

ORDINANCE NUMBER O- 13954 (NEW SERIES)

DATE OF FINAL PASSAGE MAY 18 2010

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE 7, DIVISION 29 OF THE SAN DIEGO MUNICIPAL CODE BY ADDING SECTION 27.2934 AND AMENDING SECTIONS 27.2937 AND 27.2938, ALL RELATING TO THE CITY OF SAN DIEGO MUNICIPAL ELECTION CAMPAIGN CONTROL ORDINANCE

WHEREAS, on February 16, 2010, the United States District Court issued an order in *Phil Thalheimer, et. al. v. City of San Diego, et. al.*, Case No. 09-CV-2862-IEG (WMc), preliminarily enjoining the City from enforcing certain provisions in the San Diego Municipal Election Campaign Control Ordinance (ECCO), codified in the San Diego Municipal Code as sections 27.2901 through 27.2991; and

WHEREAS, the Court has preliminarily enjoined enforcement of section 27.2950 to the extent it prohibits candidates from soliciting and accepting any contributions from political parties, but has stayed the preliminary injunction to allow the City time to provide an alternative limit on the contributions; and

WHEREAS, the City Council has heard testimony and received evidence regarding an appropriate limit on contributions from political parties, and has balanced the need to allow individuals to participate in the political process by contributing to political parties that help elect candidates with the need to prevent the use of political parties to circumvent contribution limits that apply to individuals; and

WHEREAS, the Court also has preliminarily enjoined enforcement of section 27.2938 to the extent it prohibits candidates from using their own money in furtherance of their campaigns more than 12 months before a municipal primary election; and

WHEREAS, it is now necessary to amend the San Diego Municipal Election Campaign Control Ordinance to comply with the Court's order; NOW, THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That Chapter 2, Article 7, Division 29 of the San Diego Municipal Code is hereby amended by adding section 27.2934 and amending sections 27.2937 and 27.2938 to read as follows:

§27.2934 Contribution Limitations for Political Party Committees

Notwithstanding the provisions of sections 27.2935, 27.2936, 27.2950, and 27.2951:

- (a) A political party committee, as defined in California Government Code section 85205, as may be amended, shall not be prohibited from making *contributions* to a *candidate or controlled committee in a City candidate election*, but shall be subject to the *contribution* limit set forth in subsection (b).
- (b) It is unlawful for a political party committee to make, or for a *candidate or controlled committee* to solicit or accept, a *contribution* that would cause the total amount contributed by the political party committee to the *candidate* and the *candidate's controlled committee* to exceed \$1,000 for any single *City candidate election*.
- (c) The dollar amount set forth in this section is subject to changes in the Consumer Price Index as described in section 27.2937.

§27.2937 Indexing of Campaign Contribution Limits

- (a) The *contribution* limits set forth in sections 27.2934, 27.2935, and 27.2936 shall be adjusted on a biennial basis in accordance with this section. Such adjustments shall commence in 2011 for the *contribution* limits set forth in sections 27.2935 and 27.2936, and in 2013 for the *contribution* limit set forth in section 27.2934.
- (b) through (e) [No change in text.]

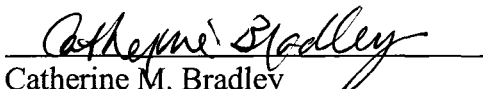
§27.2938 Restrictions on Time Period of Contributions

- (a) It is unlawful for any *candidate* or *controlled committee* seeking elective *City* office to solicit or accept *contributions* prior to the twelve months preceding the primary *election* for the office sought. This restriction does not apply to *contributions* made by a *candidate* to his or her *controlled committee*.
- (b) It is unlawful for any *candidate* or *controlled committee* for *City* office to accept *contributions* more than 180 days after the withdrawal, defeat, or election to office. *Contributions* immediately following such a withdrawal, defeat, or election and up to 180 days after that date, may be accepted only by a *candidate* or *controlled committee* with outstanding debts or loans, and shall be used only to pay the outstanding debts or loans owed by the *candidate* or *controlled committee*. These restrictions do not apply to *contributions* made by a *candidate* to his or her *controlled committee*.
- (c) through (e) [No change in text.]

Section 2. That a full reading of this ordinance is dispensed with prior to its passage, a written or printed copy having been available to the City Council and the public prior to the day of its passage,

Section 3. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Catherine M. Bradley
Chief Deputy City Attorney

CMB:sc
04/06/2010
04/27/2010 REV.
Or.Dept:CityAtty

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at its meeting of MAY 11 2010.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 5.18.10
(date)


JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor

STRIKEOUT ORDINANCE

OLD LANGUAGE – ~~Strikeout~~
NEW LANGUAGE – Double Underlined

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- (b) It is unlawful for a political party committee to make, or for a *candidate* or *controlled committee* to solicit or accept, a *contribution* that would cause the total amount contributed by the political party committee to the *candidate* and the *candidate's controlled committee* to exceed \$1,000 for any single *City candidate election*.
- (c) The dollar amount set forth in this section is subject to changes in the Consumer Price Index as described in section 27.2937.

§27.2937 Indexing of Campaign Contribution Limits

- (a) On a biennial basis commencing in 2011, the *contribution* limits set forth in sections 27.2935 and 27.2936 shall be subject to adjustment. The *contribution* limits set forth in sections 27.2934, 27.2935, and 27.2936 shall be adjusted on a biennial basis in

accordance with this section. Such adjustments shall commence in 2011 for the contribution limits set forth in sections 27.2935 and 27.2936, and in 2013 for the contribution limit set forth in section 27.2934.

(b) through (e) [No change in text.]

§27.2938 Restrictions on Time Period of Contributions

(a) It is unlawful for any *candidate* or *controlled committee* seeking elective *City* office to solicit or accept *contributions* prior to the twelve months preceding the primary *election* for the office sought. This restriction does not apply to contributions made by a candidate to his or her controlled committee.

(b) It is unlawful for any *candidate* or *controlled committee* for *City* office to accept *contributions* more than 180 days after the withdrawal, defeat, or election to office. *Contributions* immediately following such a withdrawal, defeat, or election and up to 180 days after that date, may be accepted only by a *candidate* or *controlled committee* with outstanding debts or loans, and shall be used only to pay the outstanding debts or loans owed by the *candidate* or *controlled committee*. These restrictions do not apply to contributions made by a candidate to his or her controlled committee.

(c) through (e) [No change in text.]

~~(f) The restrictions on accepting contributions imposed by subsection (b) do not apply to contributions made by a candidate to his or her controlled committee.~~

CMB:sc
04/06/2010
04/22/2010 COR.COPY
04/27/2010 REV.
Or.Dept:CityAtty