

ORDINANCE NO. 2007-098

Adopted by the Sacramento City Council

December 11, 2007

**AN ORDINANCE AMENDING THE SACRAMENTO CITY CODE
CHAPTER 1.20, SECTIONS 1.20.010 THROUGH 1.20.060
PERTAINING TO THE CODE OF FAIR CAMPAIGN PRACTICES;
AND CHAPTER 2.13, SECTIONS 2.13.050 AND 2.13.070
PERTAINING TO CONTRIBUTION LIMITS**

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1:

1. Chapter 1.20 of Title 1 of the Sacramento City Code is amended to read as follows:

1.20.010 Definitions.

Unless otherwise indicated, the definitions set forth in this section shall govern the interpretation of this Chapter.

“Campaign advertising or communication” means a communication authorized by a candidate or a candidate’s controlled committee as defined in section 82016 of the Government Code, or by a committee making independent expenditures, as defined in section 82031 of the Government Code, for the purpose of advocating the election or defeat of a qualified candidate through any broadcasting station, newspaper, magazine, outdoor advertising facility, direct mailing of five or more identical or nearly identical pieces of mail, or any other type of general, public, political advertising.

“Candidate” means any individual who seeks election to any elective office for the City of Sacramento.

“City Clerk” means the City Clerk for the City of Sacramento.

“Code” means the Code of Fair Campaign Practices set forth in section 1.20.030 of the Sacramento City Code.

“Nomination documents” means the nomination papers and the verified affidavit of acceptance of nomination of candidacy specified in California Election Code sections 10220 and 10223.

1.20.020 Signing of Code.

A. At the time the City Clerk makes the nomination documents available to a candidate, the Clerk shall also furnish the candidate with a copy of the code of fair campaign practices and a blank form of acceptance of the code. The City Clerk shall inform candidates that acceptance of the code is voluntary. Any candidate who does not sign and file a form of acceptance of the code with the first nomination documents filed by the candidate shall be deemed to have refused to sign the code.

B. In the case of a committee making an independent expenditure within the meaning of section 1.20.010 of this Chapter, the City Clerk shall provide a copy of the code of fair campaign practices and a blank form of acceptance of the code to the individual who files the initial campaign statement on behalf of the committee in accordance with Title 9 (commencing with section 81000) of the Government Code. If a statement of acceptance of the code is not signed and filed within thirty (30) days of the date of the filing of the initial campaign statement, the committee shall be deemed to have refused to sign the code.

1.20.030 Code of Fair Campaign Practices.

The text of the Code shall read, as follows:

CODE OF FAIR CAMPAIGN PRACTICES

There are basic principles of decency, honesty, and fairness which every candidate for public office in the City of Sacramento has an ethical obligation to observe and uphold, in order that, after vigorously contested, but fairly conducted campaigns, the integrity of the electoral process has been preserved.

Therefore:

(1) I SHALL CONDUCT my campaign openly and publicly, discussing the issues as I see them, presenting my record and policies with sincerity and frankness, and criticizing without fear or favor the record and policies of my opponents which merit such criticism.

(2) I SHALL NOT USE OR PERMIT the use of character defamation, whispering campaigns, libel, slander, or scurrilous attacks on any candidate or her or his personal or family life.

(3) I SHALL NOT USE OR PERMIT any appeal to negative prejudice based on race, sex, religion, national origin, physical health, status, or age.

(4) I SHALL NOT USE OR PERMIT any dishonest or unethical practices which

tend to corrupt or undermine our American system of free elections, or which hamper or prevent the full and free expression of the will of the voters, including acts intended to hinder or prevent any eligible person from registering to vote or voting.

(5) I SHALL provide to my opponents, at the addresses on their Code of Fair Campaign Practices form, and to the City Clerk for public inspection, any campaign advertising or communication which directly names or refers to any of my opponents at least eight (8) days prior to dissemination of the advertising or communication by me or my controlled committee.

(6) I SHALL NOT COERCE or permit coercion of my employees to make monetary or non-monetary campaign contributions to me or any other candidate.

(7) I SHALL IMMEDIATELY AND PUBLICLY REPUDIATE any support from any individual or group which resorts, on behalf or my candidacy or in opposition to any opponent, to the methods and tactics which I condemn. I shall promptly redress and accept responsibility for a violation of any provision of this Code or the laws governing elections by any subordinate or by my controlled committee.

(8) I SHALL DEFEND AND UPHOLD the right of every qualified voter to full and equal participation in the electoral process.

(9) I SHALL clearly identify myself or my controlled committee as the sender of any and all campaign advertising to be mailed.

I, the undersigned, candidate for election to public office in the City of Sacramento or treasurer or chairman of a committee making any independent expenditures, hereby voluntarily endorse, subscribe to, and solemnly pledge to conduct my campaign in accordance with the above principles and practices.

Date

Signature

Campaign Address

1.20.040 Applicability of provisions 5 and 9 of Code.

Provisions 5 and 9 of the Code of Fair Campaign Practices shall only apply if all candidates for election to that public office sign the Code.

1.20.050 Signing of Code voluntary.

Unless required under section 2.14.130 of the City Code, no candidate shall be required to subscribe to the Code of Fair Campaign Practices.

1.20.060 Violation—Penalty.

The violation of any provision of this Chapter shall not be deemed a misdemeanor or infraction, and shall not form the basis of any civil liability or administrative penalty.

SECTION 2:

1. Section 2.13.050 (D) of Chapter 2.13 of the City Code is amended as follows:

D. Contributions to Committees. No person shall make to any committee which contributes to any candidate for city elective office or makes expenditures for or against any candidate for city elective office, and no such committee shall accept from any person a contribution or contributions totaling more than nine hundred dollars (\$900.00) in a calendar year; and no large political committee shall make to any committee which contributes to any candidate for city elective office or makes expenditures for or against any candidate for city elective office, and no such committee shall accept from any large political committee a contribution or contributions totaling more than three thousand five hundred dollars (\$3,500.00) in a calendar year. The provisions of this subsection shall not apply to contributions to candidates and candidate-controlled committees, which shall be subject to the limits set forth in subsections A and B of this section.

1. Exception: A committee may solicit and accept contributions in excess of the limits established by subsection 1 above if the committee makes expenditures for any lawful purpose other than supporting or opposing candidates for City elective office, provided that:

a) funds received from contributions in excess of the limits set forth in subsection 1 above are used only for lawful purposes other than supporting or opposing candidates for City elective office or making contributions to candidates for City elective office; and

b) the committee shall establish a separate bank account to be used for making expenditures to support or oppose candidates for City elective office or for making contributions to candidates for City elective office. All expenditures to support or oppose candidates for City elective office and all contributions made by the committee to candidates for City elective office must be made with funds from this account. A committee may not deposit into this account any contributions that were solicited or accepted in excess of the limitations established by subsection 1 above.

2. Except as Paragraph D is amended by section 1 above, Section 2.13.050 shall remain unchanged and in full force and effect.

SECTION 3:

1. Section 2.13.070 (B) of Chapter 2.13 of the City Code is amended as follows:

B. Intra-Candidate Transfer of Funds: Except as otherwise prohibited by state law, a candidate for city elective office, including an incumbent running for the same or different city elective office, may transfer funds from any other committee controlled by the candidate to the candidate's committee for election to city elective office, provided all of the following requirements are met:

1. The candidate for city elective office establishes a new campaign account into which funds will be transferred. The candidate may not re-designate an existing campaign account.

2. The contributions transferred to the candidate's committee for election to a city elective office are attributed to specific contributors to the campaign contribution account from which they were transferred. Contributions shall be allocated and attributed to individual contributors on a "first in, first out" or "last in, first out" basis. For purposes of this section, the terms "first in, first out" and "last in, first out" shall have the following meanings:

a. "First in, first out" means the campaign funds being transferred are attributed to the transferring committee's contributors in chronological order beginning with the earliest of its contributors or, if there has been a prior transfer, beginning with the earliest contributor for which unattributed contributions remain.

b. "Last in, first out" means that campaign funds being transferred are attributed to the transferring committee's contributors in reverse chronological order beginning with the most recent of its contributors or, if there has been a prior transfer, beginning with the most recent contributor for which unattributed contributions remain.

3. The contributions transferred to the candidate's committee for election to a city elective office, when aggregated with all other contributions from, and transfers attributable to, the same contributor do not exceed the amount that the contributor could have contributed to the candidate, or the controlled committee of the candidate, pursuant to Section 2.13.050.

2. Except as Paragraph B is amended by section 1 above, the provisions of Section 2.13.0070 shall remain unchanged and in full force and effect.

Adopted by the City of Sacramento City Council on December 11, 2007 by the following vote:

Ayes: Councilmembers Cohn, Fong, Hammond, McCarty, Pannell, Sheedy, Tretheway, Waters, and Mayor Fargo.

Noes: None.

Abstain: None.

Absent: None.



Mayor Heather Fargo

Attest:



Shirley Concolino, City Clerk

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