

Chapter 1.30

CITY ELECTIONS

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ARTICLE I. CAMPAIGN CONTRIBUTIONS

- 1.30.010 Purpose.**

The purpose of this article is to supplement the provisions of the Political Reform Act of 1974, Title 9 of the Government Code (commencing with Section 81000), by:

A. Limiting the aggregate amount of campaign contributions which may be made by a person to a city council candidate in order to preclude a contributor from gaining disproportionate access to or influence over the city council or any of its individual members by making particularly large campaign contributions to one or more city council candidates;

B. Lowering the threshold on those campaign contributions to a city council candidate or to a committee supporting or opposing a city council candidate or a city ballot measure which must be individually disclosed and identified on campaign statements filed pursuant to the Political Reform Act of 1974, in order to more fully inform the voters of the city about the sources of campaign funds;

C. Requiring all campaign contributions to a city council candidate or to a committee supporting or opposing a city council candidate, regardless of amount, to be publicly reported, and prohibiting anonymous contributions to a city council candidate or to a committee supporting or opposing a city council candidate or a city ballot measure; and

D. Requiring an additional campaign statement to be filed five days before each municipal election.

(Ord. 1751 §1 (part), Ord. 2113 §4, Ord. 2251) Ord. 2421 §1)

1.30.020 Definitions.

Unless the contrary is stated or clearly appears from the context, the definitions set forth in the Political Reform Act of 1974 shall govern the construction of the words and phrases used in this article.

(Ord. 1751 §1 (part), Ord. 2113 §4)

1.30.030 Limitation on campaign contributions.

A. During the four-year period immediately preceding a municipal election held for the purpose of electing one or more members of the city council, no person shall make to any city council candidate a contribution or contributions that, in total, exceed the sum of five hundred (\$500.00) dollars for all such contributions.

B. During the four-year period immediately preceding a municipal election which is held for the purpose of electing one or more members of the city council, no candidate at that election shall accept from any person a contribution or contributions which, in total, exceed the sum of five hundred (\$500.00) dollars. All contributions made by a person to a candidate's controlled committee, whether or not made at the behest of the candidate or the committee, are contributions to that candidate for the purpose of the aggregate contribution limit established by this section. As used in this section, "controlled committee" means a committee that is controlled directly or indirectly by a candidate or that acts jointly with a candidate or controlled committee in connection with the making of expenditures. A candidate controls a committee if the candidate, or the candidate's agent, or any other committee the candidate controls has a significant influence on the actions or decisions of the committee.

(Ord. 1751 §1 (part), Ord. 2251, Ord. 2274) Ord. 2421 §2)

1.30.040 Limitation on campaign contributions - Exceptions.

A. A person's use of personal money or property for the purpose of supporting such person's council candidacy shall not constitute a campaign contribution for purposes of the limitation on campaign contributions provided for in Section 1.30.030 of this article.

B. A person receiving a contribution or contributions on behalf of or as the agent of a city council candidate or on behalf of or as the agent of a committee supporting or opposing a city council candidate or a city ballot measure, shall not be deemed to have made a separate and additional contribution to such city council candidate or committee for purposes of the limitation on campaign contributions provided for by Section 1.30.030 of this article when transferring such initial contribution or contributions to the city council candidate or committee, provided the person receiving the contribution or contributions transfers the same to the city council candidate or committee in the same form as received and without exercising or attempting to exercise any independent control over its use.

(Ord. 1751 §1 (part), Ord. 2268)

1.30.045 Anonymous campaign contributions prohibited.

No person shall make an anonymous contribution or contributions to a city council candidate or to a committee supporting or opposing a city council candidate or a city ballot measure. A contribution is deemed to be anonymous if (a) it is required to be reported on a campaign statement required to be filed under the Political Reform Act of 1974 or this chapter and is not so reported or (b) any information required to be reported on such a campaign statement is incomplete as to that contribution. Any anonymous contribution shall not be kept by the intended recipient but instead shall be promptly paid to the city's finance director for deposit into the city's general fund.

(Ord. 2251)

1.30.050 Additional campaign statement disclosure requirements.

A. Every city council candidate and every committee supporting or opposing a city council candidate shall list on any campaign statement which such person or committee is required to file with the city clerk pursuant to the Political Reform Act of 1974 or this chapter the name, address, occupation, employer, and amount contributed by each person who, subsequent to September 30, 2002, makes any campaign contribution to such city council candidate or committee. The amounts of contributions reported on a campaign statement so filed shall include the total amount of contributions received during the period covered by the campaign statement from each person who has made any contribution, and the contribution reporting thresholds established by the Political Reform Act of 1974 shall not apply to contributions subject to the disclosure requirements of this section.

B. Every committee supporting or opposing a city ballot measure shall list on any campaign statement the committee is required to file with the city clerk pursuant to the Political Reform Act of 1974 the name, address, occupation, employer, and amount

contributed by each person who, subsequent to October 22, 1988, makes a campaign contribution to such committee of a value of fifty dollars (\$50.00) or more.

(Ord. 175 1 §1 (part), Ord. 2251)

1.30.055 Additional campaign statement filing requirement.

Every city council candidate and every committee supporting or opposing a city council candidate shall file with the city clerk a campaign statement no later than five calendar days prior to the date of the election for which the candidate appears on the ballot. The statement shall cover the period from the closing date of the reporting period for the last pre-election campaign statement required to be filed under the Political Reform Act of 1974 through midnight of the sixth calendar day prior to the date of that election.

(Ord. 2251)

1.30.060 Additional campaign statement disclosure requirements - Exceptions

A person receiving a contribution or contributions on behalf of or as the agent of a city council candidate or on behalf of or as the agent of a committee supporting or opposing a city council candidate or a city ballot measure shall not be deemed to have made a separate and additional contribution to such city council candidate or committee for purposes of the additional campaign statement disclosure requirements provided for by § 1.30.050 of this article when transferring such initial contribution or contributions to the council candidate or committee provided the person receiving the contribution or contributions transfers the same to the council candidate or committee in the same form as received and without exercising or attempting to exercise any control over its use.

(Ord. 1751)

1.30.065 Campaign disclosure statements - Document filing method.

A. Mandatory Online or Electronic Filing. It is the finding of the city council that an elected officer, candidate, committee or other person required to file statements, reports, or other documents with the City of Chico elections official as required by Chapter 4 of the Political Reform Act shall electronically file all such statements, reports or documents online or electronically. The city's online system can and will operate securely and effectively and will not unduly burden filers. By way of this finding, the use of online or electronic filing is hereby authorized and required for elected officers, candidates, committees and other persons filing statements, reports or other documents described in Chapter 4 of the Political Reform Act.

1. In any instance in which an original statement, report or other document must be filed with the Secretary of State and a copy of that statement, report, or other document is required to be filed with the city, the filer may, but is not required to, file the copy online or electronically.

(Ord. 2453)

1.30.070 Required notices.

A. The following notices shall be provided in any written solicitation for a contribution by a city council candidate or by a committee supporting or opposing any city council candidate.

1. If written solicitation is made by a city council candidate for a contribution to the candidate's campaign for election to the city council, the solicitation shall include the following written notice in no less than 10-point type on each such solicitation:

NOTICE

Chapter 1.30 of the Chico Municipal Code limits the total amount of contributions to a candidate seeking election to the city council to \$500 per contributor. In addition, each candidate is required to publicly report the amount of each contribution received and the name, address, occupation and employer of each contributor.

2. If a written solicitation is made by a committee that is not a candidate controlled committee, then the solicitation shall include the following written notice in no less than 10-point type on each solicitation:

NOTICE

Chapter 1.30 of the Chico Municipal Code requires each committee supporting or opposing a candidate seeking election to the city council to publicly report the amount of each contribution received and the name, address, occupation and employer of each contributor.

B. Any committee making a written solicitation for a contribution to support or oppose a city ballot measure shall include the following written notice in no less than 10-point type on each such solicitation:

NOTICE

Chapter 1.30 of the Chico Municipal Code requires each committee supporting or opposing a city ballot measure to publicly report the amount of each contribution of \$50 or more and the name, address, occupation and employer of each contributor who makes such a contribution.

(Ord. 1751 §1 (part), Ord. 2251, Ord. 2274) Ord. 2421 §3)

1.30.080 Violations.

A. Any person who knowingly or willfully violates any provisions of this article is guilty of a misdemeanor.

B. Any person convicted of a misdemeanor under subsection A who is a member of the council at the time of the conviction shall be deemed to have been convicted of a crime involving moral turpitude and shall, in addition to the penalties imposed by the court, suffer forfeiture of the office of councilmember in the manner provided by Section 405 of the city charter.

(Ord. 1751 §1 (part), Ord. 2251, Ord. 2268)

ARTICLE II. CITY BALLOTS

1.30.100 Purpose

The purpose of this article is to implement certain provisions of the California Elections Code pertaining to city ballots.

(Ord. 1751 §1 (part))

1.30.110 Rebuttal arguments.

The provisions of Sections 9220 and 9285 of the California Elections Code which provide for the filing of rebuttal arguments in the manner and within the time provided for therein is hereby adopted and shall apply to any city election on an initiative, a proposed amendment to the City Charter, a proposition concerning the issuance of bonds, an advisory question, and any other proposition or question submitted to the voters of the city.

(Ord. 1751 §1 (part), Ord. 1807, Ord. 2251 §1)

1.30.120 Candidates' statements.

Any council candidate filing a candidates' statement pursuant to Section 13307 of the California Elections Code shall be responsible for the payment of a pro rata share of the total cost of printing, handling, and translating such statement. Such costs, in an amount estimated by the city clerk, shall be deposited by a council candidate at the time such council candidate files the candidate's statement. However, if the amount deposited by all council candidates filing a candidate statement exceeds the actual cost incurred by the city in printing, handling, and translating such candidates' statements, then the city clerk shall prorate the excess among the candidates and refund the excess amount paid within 30 days following the election.

(Ord. 1751 §1 (part), Ord. 2251 §2, Ord. 2268)

ARTICLE III. DISTRICT ELECTIONS

1.30.210 Purpose.

This article is adopted for the purpose to change the method of electing members of the City Council of the City of Chico in furtherance of the purposes of the California Voting Rights Act of 2001 (Chapter 1.5 (commencing with Section 14025) of Division 14 of the Elections Code).

(Ord. 2547 §2)

1.30.220 City council districts established.

Seven City Council districts are hereby established in the City of Chico. The boundaries and identifying number of each district shall be as described on the official "Council District Map" on file in the Office of the City Clerk.

(Ord. 2547 §2)

1.30.230 Election of members of the city council by district.

A. Members of the City Council shall be elected "by District" as defined in California Government Code Section 34871. A person shall not be eligible to be elected to be a Member of the City Council unless he or she is otherwise qualified as required by law, resides in the geographical area making up the district from which he or she is nominated to be elected and is a registered voter of the City of Chico at the time nomination papers are issued to the candidate as provided in Section 10227 of the California Elections Code.

B. Registered voters signing nomination papers or voting for a Member of the City Council shall be residents of the geographical area making up the district from which the Member is to be elected.

C. The terms of the office of each Member elected to the City Council shall be four (4) years.

D. References in this Article to state statutes shall include any amendments thereto and any successor statutes.

(Ord. 2547 §2)

1.30.240 Commencement of district elections.

Commencing with the general municipal election in November of 2020 and thereafter, the voters in Council Districts 1, 3, 5, and 7 shall elect Members of the City Council by district for full four (4) year terms. At the general municipal election in 2022 and thereafter, the voters in Council Districts 2, 4 and 6 shall elect Members of the City Council by district for full four (4) year terms. No term of any Member of the City Council that commenced on or prior to the effective date of this Article shall be affected prior to its expiration date.

(Ord. 2547 §2)

1.30.250 Adjustment of council district boundaries.

A. Pursuant to Elections Code Section 21601, the City Council shall adjust the boundaries of any or all of the districts following each decennial federal census. Using the census as a basis, the City Council shall adjust the boundaries so that the districts shall be as nearly equal in population as practicable and in compliance with all applicable provisions of law. Any adjustment of district boundaries shall be made by ordinance adopted by the City Council before the first day of November of the year following the year in which each decennial federal census is taken commencing with the 2020 federal census. As required by Elections Code Section 21607, the City Council shall hold at least one public hearing on the proposal to adjust boundaries of any or all districts prior to the public hearing at which the council votes to approve or defeat the proposal.

B. At the time of any annexation of territory to the City, the City Council shall designate, by resolution adopted by a vote of at least a majority of the City Council, the contiguous district to which the annexed territory shall be a part and shall amend the district boundaries if necessary in accordance with Elections Code Section 21603.

C. Pursuant to Elections Code Section 21606 the term of office of any councilmember who has been elected and whose term of office has not expired shall not be affected by any change in the boundaries of the district from which he or she was elected. At the first election for Council following adjustment of the boundaries of the districts, a person meeting the requirements of Government Code Section 34882 shall be elected to the City Council for each district under the readjusted district plan that has the same district number as a district whose incumbent's term on the council is due to expire.

(Ord. 2547 §2)