

**ORDINANCE NO. 2015-07**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GILROY AMENDING CHAPTER 8B OF THE GILROY CITY CODE ENTITLED "ELECTIONS CAMPAIGN FINANCE"**

WHEREAS, the Political Reform Act of 1974 (the "Act") set forth in California Government Code section 81000 *et. seq.* governs the conduct of campaigns, and sections 81013 and 85703 grant local agencies the power to enact certain ordinances that govern the financing of local elections so long as the requirements do not interfere with a person's compliance with the Act; and

WHEREAS, monetary contributions and expenditures relating to political campaigns are a legitimate form of participation in the American political process, but large contributions and expenditures may have an undue influence on candidates or create the appearance of undue influence in the political process, and regulations are needed to prevent such undue influence;

WHEREAS, Chapter 8B of the Gilroy City Code currently sets forth different campaign contribution limits that are based upon whether candidates accept a voluntary expenditure ceiling;

WHEREAS, the City Council, desires to (i) minimize the possibility of undue influence on a candidate or the appearance of undue influence in the political process, (ii) increase campaign contribution limits, (iii) stay within the bounds of constitutional limits on free speech by eliminating separate contribution limits for candidates based upon their acceptance of a voluntary expenditure ceiling and (iv) eliminate limits on contributions to independent committees; and

WHEREAS, the subject ordinance amendment is covered under Section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines as an activity that can be seen with certainty to have no possibility for causing a significant effect on the environment.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GILROY DOES HEREBY ORDAIN AS FOLLOWS:**

## **SECTION I**

The following definition is hereby deleted from Gilroy City Code Chapter 8B.3: “‘Independent committee’ shall mean all committees other than controlled committees.”

## **SECTION II**

Gilroy City Code Chapter 8B.4(a) is hereby deleted in its entirety and replaced with a new section 8B.4(a) to read as follows:

“(a) The city council does hereby establish a voluntary campaign expenditure ceiling as follows: For a candidate for municipal office and for any and all controlled committees of such candidate, in the aggregate not to exceed one dollar (\$1.00) per resident for each municipal election. Should a candidate who has elected to comply with the voluntary campaign expenditure ceiling exceed that ceiling, he/she shall immediately notify all opponents and the city clerk by telephone and confirm the same in writing the day that such expenditure ceiling is exceeded.”

## **SECTION III**

Gilroy City Code Chapter 8B.4(b) is hereby deleted in its entirety and replaced with a new section 8B.4(b) to read as follows:

“(b) The city council does hereby establish the following campaign contribution limit: seven hundred fifty dollars (\$750.00) per election to a candidate for municipal office, which limit shall apply to the total of all contributions to the candidate from any person and to any controlled committee of such candidate, other than a candidate in aid of himself or herself.”

## **SECTION IV**

Gilroy City Code Chapter 8B.5(a) is hereby deleted in its entirety and replaced with a new section 8B.5(a) to read as follows:

“(a) It shall be prohibited for any person, other than a candidate in aid of himself or herself, to make any campaign contribution to a candidate for municipal office, or to any controlled committee of such candidate, which will cause the total amount contributed by such person to a candidate and all controlled committees of such candidate, with respect to a single election in support of such candidate, to exceed seven hundred fifty dollars (\$750.00).”

**SECTION V**

Gilroy City Code Chapter 8B.5(b) is hereby deleted in its entirety and replaced a new section 8B.5(b) to read as follows:

“(b) It shall be prohibited for any candidate for municipal office, or any controlled committee of such candidate, to solicit or accept any campaign contribution which will cause the total amount contributed by any person to a candidate and all controlled committees of such candidate, other than a candidate in support of himself or herself, with respect to a single election in support of such candidate, to exceed seven hundred fifty dollars (\$750.00).”

**SECTION VI**

If any section, subsection, subdivision, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or otherwise void or invalid by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, subdivision, sentence, clause or phrase thereof, irrespective of the fact that anyone or more sections, subsections, subdivisions, sentences, clauses or phrases be declared unconstitutional.

**SECTION VII**

Pursuant to section 608 of the Charter of the City of Gilroy, this Ordinance shall be in full force and effect thirty (30) days from and after the date it is adopted.

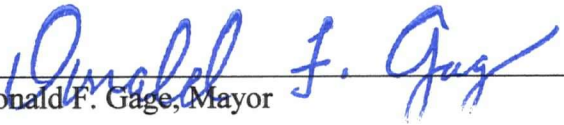
PASSED AND ADOPTED this 1<sup>st</sup> day of July, 2015, by the following vote:

AYES: COUNCILMEMBERS: AULMAN, LEROE-MUÑOZ, WOODWARD and GAGE

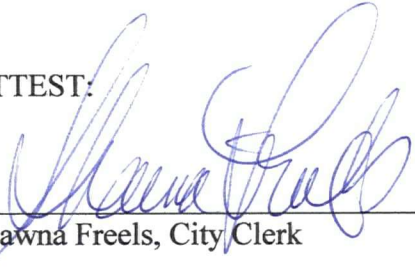
NOES: COUNCILMEMBERS: BRACCO, TUCKER, VELASCO

ABSENT: COUNCILMEMBERS: NONE

APPROVED:

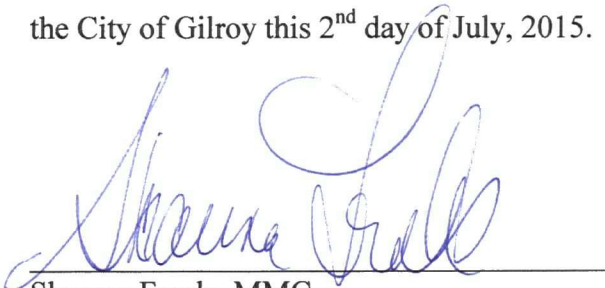
  
\_\_\_\_\_  
Donald F. Gage, Mayor

ATTEST:

  
\_\_\_\_\_  
Shawna Freels, City Clerk

I, SHAWNA FREELS, City Clerk of the City of Gilroy, do hereby certify that the attached Ordinance No. 2015-07 is an original ordinance, or true and correct copy of a City ordinance, duly adopted by the Council of the City of Gilroy at a regular meeting of said Council held on the 1<sup>st</sup> day of July, 2015, at which meeting a quorum was present.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of the City of Gilroy this 2<sup>nd</sup> day of July, 2015.



Shawna Freels, MMC  
City Clerk of the City of Gilroy

(Seal)