

ORDINANCE NO. 07-12 N. S.

ORDINANCE AMENDING CHAPTER 2.43 OF THE RICHMOND MUNICIPAL CODE TO LIMIT TO \$40,000 THE TOTAL AMOUNT OF CONTRIBUTIONS A CANDIDATE MAY ACCEPT IF THAT CANDIDATE RECEIVES PUBLIC MATCHING FUNDS FROM THE CITY OF RICHMOND

The City Council of the City of Richmond ordains as follows:

Section 1. Chapter 2.43 of the Richmond Municipal Code is hereby amended to read as follows:

2.43.010 - Purpose.

The increasing costs of conducting election campaigns increasingly places pressure on candidates for Richmond City office to seek more and larger campaign contributions. Large campaign contributions have the possibility of causing corruption, or the appearance of corruption. In order to protect candidates and the integrity of our local election process from the adverse effects of huge, unlimited independent expenditure campaigns, and in order to encourage candidates to seek City office without relying on large campaign contributions, this chapter establishes matching public funding of Richmond mayoral and council campaigns.

2.43.020 - Qualified candidate.

A candidate for Mayor and City Council of the City of Richmond shall be considered a "qualified candidate" and shall be approved to receive public matching funds if the candidate meets all of the following requirements:

- (1) The candidate files the following "public funding request" with the City Clerk:
"I request public matching funds for my campaign and agree to the City of Richmond's conditions and requirements on the receipt and use of such funds."
- (2) The candidate is certified to appear on the ballot for the election for which matching funds are sought and the candidate is opposed by at least one other certified candidate for the same office.
- (3) The total amount of contributions accepted by the candidate in connection with the election for which matching funds are sought shall not exceed \$40,000. Any candidate who accepts contributions in excess of \$40,000 shall no longer be considered a "qualified candidate" and shall return all matching funds previously received, pursuant to Section 2.43.050.

2.43.030 - Matching fund formula.

(a) Matchable contributions are those contributions disclosed on the candidate's regular pre-election campaign disclosure statements required by the State of California and the City of Richmond disclosure statement which is due on the last Friday before the election. Disclosures required by the State of California for late, large contributions do not increase or decrease the match i.e., the match is based solely on the disclosures in the regular pre-election campaign statements.

Loans and in-kind contributions do not qualify as matchable contributions, nor do contributions received prior to July 1 of the year in which the election is held.

(b)

Once the candidate becomes a "qualified candidate," the City Clerk shall disburse funds to qualified candidates as follows:

- (1) When \$10,000.00 in total matchable contributions are disclosed - disburse \$5,000.00.
- (2) When \$15,000.00 in total matchable contributions are disclosed - disburse \$5,000.00.
- (3) When \$20,000.00 in total matchable contributions are disclosed - disburse \$5,000.00.
- (4) When \$25,000.00 in total matchable contributions are disclosed - disburse \$5,000.00.
- (5) When \$30,000.00 in total matchable contributions are disclosed - disburse \$5,000.00.

(c) Accordingly, the limit per candidate is \$25,000.00 in matching funds per election. The City Clerk shall make every reasonable effort to have the check available for the candidate to pick up at the City Clerk's office at noon three (3) business days after the filing deadline. If campaign disclosure statements are filed late, the candidate has to wait for the next filing statement to receive matching funds. If the final statement is filed late, the candidate does not get matching funds for that statement.

2.43.040 - Use of matching funds.

Public matching funds may only be used for lawful qualified campaign expenditures incurred by a candidate during the election for which the funds were allocated.

2.43.050 – Return of Matching Funds

Any candidate receiving matching funds for an election who accepts a total of more than \$40,000 in contributions for that election shall return all matching funds that candidate has received for that election to the City of Richmond Treasury. Interest at the rate of five percent per annum shall begin accruing on any unpaid balance beginning on the 15th day after the candidate accepted the contribution that caused the total amount accepted by the candidate for that election to exceed \$40,000.

Section 2. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such a decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance irrespective of the unconstitutionality or invalidity of any section, subsection, subdivision, paragraph, sentence, clause or phrase.

First read at a regular meeting of the Council of the City of Richmond, California, held July 10, 2012, and finally passed and adopted at a special meeting thereof held July 24, 2012, by the following vote:

AYES: Councilmembers Beckles, Butt, Ritterman, and Mayor
McLaughlin.

NOES: Councilmembers Bates, Boozé, and Vice Mayor Rogers.

ABSTENTIONS: None.

ABSENT: None.

DIANE HOLMES
CLERK OF THE CITY OF RICHMOND

(SEAL)

Approved:

GAYLE MCLAUGHLIN
Mayor

Approved as to form:

BRUCE REED GOODMILLER
City Attorney

State of California }
County of Contra Costa } : ss.
City of Richmond }

I certify that the foregoing is a true copy of Ordinance No. 07-12 N.S., finally passed and adopted by the City Council of the City of Richmond at a special meeting held on July 24, 2012.