

ORDINANCE NO. 04-12 N.S.

ORDINANCE AMENDING SECTION 2.42.075 OF THE RICHMOND MUNICIPAL CODE TO CLARIFY THE DISCLOSURE REQUIREMENTS FOR CAMPAIGN MASS MAILINGS

2.42.075 - Disclosure of contributors to independent expenditure committees.

(a) Any committee, including a primarily formed committee as defined by Government Code section 82047.5, that makes, during the calendar year in which the election is held, more than three thousand dollars in independent expenditures for or against for a candidate for city office or more than twenty-five hundred dollars in independent expenditures for or against the qualification, or passage, of a city ballot measure shall provide the following information in a clear and legible manner on the bottom one-quarter of the front page of any mass mailing (delivered to residences by any means including hand delivery) by the committee in the election for which the independent expenditures were made:

(1) The words "Major funding by:" followed by the following information for each of the five largest contributors to the committee during the two-year period immediately preceding the date of distribution of the mass mailing, listed in order of the amount of contributions. In the case an individual, the first and last name and the occupation of the individual shall be stated. In the case of any entity other than an individual or committee, the full name of the entity and its business interests shall be stated. In the case of another committee, the full name of the committee and the name and occupation of the individuals, or name and business interests of the entities, who direct or control the expenditures of the committee shall be stated. For the purposes of this section, a person shall be deemed to direct or control the expenditures of the committee if the person was the largest contributor to the committee for the two-year period immediately preceding the expenditure. If two or more of the largest contributors have contributed the same amount, they shall be listed according to chronological sequence of their contributions, with the most recent contribution listed first. ; and

(2) If the committee has received at least one-third of its total contributions during the two-year period immediately preceding the date of distributions of the mass mailing from large out-of-city contributor(s), the whole top one-third of the disclosure shall consist solely of the statement "Major funding from large out-of-city contributors." "Large out-of-city contributors" means those contributors

(A) who are not residents of the city and

(B) who, except for membership organizations, do not have their principal place of business (headquarters) in the city and

(C) whose cumulative contributions to the committee are one hundred dollars or more for the two-year period immediately preceding the date of distribution of the mass mailing.

(b) When making the disclosures required in subsection (a)(1), the committee must use the same type size for all words in that disclosure. When making the disclosures required in subsection (a)(2), the committee must use the same type size for all words in that disclosure. To ensure that the largest possible type size is used for the disclosure, the left and right and top and bottom margins immediately adjacent to the disclosures shall not exceed one-half inch. The space between lines of type shall not be more than one-half of the type size. The committee must list each contributor on a separate line. The committee shall use the bottom one-quarter of the front page of the mass mailing solely for the purpose of making the disclosure required in subsection (a).

(c) For purposes of this section "front page" shall mean the envelope, page, or panel where the address is, or in the case of unaddressed items, any outside panel.

(d) This section does not apply to communications from an organization to its members.

(e) No later than 120 days before each municipal election, the City Clerk shall mail to each committee that has previously filed a campaign statement with the City Clerk, except candidate-controlled committees and committees that have properly terminated their status as committees under state law, a document prepared by the City Attorney that explains the requirements of this section in easy to understand terms. The document may take the form of "frequently asked questions" and may include graphics to illustrate the requirements of this

section. The City Clerk shall also provide this document to any entity that qualifies as a committee within the 120-day period before a municipal election.

First read at a regular meeting of the Council of the City of Richmond, California, held June 5, 2012, and finally passed and adopted at a regular meeting thereof held June 19, 2012, by the following vote:

AYES: Councilmembers Bates, Booze, Butt, Ritterman, Vice Mayor Rogers, and Mayor McLaughlin.
NOES: None.
ABSTENTIONS: None.
ABSENT: Councilmember Beckles.

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. 04-12 N.S., finally passed and adopted by the City Council of the City of Richmond at a joint meeting held on June 19, 2012.