

ORDINANCE NO.

AN ORDINANCE OF THE SAN BRUNO CITY COUNCIL ADDING CHAPTER 2.33 OF THE SAN BRUNO MUNICIPAL CODE ADOPTING LOCAL CAMPAIGN CONTRIBUTION LIMITS FOR CITY COUNCIL ELECTIONS

THE CITY COUNCIL OF THE CITY OF SAN BRUNO DOES ORDAIN AS FOLLOWS: SECTION 1:

Title 2 of the San Bruno Municipal Code is hereby amended by adding Chapter 2.33, to read as follows:

“Chapter 2.33

LIMITATIONS ON CAMPAIGN CONTRIBUTIONS TO CITY COUNCIL CANDIDATES

Sections:

2.33.010	Findings
2.33.020	Definitions
2.33.030	Limitations on Contributions
2.33.040	Aggregation of Contributions
2.33.050	Written Contribution Solicitations by Candidates
2.33.060	Candidate Campaigns Only
2.33.070	Periodic Review <u>Adjustment of Limits</u>
2.33.080	Filing of campaign statements in electronic format
2.33.090	Penalties
2.33.100	Injunction, other court action

2.33.010 Findings

The City Council hereby finds that preserving integrity and providing transparency and openness in City elections is a matter of the highest public interest. The City’s interest in eliminating actual corruption or the appearance of corruption in City elections is a sufficiently important public interest to justify and sustain the narrowly drawn restrictions imposed in this Chapter that avoid unnecessary abridgement of Constitutionally protected associational rights. Eliminating actual corruption or the appearance of corruption in City elections by regulating certain campaign contributions over a specified dollar limit will promote public confidence in government. It is the policy of the City to promote and encourage broad-based citizen involvement in the financing of election campaigns.

2.33.020 Definitions.

Unless a particular word or phrase is otherwise specifically defined in this Chapter, or the contrary is stated or clearly appears from the context, the definitions set forth in the

Political Reform Act of 1974 (Government Code Sections 81000 et seq.) shall govern the construction, meaning, and application of words and phrases used in this article. References to particular sections of the Government Code or other statutes or laws, including references in this section, shall be deemed to include any changes to such sections, statutes or laws, including any amendments, deletions, additions, renumberings or recodifications that may occur subsequent to the enactment of this Chapter.

2.33.030 Limitations on Contributions

- A. For any particular election, including an election to replace a candidate subject to recall, no person shall make, and no candidate or controlled committee of the candidate, or person acting by or on behalf of the candidate or the candidate's controlled committee shall accept, any contribution that would cause the total amount contributed from a person to the candidate or to the committee controlled by that candidate for that election to exceed \$500.
- B. Contributions for which the contributor's true identity is not provided at the time the contribution is made, in any amount, to candidates or their controlled committees are prohibited.
- C. No person shall make a contribution on behalf of another or while acting as the intermediary or agent of another, without disclosing to the recipient of the contribution both the person's, intermediary's or agent's own full name and street address, occupation, and the name of the employer of person, intermediary or agent, if any, or the person's, intermediary's or agent's principal place of business if the person, intermediary or agent is self-employed. The recipient of the contribution shall also be made aware of the full name and street address and occupation and the name of the employer, if any, or principal place of business, if self-employed, of the actual contributor.
- D. No contributions shall be made, directly or indirectly, by any person or combination of persons acting jointly in a name other than the name by which they are identified for legal purposes, nor in the name of another person or combination of persons. No persons shall make a contribution in their name of anything belonging to another person or received from another person on the condition that it is to be used as a contribution.
- E. Any contribution or portion thereof that exceeds the limits in this section shall be deemed to have been received if the contribution or portion that exceeds the limits is not negotiated and is returned to the contributor within 14 days of receipt by the candidate, committee or the candidate or committee's agent.
- F. The limitations imposed by this section shall not apply to contributions of a candidate's personal funds to the candidate's own campaign, or to any loan of the candidate's personal funds to the candidate's own campaign. All other loans for campaign purposes shall be considered contributions and subject to the limits of this Section.

2.33.040 Aggregation of Contributions

Contributions shall be aggregated and subject to the limits of this Chapter pursuant to the Political Reform Act of 1974 (Government Code Sections 81000 et seq.) or any successor regulation on the same subject. The contributions of spouses and domestic partners shall not be aggregated, even if contributed from joint accounts.

2.33.050 Written Contribution Solicitations by Candidates and Committees

A candidate or controlled committee of a candidate for the position of San Bruno City Councilmember shall provide the following written notice in at least 10 point type on the face of every written solicitation for campaign contributions, in whatever form or format made:

“NOTICE TO CONTRIBUTORS: The City of San Bruno Municipal Code limits the amount that a contributor may give to a candidate for the position of city councilmember. An individual contributor may not make a contribution of more than \$500 to any individual candidate in connection with a single election. Please read Chapter 2.33 of the San Bruno City Code prior to making a contribution to my campaign.”

2.33.060 Candidate Campaigns Only

The provisions of this Chapter apply to election campaigns for candidates for City elective office only. The provisions do not apply to any ballot measure, referendum or initiative election.

2.33.070 ~~Periodic Review~~Adjustment of Contribution Limits

Commencing January 1, 2025, this contribution limit shall be adjusted in January of every odd-numbered year to reflect any increase or decrease in the Consumer Price Index for All Urban Customers (CPI-U), San Francisco-Oakland-Hayward, or such successor index, measured over the prior twenty-four month period ending with the most current month for which data is available, with the adjustment rounded to the nearest dollar.~~The contribution limit set forth in this Chapter may be adjusted at any time by the City Council and in the amounts that the City Council determines to be appropriate by adoption of an ordinance amending this Chapter.~~

2.33.080 Filing of Campaign Statements in Electronic Format

Whenever an elected city officer, a candidate or committee is required to file a Form 460 campaign disclosure statement under the Political Reform Act or the Regulations with the city clerk, the statement shall be filed in an electronic format prescribed by the city clerk, provided that the clerk has prescribed the format at least 60 days before the statement is due. If no format has been prescribed in a timely manner, the elected city officer, a

candidate or committee shall file the statement in a format suitable for electronic scanning. Any statement, report, or other document filed electronically or online pursuant to this section need not be filed in paper format. The statement, report, or other document shall be electronically submitted no later than midnight on the established filing date.

2.33.090 Penalties

- A. The requirements of this Chapter are in addition to the requirements of the Political Reform Act applicable to city candidates. Nothing in this article shall be deemed to exempt, or is intended to prevent, any person from complying with applicable provisions of any other laws of this state, including the Political Reform Act.
- B. Except as provided in subsection C of this section, the violation of any provision of this chapter may be prosecuted as an infraction punishable by a fine not to exceed \$250 per violation, in the discretion of the prosecutor .
- C. Any person who knowingly or willfully violates the provisions of this Chapter is guilty of a misdemeanor punishable by up to six months in jail, and a fine of up to \$1,000 per violation.
- D. In the discretion of the City Attorney, the City may impose an appropriate administrative fine not to exceed three times the amount the person unlawfully contributed or received.

~~2.33.100 Injunction, other court action~~

~~In addition to all other remedies and penalties provided for violation of this Chapter, the City Attorney may bring civil suit in a court of competent jurisdiction to seek an injunction or other appropriate relief, to halt any violation of this Chapter. If the City prevails in any such civil action, the City shall be entitled to recover its reasonable attorneys' fees incurred and costs of such action. The City Attorney also may refer any alleged violations of this chapter or State law to the attention of the District Attorney or the Fair Political Practices Commission. Any resident of the City may bring a private action against a candidate, committee or contributor to enjoin any violations of this Chapter if the voter first provides at least 14 days' advance notice of an alleged violation of this Chapter to the City Clerk with reasonable evidence that a violation has occurred and City Clerk either (1) notifies the voter in writing within 14 days of receipt that the City will take no action on the allegation; or (2) provides no response from the City within the 14 day period. If the City Clerk notifies the resident in writing that the City intends to take enforcement action as provided in this Chapter, the resident may not file any private lawsuit."~~

SECTION 2.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, invalid or ineffective by a court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this

ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases e declared unconstitutional, invalid or ineffective.

SECTION 3

Pursuant to Government Code 36937 this ordinance relates to an election and shall take effect immediately upon adoption.

SECTION 4.

The City Clerk is directed to cause publication of this ordinance as required by law.

ATTEST:

Rico E. Madina, Mayor

Lupita Huerta, City Clerk

APPROVED AS TO FORM

Trisha Ortiz, City Attorney

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I hereby certify that the foregoing Ordinance No.
_____ was introduced on _____, 2022, and
adopted at a regular meeting of the San Bruno City
Council on _____, 2023, by the following vote:

AYES: COUNCILMEMBERS: _____

NOES: COUNCILMEMBERS: _____

ABSENT: COUNCILMEMBERS: _____

RECUSE: COUNCILMEMBERS: _____

Lupita Huerta, City Clerk