

**Model Campaign Finance Ordinance**  
**January 2006**

Section \_\_\_\_1. TITLE.

This Article shall be known as the City (of \_\_\_\_\_) Clean Government Ordinance.

Section \_\_\_\_2. FINDINGS AND DECLARATIONS.

(a) The People of the City of ("City") find that the use or disposition of public assets can create a conflict between financial and public interests. Such assets, including publicly owned real property, land use decisions conferring substantial private benefits, conferral of a franchise without competition, public purchases, taxation, and financing should be arranged strictly on the merits for the benefit of the public and independent of the separate personal or financial interests of involved public officials.

(b)The People further find that the sources of such conflicts and potential corruptive influences include campaign contributions for public officials who are either elected or who seek elective office. The political process is compromised when there is the trading of special favors or advantage in the management or disposal of public assets, in the making of major public purchases, and in decisions that provide for uncommon financial benefits. Such trading deprives the public of its rightful enjoyment and effective use of public assets, deprives others of fair opportunity, and undermines confidence in democratic institutions.

(c) Accordingly, the People declare that there is a compelling interest to eliminate the potential corruptive influence of any campaign contributions on the decisions of public officials in the management of public assets and franchises, in the disposition of public funds, and in decisions that provide for uncommon financial benefits. The People expect and declare that as a condition of such public office no campaign contributions shall be received from or given by any substantial beneficiary of such a public decision for a reasonable period, as provided herein.

Section \_\_\_\_3. DEFINITIONS

Unless otherwise defined in this section, or the contrary is stated or clearly appears from the context, the definitions and provisions of the Political Reform Act of 1974, Government Code Sections 81000 et seq., as amended, and the definitions in this section, shall govern the interpretation of this chapter.

"Candidate Committee" means a candidate, their controlled committees and other committees primarily formed to financially support or oppose candidates.

"Uncommon Financial Benefit" is a financial benefit of \$200 or more resulting from a governmental decision not similarly provided to the general public or a large class of persons.

"Public official" includes elected officials and appointed officials who have received or could receive campaign contributions.

"Solicitor" is any person or organization that requests, arranges, or collects funds for the candidate including an intermediary.

"Recuse" means to not make or influence a governmental decision.

"Contribution" means

A. gift, subscription, loan, guarantee or forgiveness of a loan, conveyance, advance, payment, transfer, gift or other rendering of money, distribution, or deposit of money, services or anything else of value, whether tangible or intangible, unless it is clear from the surrounding circumstances that it is not made for political purposes;

B. A written contract, promise, or agreement to make a contribution for any purpose described in subsection (A);

C. An expenditure made by a person or political committee, other than a candidate's committee, with the cooperation of, or in consultation with, a political committee, a candidate, candidate committee, or candidate's agent or that is made in concert with, or at the request or suggestion of, a candidate, candidate committee, or candidate's agent;

"Immediate family" means an unemancipated child residing in a candidate's household, a spouse of a candidate, or an individual claimed by that candidate or that candidate's spouse as a dependent for federal income tax purposes.

#### Section \_\_\_\_ 4. CAMPAIGN CONTRIBUTION LIMITS

(a) Prohibition on Contributions from Non-Individuals: A Candidate Committee shall not accept any contributions from non-individuals in any election.

(b) Individual Contributions Limit per Election: A Candidate Committee shall not accept any contributions exceeding \$500 from an individual in any single election.

#### Section \_\_\_\_ 5. DISCLOSURES PRIOR TO DEPOSIT OF CONTRIBUTIONS

(a) Disclosures prior to deposit, including the name of any solicitor. Until the name, address, occupation, employer and any solicitor of the contributor is on file in the records of the Candidate Committee and is publicly disclosed, no contribution of \$100 or more shall be deposited into a Candidate Committee campaign account.

- (b) List of donations via one solicitor. A Candidate Committee shall disclose, at the same time as filing of the monetary amounts, all multiple contributions of any amount that have been organized, arranged for, or collected by a solicitor in one list.

Section \_\_\_\_ 6. PUBLIC OFFICIALS AND CAMPAIGN CONTRIBUTORS SHALL NOT EXCHANGE FINANCIAL ADVANTAGES.

(a) Prohibition on Making Political Decisions for a Contributor: During the current and/or next term of office following the receipt of campaign contributions which accumulate to \$200 or more from a single contributor and his/her immediate family, a public official shall recuse him/herself from a governmental decision which directly provides an Uncommon Financial Benefit to the contributor.

(b) Prohibition on Contributions after a Political Decision: For the term of office during which a governmental decision is made by an official in which an Uncommon Financial Benefit is given to a person, the public official shall not receive and the person and his/her immediate family shall not make, contributions to the official's Candidate Committee which accumulates to \$200 or more.

Section \_\_\_\_ 7. RESPONSIBILITIES OF CITY PUBLIC OFFICIALS

(a) Practice due diligence. City public officials shall practice due diligence to ascertain whether or not an uncommon financial benefit defined under Section \_\_\_\_ 3(a) has been conferred, and to monitor personal or campaign advantages enumerated under Section \_\_\_\_ 5 so that any such qualifying advantage received can be returned forthwith, and no later than thirty days after its receipt.

(b) Disclosure of contributors of \$200 or more. City public officials shall provide, upon inquiry by any person, the names of persons and their employers known to them who qualify as potential recipients of an uncommon financial benefit under the terms of Sections \_\_\_\_ 4, \_\_\_\_ 5 and \_\_\_\_ 6.

(c) Yearly elected public official notification: The city attorney shall inform appropriate officials of the provisions of this ordinance at least once per year, in a public forum or council meeting, with standard public notice of agenda items.

(d) Candidate acknowledgment of receipt of Clean Government Ordinance. The city attorney shall provide each candidate for public office a copy of this division as well as copies of any subsequent amendments. Each candidate will be required to sign a form prepared by the city attorney acknowledging receipt of a copy of this ordinance and any subsequent amendments.

Section \_\_\_\_ 8. DISCLOSURE OF THE LAW.

The City shall provide any person, corporation, firm, partnership, association, or other person or entity applying or competing for any uncommon financial benefit with written notice of the provisions of this Article and the limitations it imposes. Said notice shall be incorporated into requests for 'proposal', bid invitations, or other existing informational disclosure documents to persons engaged in prospective business with, from, or through the City.

Section \_\_\_9. ENFORCEMENT AND PENALTIES.

(a) Ethics committee. The city shall appoint an ethics committee to publicly review and insure implementation of the Article.

(b) Criminal misdemeanor offense. In addition to all other penalties that might apply, any knowing and willful violation of this Article by a public official constitutes a criminal misdemeanor offense.

(c) Civil action and remedies. A civil action may be brought under this Article against a public official who receives a personal or campaign advantage in violation of Sections \_\_\_4, \_\_\_5, and \_\_\_6. A finding of liability shall subject the public official to the following civil remedies:

- (1) restitution of the personal or campaign advantage received, which shall accrue to the general fund of the City;
- (2) a civil penalty of up to five times the value of the personal or campaign advantage received;
- (3) injunctive relief necessary to prevent present and future violations of this Article;
- (4) disqualification from future public office or position within the jurisdiction, if violations are willful, egregious, or repeated.
- (5) Setting aside the action in violation Section \_\_\_6.

(d) Citizen or city attorney may bring civil action. A civil action under subdivision (c) of this section may be brought by any resident of the City or the city attorney. In the event that such an action is brought by a resident of the City and the petitioner prevails, the respondent public official shall pay reasonable attorney's fees and costs to the prevailing petitioner. Civil penalties collected in such a prosecution shall accrue 10% to the petitioner and 90% to the City's general fund.

Section \_\_\_10. SEVERABILITY.

If any provision of this Article is held invalid, such invalidity or unconstitutionality shall not affect other provisions or applications that can be given effect without the invalidated provision, and to this end the provisions of this Article are severable.