

Introduced by \_\_\_\_\_

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF PASADENA AMENDING TITLE 9, ARTICLE IX OF THE PASADENA MUNICIPAL CODE BY ADDING A NEW CHAPTER 9.85 TO ESTABLISH CAMPAIGN CONTRIBUTION LIMITS**

The People of the City of Pasadena ordain as follows:

**SECTION 1.** This ordinance, due to its length and corresponding cost of publication, will be published by title and summary as permitted in Section 508 of the Pasadena City Charter. The approved summary of this ordinance is as follows:

**“Summary**

The purpose of Ordinance No. \_\_\_\_\_ is to amend Title 9, Article IX (Electoral Process) of the Pasadena Municipal Code by adding Chapter 9.85 to implement campaign contribution limits for candidates in city elections. The Ordinance establishes campaign contribution limits in the amount of \$1,000 for city council district candidates and \$2,500 for mayoral candidates for any single election.

This ordinance shall take effect thirty days from publication by title and summary.”

**SECTION 2.** Pasadena Municipal Code, Title 9, Article IX, is hereby amended to add a new Chapter 9.85 to read as follows:

**“Chapter 9.85 Campaign Contribution Limits**

**Sections**

- 9.85.010 - Purpose.**
- 9.85.020 - Definitions.**
- 9.85.030 - Campaign contribution limits.**
- 9.85.040 - Adjustment of campaign contribution limits.**
- 9.85.050 - Family contributions.**
- 9.85.060 - Loans.**

- 9.85.070 - Return of excessive contributions.
- 9.85.080 - City clerk responsibilities.
- 9.85.090 - Criminal penalties.
- 9.85.100 - Civil actions and injunctive relief.

**9.85.010 – Purpose.**

This chapter establishes campaign contribution limits for candidates for election to city office, which are different from state of California default limits. The city council takes specific notice of the findings and declarations made in the Political Reform Act of 1974, as amended (California Government Code Sections 81001 *et seq.*) (the “Act”), finds and declares them applicable to the city of Pasadena as a basis for enacting this chapter, and the following is intended to supplement said Act. Unless otherwise provided by this chapter, candidates and their committees shall be subject to the provisions contained in the Act and the rules and regulations administered by the Fair Political Practices Commission. By enacting this chapter, the city council does not intend to deprive or restrict any person of the exercise of rights guaranteed under the United States Constitution or the California Constitution. It is the purpose and intent of this chapter:

- A. To promote integrity, honesty, fairness, and transparency in municipal election campaigns;
- B. To prevent corruption, or the appearance of corruption, which results from the real or perceived influence of large contributions on the conduct or actions of candidates elected to office;
- C. To ensure a level of discussion of public issues adequate for a viable campaign by providing voters with the information necessary to make an assessment of each candidate before voting;
- D. To place realistic and enforceable limits on the amounts persons may contribute to candidates in municipal election campaigns; and
- E. To achieve full and fair enforcement of the provisions of this chapter, with the goal of gaining voluntary compliance without the need for criminal or civil enforcement.

### 9.85.020 – Definitions.

The definitions set forth in the Act, as supplemented by the definitions set forth in section 9.88.040 of this code, shall govern the interpretation of this chapter, unless otherwise specified below and as otherwise clarified in this chapter.

- A. **“Campaign communication”** means a communication that expressly advocates the election or defeat of a clearly identified City candidate or, taken as a whole and in context, unambiguously urges a particular result in a City election and is authorized, distributed, paid for, or behested by a candidate for elected City office, or by a campaign committee of said candidate.
- B. **“Campaign committee”** means any person or combination of persons formed for the purpose of promoting or opposing the election or reelection of a person to city elected office who directly or indirectly: (1) receives contributions, or (2) makes independent expenditures or (3) makes contributions at the behest of any city candidate. A campaign committee includes any “controlled committee” within the meaning of Government Code Section 82016, any “general purpose committee” within the meaning of Government Code Section 82027.5, any “primarily formed committee” within the meaning of Government Code Section 82047.5, any “sponsored committee” within the meaning of Government Code Section 82048.7, or political action committee.
- C. **“City”** means city of Pasadena, a California municipal corporation.
- D. **“Communication”** means a message that conveys information or views in a scripted or reproduceable format, including but not limited to paper, audio, video, telephone, electronic, Internet, Web logs, and social media.
- E. **“Excessive contribution”** means any contribution accepted in violation of this chapter or which would cause the total amount of contributions from a single donor to exceed the contribution limitations set forth in this chapter.

### 9.85.030 – Campaign contribution limits.

- A. No person shall make to any candidate for city council district and/or the campaign committee of such a candidate and no such candidate for city council district and/or the candidate’s campaign committee shall accept from a person a contribution or contributions totaling more than one thousand dollars (\$1,000.00) with respect to any single election in which the candidate is on the ballot or is a write-in candidate.

- B. No person shall make to any candidate for mayor and/or the campaign committee of such a candidate and no such candidate for mayor and/or the candidate's campaign committee shall accept from a person a contribution or contributions totaling more than two thousand five hundred dollars (\$2,500.00) with respect to any single election in which the candidate is on the ballot or is a write-in candidate.

**9.85.040 – Adjustment of campaign contribution limits.**

The amounts specified in section 9.85.030 may be modified from time to time by ordinance, unless otherwise limited by city Charter or other applicable law.

**9.85.050 – Family contributions.**

- A. Contributions by spouses shall be treated as separate contributions from each spouse and shall not be aggregated.
- B. Contributions by children under eighteen (18) years of age shall be treated as contributions by their parents and attributed proportionately to each parent (1/2 to each parent or the total amount to a single custodial parent).

**9.85.060 – Loans.**

- A. A loan shall be considered a contribution from the maker and the guarantor of the loan and shall be subject to the contribution limitations of this chapter.
- B. Every loan to a candidate or the candidate's campaign committee shall be by written agreement and such written agreement shall be filed with the candidate's or committee's campaign statement on which the loan is first reported.
- C. The proceeds of a loan made to a candidate by a commercial lending institution in the regular course of business on the same terms available to members of the public and which is secured or guaranteed shall not be subject to the contribution limitations of this chapter.
- D. Nothing in this section shall prohibit a candidate from making unlimited contributions to the candidate's own campaign.

**9.85.070 -- Return of excessive contributions.**

The candidate, or their campaign committee, in receipt of any excessive contribution shall, within 72 hours of receipt thereof, return any such excessive contribution to the donor. In the event an excessive contribution is received and reported in the campaign

statement, the recipient shall, within 72 hours of notification by the city, return such excessive contribution to the donor; if such excessive contribution is not returned within 72 hours, the recipient shall, within five calendar days, transmit to the city for deposit in the city treasury a sum equal to such excess.

**9.85.080 -- City clerk responsibilities.**

In addition to other duties required by law, including, but not limited to those set forth in chapter 9.88, the city clerk shall furnish a copy of this chapter to city candidates that have submitted the necessary forms to establish and organize a campaign committee under the Act, prior to or during the nomination period for city council.

**9.85.090 -- Criminal penalties.**

Any person who willfully violates any provision of this chapter is guilty of a misdemeanor. Any person who willfully causes any other person to violate any provision of this chapter, or who willfully aids and abets any other person in the violation of any provision of this chapter, shall be guilty of a misdemeanor.

**9.85.100 -- Civil actions and injunctive relief.**

- A. Regardless of whether criminal proceedings are filed, any person who intentionally or negligently violates any provision of this chapter shall be liable in a civil action for an amount not more than three times the amount of the unlawful contribution.
- B. If two or more persons are responsible for any violation, they shall be jointly and severally liable.
- C. No civil action alleging a violation of any provision of this chapter shall be filed more than one year after the date the violation occurred.
- D. Injunctive relief may be sought to enjoin violations or to compel compliance with the provisions of this chapter.
- E. The court may award to a plaintiff or defendant who prevails in any civil action authorized by this chapter their costs of litigation, including reasonable attorneys' fees; provided, however, no costs of litigation or attorneys' fees shall be awarded against the city."

**SECTION 3.** The City Clerk shall certify the adoption of this ordinance and shall cause this ordinance to be published by title and summary in a newspaper of general circulation in the City.

**SECTION 4.** This ordinance shall take effect thirty (30) days from its publication.

Signed and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Victor Gordo  
Mayor of the City of Pasadena

I HEREBY CERTIFY that the foregoing ordinance was adopted by the City Council of the City of Pasadena at its meeting held this \_\_\_\_\_ day of \_\_\_\_\_ 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Date Published:

\_\_\_\_\_  
Mark Jomsky  
City Clerk

Approved as to form:



\_\_\_\_\_  
Dion O'Connell  
Assistant City Attorney