

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Struck Out~~

NEW LANGUAGE: Double Underlined

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

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

§27.2934 Contribution Limitations for Political Party Committees

- (a) [No change in text.]
- (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 all local, state, and federal committees of the same political party to the candidate and the candidate's controlled committee to exceed \$ _____ for any City Council district election or to exceed \$ _____ for any election for the office of Mayor or City Attorney.
- (b) ~~It is unlawful for a political party committee to make a contribution to a candidate or controlled committee unless the contribution is attributable to donations received from one or more individuals, and the total amount attributable to any one individual for that candidate does not exceed \$500 in a City Council district election or \$1,000 in an election for the office of Mayor or City Attorney.~~

~~(e)~~ It is unlawful for any portion of an individual's donation used by a political party committee for attribution purposes to be used again as a funding source for a different attribution made under this section.

~~(d)~~(c) The dollar amounts set forth in this section are 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 27.2965 shall be adjusted on a biennial basis in accordance with this section, commencing as follows:

(1) Adjustments for the *contribution* limits applicable to *elections* for a *City Council* district office, as set forth in sections 27.2934(b) and 27.2935(a), shall commence in 2011.

(2) Adjustments for the *contribution* limits applicable to *elections* for the office of Mayor or City Attorney, as set forth in sections 27.2934(b) and 27.2935(a), shall commence in 2015.

(3) Adjustments for the limits applicable to *contributions* from political party committees to *candidates*, as set forth in section 27.2934(b), shall commence in 2015.

(4) Adjustments for the *contribution* limit applicable to *professional expense committees*, as set forth in section 27.2965(c), shall commence in 2011.

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

CMB:sc
04/30/2013
Or.Dept:Ethics Commission
Doc No. 554787

§27.2934

Contribution Limitations for Political Party Committees

- (a) A political party committee, as defined in California Government Code section 85205, shall not be prohibited from making *contributions* to a *candidate* or *controlled committee* in a *City candidate election*, but shall be subject to the restrictions set forth in this section.
- (b) It is unlawful for a political party committee to make a *contribution* to a *candidate* or *controlled committee* unless the *contribution* is attributable to donations received from one or more individuals, and the total amount attributable to any one individual for that *candidate* does not exceed \$500 in a *City Council district election* or \$1,000 in an *election* for the office of Mayor or City Attorney.
- (c) It is unlawful for any portion of an individual's donation used by a political party committee for attribution purposes to be used again as a funding source for a different attribution made under this section.
- (d) The dollar amounts set forth in this section are subject to changes in the Consumer Price Index as described in section 27.2937.

(Added 5-18-2010 by O-19954; effective 6-17-2010.)
(Amended 11-27-2012 by O-20227 N.S.; effective 1-1-2013.)

§27.2935

Contribution Limitations

- (a) It is unlawful for an individual to make, or for a *candidate* or *controlled committee* to solicit or accept, a *contribution* that would cause the total amount contributed by that individual to the *candidate* and the *candidate's controlled committee* to exceed \$500 for any single *election* for a *City Council* district office, or to exceed \$1,000 for any single *election* for the office of Mayor or City Attorney.
- (b) For purposes of this section, an officeholder who is the subject of a recall *election* is deemed to be a *candidate* seeking elective office, and the *contribution* limits set forth in subsection (a) shall apply to any *payment* made to any *candidate controlled committee* for purposes of supporting or opposing the recall of that officeholder, regardless of whether such *payment* is made before, during, or after the circulation of a recall *petition*.
- (c) Nothing in this section is intended to limit the amount of his or her own money or property that a *candidate* may contribute to, or expend on behalf of, the *candidate's* own campaign.

- (d) The *contribution* limits imposed by this section do not apply to *contributions* made to a *general purpose recipient committee* or a *primarily formed recipient committee*.
- (e) The *contribution* limits imposed by this section do not apply to *contributions* made to a *professional expense committee*, as discussed in sections 27.2965-27.2969.
- (f) The dollar amounts set forth in this section are subject to changes in the Consumer Price Index as described in section 27.2937.

(Amended 9-12-2000 by O-18846 N.S.)
(Repealed and added 9-7-2004 by O-19317 N.S.; effective 1-5-2005.)
(Amended 5-8-2008 by O-19744 N.S.; effective 6-7-2008.)
(Amended 10-27-2008 by O-19795; effective 1-1-2009.)
(Amended 11-27-2012 by O-20227 N.S.; effective 1-1-2013.)

§27.2937

Indexing of Campaign Contribution Limits

- (a) The *contribution* limits set forth in sections 27.2934, 27.2935, and 27.2965 shall be adjusted on a biennial basis in accordance with this section, commencing as follows:
 - (1) Adjustments for the *contribution* limits applicable to *elections* for a *City Council* district office, as set forth in sections 27.2934(b) and 27.2935(a), shall commence in 2011.
 - (2) Adjustments for the *contribution* limits applicable to *elections* for the office of Mayor or City Attorney, as set forth in sections 27.2934(b) and 27.2935(a), shall commence in 2015.
 - (3) Adjustments for the *contribution* limit applicable to *professional expense committees*, as set forth in section 27.2965(c), shall commence in 2011.
- (b) The *City Clerk* shall adjust the *contribution* limits to reflect any changes in the Consumer Price Index for the San Diego area for the two-year period ending December 31 of the previous year. Adjustments shall be rounded to the nearest fifty dollars.
- (c) The *City Clerk* shall publish a public notice of any adjustments by March 1, or as soon as practicable, following the Bureau of Labor Statistics release of the applicable Consumer Price Index data.
- (d) *Contribution* limits adjusted in accordance with this section shall go into effect immediately upon the release of the *City Clerk's* public notice of the adjustment.

- (e) Notwithstanding subsection (d), adjustments to *contribution* limits shall be effective only with regard to *elections* held in subsequent calendar years, and shall not be construed to raise the *contribution* limits applicable to past *elections* or to *special elections* or *special run-off elections* held in the same calendar year that the limits are adjusted.

(Amended 9-12-2000 by O-18846 N.S.)

(Repealed and added 9-7-2004 by O-19317 N.S.; effective 1-5-2005.)

(Amended 10-27-2008 by O-19795; effective 1-1-2009.)

(Amended 5-18-2010 by O-19954; effective 6-17-2010.)

(Amended 11-27-2012 by O-20227 N.S.; effective 1-1-2013.)

§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.
- (b) It is unlawful for any *candidate* or *controlled committee* seeking *elective City Office* to solicit or accept, after the date of an *election*, a *contribution* that exceeds the net debts outstanding from the *election*.
 - (1) As used in this subsection, the term "*election*" means the *election* for which the *candidate* incurred bills and debts and is raising *contributions* to pay net debts outstanding.
 - (2) As used in this subsection, the term "net debts outstanding" has the same meaning as that set forth in title 2, section 18531.61 of the California Code of Regulations.
 - (3) *Contributions* received after the date of an *election* shall reduce the total amount of net debts outstanding.
- (c) Notwithstanding subsection (b), it is unlawful for any *candidate* or *controlled committee* seeking *elective City office* to solicit or accept a *contribution* more than 180 days after the date of an *election*.
- (d) The restrictions set forth in this section do not apply to:
 - (1) *contributions* made by a *candidate* to his or her *controlled committee*; or,
 - (2) *contributions* made to a *professional expense committee*, as discussed in sections 27.2965-27.2969.
- (e) The restrictions on accepting *contributions* imposed by subsection (a) do not apply to *contributions* for recall *elections*.