top three donors that have made the highest total contributions to the committee as reported in the Form 497 filings submitted to the City Clerk, or any equivalent form required by law, at the time the campaign materials are disseminated to the public. For purposes of this section, the term primarily formed committee shall be as defined in the Political Reform Act.

(Ord. 16-981 § 2, 2016)

### **2.76.067 Electronic Filing of Campaign Statements.**

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- a. Any elected officer, candidate, committee, or other person required to file statements, reports or other documents prescribed by Chapter 4 (Campaign Disclosure) of Title 9 (Political Reform) of the California Government Code that has received contributions and made expenditures of one thousand dollars (\$1,000.00) or more, shall electronically file such statements using procedures established by the City Clerk.
- b. Once an elected officer, candidate, committee, or other person files a statement, report, or other document electronically pursuant to subsection (a), all future statements, reports, or other documents on behalf of that filer shall be filed electronically.
- c. In any instance in which an original statement, report, or other document must be filed with the California Secretary of State and a copy of that statement, report, or other document is required to be filed with the City Clerk, the filer may, but is not required to file the copy electronically.
- d. If the City Clerk's electronic system is not capable of accepting a particular type of statement, report, or other document, an elected officer, candidate, committee, or other person shall file that document with the City Clerk in an alternative format.

(Ord. 16-987 § 2, 2016)

### **2.76.070 Remedies for Violations.**

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In addition to any other remedy provided by law, the portion of any contribution that exceeds the maximum contribution permitted by this chapter shall be remitted to the city and used for programs that enhance voter education and participation in elections.

(Ord. 09-835 § 1, 2009; Ord. 09-830 § 1, 2009)

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