

ORDINANCE NO. 1019

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF CORTE MADERA AMENDING THE CORTE MADERA MUNICIPAL CODE TO (1) ADD CHAPTER 2.41 TO TITLE 2, "CAMPAIGN FINANCE REFORM - CAMPAIGN CONTRIBUTION LIMITS FOR MUNICIPAL ELECTIONS, ESTABLISHING CAMPAIGN CONTRIBUTIONS LIMITS OF \$500 PER INDIVIDUAL CONTRIBUTOR PER ELECTION, AND ESTABLISHING A PROCESS FOR ENFORCING THOSE LIMITS; AND (2) AMEND SECTION 2.442.010 OF CHAPTER 2.42 OF TITLE 2 TO REPEAL OBSOLETE REFERENCES TO STATE LAW AND MAKE CLERICAL CHANGES AND (3) AMEND SECTION 2.42.020 TO MAKE CLERICAL CHANGES.

WHEREAS, Assembly Bill 571, effective January 1, 2021, established that the contribution limit assigned by the state for a single donor is the same for a candidate for local office as it is for an Assembly candidate, and that this limit will apply in cities and counties that have not passed ordinances setting their own stricter limits; and

WHEREAS, required campaign contribution limits and voluntary expenditure limits can serve to curb the influence of large donors, ensure candidates have a broad base of support and incentivize candidates who have participated in the community; and

WHEREAS, it is in the best interest of the Town of Corte Madera to set campaign contribution limits at a rate proportionate to the population of the Town, and

WHEREAS, in the interest of promoting diversity, equity and inclusion in local elections, the Town Council wishes to adopt an Ordinance pertaining to required campaign contribution limits and voluntary expenditure limits that would add Chapter 2.41 to the Municipal Code to establish required campaign contribution limits, setting campaign contribution limits at \$500 per individual contributor per election, and establishing a process for enforcing those limits; and to amend section 2.42.010 to remove obsolete language.

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF CORTE MADERA DOES ORDAIN AS FOLLOWS:

SECTION 1. Recitals.

The above recitals are true and correct and incorporated herein by reference.

SECTION 2. Corte Madera Municipal Code Title Two, is hereby amended to add Chapter 2.41 – Campaign Finance Reform - Campaign Contribution Limits For Municipal Elections, an entirely new Chapter as follows:

Chapter 2.41 – CAMPAIGN FINANCE REFORM – CAMPAIGN CONTRIBUTION LIMITS FOR MUNICIPAL ELECTIONS

- Sections:
- 2.42.010 Purpose
 - 2.42.020 Application
 - 2.42.030 Definitions
 - 2.42.040 Limitations of campaign contributions
 - 2.42.050 Informational meeting
 - 2.42.060 Enforcement

2.41.010 Purpose.

The purpose of this chapter is to prevent improper influence over elected officials, or the appearance of such, by establishing limitations on campaign contributions relating to municipal elections within the town of Corte Madera.

2.41.020 Application.

The contribution limits contained herein shall apply to all election cycles, and special election cycles if any, which began but have not ended prior to the effective date of this chapter.

2.41.030 Definitions.

As used in this chapter, the following words shall have the following meanings:

(a) "Ballot measure relating to town law" includes initiatives, referenda, resolutions, advisory measures, and measures which are required by law to be submitted to a vote by the electorate.

(b) "Candidate" means a person who seeks election to an elective town office, including an office holder and all individuals specified in Section 82007 of the Government Code.

(c) "Town election" means any municipal election to fill public offices in the town of Corte Madera, hold recall elections, and vote on ballot measures relating to Town law.

(d) "Election Cycle" means for each elective town office, a two-year period of time commencing on January 1st and ending at midnight on December 31st following the next election for the same office.

(d) "Person" means an individual, proprietorship, firm, partnership, joint venture, syndicate, business trust, company, corporation, association, committee, or labor organization.

(e) "Political committee" means a committee of persons which receives contributions from two or more persons and whose members act in concert to make contributions to candidates.

(f) "Primarily formed committee" means a committee pursuant to Section 82013(a) of the Government Code which is formed or exists primarily to support or oppose a single candidate or a single measure, or a group of specific candidates being voted upon in the same Town election.

(g) "Special election cycle" means that period of time which begins the day on which the elective office becomes vacant and ends the day of the special election.

All other words and terms shall have the meanings ascribed to them by the definitions set forth in the Political Reform Act. (Government Code Section 81000 *et seq.*)

2.41.040 Limitations on campaign contributions.

(a) Monetary Contributions by Persons. In any election cycle or special election cycle, no person shall make, and no candidate for elective town office, or campaign treasurer, shall solicit or accept, any monetary contribution, including loans, which would cause the total amount of monetary contributions made by that person to that candidate for elective town office or to any committees controlled by that candidate, including monetary contributions to all committees controlled by the candidate, to exceed \$500.00.

(b) Monetary Contributions by Political Committees. In any election cycle or special election cycle, no political committee shall make, and no candidate for elective town office, or campaign treasurer, shall solicit or accept, any monetary contribution, including loans, which would cause the total amount of monetary contributions made by a political committee to that candidate for elective Town office or to any committees controlled by that candidate to exceed \$500.00.

(c) In-Kind Contributions. In any election cycle or special election cycle, no candidate for elective Town office, or campaign treasurer, shall solicit or accept any in-kind goods and services (nonmonetary) which would cause the total amount contributed (monetary and nonmonetary) to that candidate, including contributions to all committees controlled by the candidate, to exceed \$500.00 by a person or by a political committee.

(d) Limitations Applicable to Ballot Measure Committees Controlled by Candidate. In the event a candidate for elective Town office forms or controls a committee which supports or opposes a ballot measure relating to Town law, the candidate and committee shall cumulatively be subject to the contribution limitations set forth in subsections (a), (b), and (c) of this section. Ballot measure committees organized to support or oppose a matter relating to Town law which are not controlled by a candidate for elective Town office shall not be subject to the contribution limitations set forth in this chapter.

(e) Limitations Applicable to Specified Committees. Primarily formed committees or similarly organized committees formed or existing primarily to support or oppose a single candidate or a group of specific candidates for elective town office being voted upon in the same election shall be subject to the campaign contribution limitations set forth in this chapter.

2.41.050 Informational meeting.

The town clerk and town attorney shall invite all qualified candidates for Town office to a meeting, in the week following the close of the nomination period for town office, to inform candidates of the provisions of this chapter.

2.41.060 Enforcement.

(a) Administrative Citation. Any person violating any of the provisions or failing to comply with any of the requirements of this Chapter shall be subject to administrative citation and fines as set forth in Chapter 9.05 of Title 9 of this code.

(b). Civil Action.

(1). Any person who violates any provisions of this chapter may be subject to a civil action brought by the Town Attorney. If found culpable, that person may be required to pay a fine in an amount not to exceed three times the amount unlawfully contributed; but in no event shall the person be liable for more than \$5,000 per violation.

(2). If two or more persons are responsible for any violation, they shall be jointly and severally liable.

(3) In determining the amount of liability, the court may take into account the seriousness of the violation and the degree of culpability of the defendant. Any fines levied pursuant to this chapter shall be paid to the Town's general fund.

(c) Injunctive Relief. The town attorney may seek injunctive relief to enjoin violations of, or to compel compliance with, the provisions of this chapter.

SECTION 3. Corte Madera Municipal Code Title Two, is hereby amended to amend section 2.42.010 as follows:

Note: Additions to Code text are in red underlined text.
Deletions to Code text are in red strikethrough text.

Chapter 2.42 - VOLUNTARY EXPENDITURE CEILINGS FOR MUNICIPAL ELECTIONS

2.42.010 - Expenditure ceiling—Acceptance/ rejection statement—Ballot identification—Population report.

(a) No candidate seeking to be elected to an office of the town and no controlled committee of such candidate shall expend in connection with the election for which said candidate is seeking said office more than fifty cents per resident of the town; provided, however, that the expenditure ceiling established by this section shall be voluntary; and, provided further, that the expenditure ceiling established by this section shall apply to the total amount expended by the candidate and his/her controlled committee.

(b) Before accepting any campaign contributions for an election for which a candidate is seeking to be elected to an office of the town, each said candidate must file with the town clerk a statement of acceptance or rejection of the voluntary expenditure ceiling established under subsection A of this section. The form of said acceptance or rejection shall be prescribed by the town clerk consistent with applicable state law and any regulations promulgated thereunder.

(c) As to those candidates who accept the voluntary expenditure ceiling established hereby, the town clerk shall cause their identities to be designated on the ballot and in the ballot pamphlet and sample ballot.

(d). For purposes of this chapter, the number of residents in the town upon which the expenditure ceiling established is based shall be the number of residents of the town as determined in the population report of the State Department of Finance most recently published prior to the date which is six months before the election to which the expenditure ceiling applies.

2.42.020 - Total dollar amount calculation—Clerk to maintain population document.

(a) Each time the population report of the State Department of Finance is published the town clerk shall calculate the total dollar amount a candidate may spend per election in the town under the voluntary expenditure ceiling ("total dollar amount") established pursuant to Section 2.42.010A of this chapter. The total dollar amount shall be the sum of the number of residents in the town, as set forth in the applicable population report of the State Department of Finance, multiplied by the dollar amount of the per resident expenditure ceiling set forth in Section 2.42.010A of this chapter. However, in the event said sum is not a multiple of one hundred, the total dollar amount shall be the amount arrived at by rounding said sum up to the next highest one hundred dollar amount. Notwithstanding the foregoing, in no event shall the total dollar amount exceed the sum of one dollar multiplied by the number of residents in the town.

(b) The town clerk shall periodically prepare a written document which sets forth the number of residents in the town and the total dollar amount, as calculated pursuant to subsection A of this section and shall maintain a copy of said document in the town files. The town clerk shall provide a copy of said document upon request of any person at any time and to each candidate at the time the candidate files his or her statement of acceptance or rejection of the voluntary expenditure ceiling with the town clerk, pursuant to Section 2.42.010B of this chapter.

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SECTION 4: Severability.

The Town Council hereby declares every section, paragraph, sentence, clause, and phrase is severable. If any section, paragraph, sentence, clause, or phrase of this ordinance is for any reason found to be invalid or unconstitutional, such invalidity, or unconstitutionality shall not affect the validity or constitutionality of the remaining sections, paragraphs, sentences, clauses or phrases.

SECTION 5: Inclusion in the Corte Madera Municipal Code.

It is the intention of the Corte Madera Town Council that the text in Sections one through three be made a part of the Corte Madera Municipal Code and that the text may be renumbered or re-lettered and the word "Ordinance" may be changed to "Section", "Chapter", or such other appropriate word or phrase to accomplish this intention.

SECTION 6: Effective date.

This Ordinance shall go into effect thirty (30) days from its adoption.

SECTION 7: Posting.

The Town Clerk shall cause a summary of this ordinance to be published in the Marin Independent Journal within 5 days prior to passage and within 15 days after passage.

This ordinance was introduced on the 19th day of April, 2022, and adopted on the 3rd day of May, 2022, by the following vote:

AYES:	Town Councilmembers: Beckman, Casissa, Lee, Mongan, Ravasio
NOES:	Town Councilmembers: - None -
ABSENT:	Town Councilmembers: - None -
ABSTAIN:	Town Councilmembers: - None -

APPROVE:


FRED CASSISSA, MAYOR

ATTEST:


REBECCA VAUGHN, TOWN CLERK