Item From Council
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION

AGENDA ITEM NO.: 4
AGENDA DATE: Thu 03/02/2006
PAGE: 1 of 1

Item From Council

Posting Language: Approve an ordinance ordering an election for the purpose of submitting a proposed charter amendment to the voters related to campaign finance.

Proposed meeting date: THU 03/02/2006

Sponsor: Council Member Betty Dunkerley

Co-sponsor 1: Council Member Lee Leffingwell

Co-sponsor 2: Council Member Brewster McCracken

Date by which the City Manager is requested to report back to Council:

Draft Resolution/Ordinance attached:

Serial#: 11368 Date: 03/02/06 Original: Yes
Disposition:

Published:
Adjusted version published:

ORDINANCE NO.

AN ORDINANCE ORDERING AN ELECTION TO BE HELD IN THE CITY OF AUSTIN ON MAY 13, 2006, FOR THE PURPOSE OF SUBMITTING A PROPOSED CHARTER AMENDMENT TO THE VOTERS; AND PROVIDING FOR THE CONDUCT OF THE ELECTION.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. A charter amendment election shall be held in the City on May 13, 2006, at which the ballot shall be prepared to permit voting "yes" or "no" on the following proposition:

Proposition x

Shall the City Charter be amended to limit contributions from individuals outside the Austin city limits, increase and adjust for inflation the aggregate contribution amount that a council member may collect and the maximum individual contribution to a candidate for city council, allow a person elected to city council to fund an account to pay officeholder expenses, and allow fundraising by unsuccessful candidates and retired council members to retire campaign debt?

PART 2. If Proposition x is approved by the majority of the voters voting at the election, the current Article III, Section 8 of the City Charter is repealed and replaced with a new Section 8 to read:

§ 8. LIMITS ON CAMPAIGN CONTRIBUTIONS AND EXPENDITURES.

(A) Limits On Contributions To Candidates.

(1) No candidate for Mayor or City Council and his or her campaign committee shall accept campaign contributions in excess of $300 per contributor per election from any person, except for the candidate and small-donor political committees. The amount of the contribution limit shall be modified each year with the adoption of the budget to increase or decrease in accordance with the most recently published federal government, Bureau of Labor Statistics Indicator, Consumer Price Index (CPI-W U.S. City Average) U.S. City Average. The most recently published Consumer Price Index on May 13, 2006, shall be used as a base of 100 and the adjustment thereafter will be to the nearest $50.00.

(2) Each candidate may authorize, establish, administer, or control only one campaign committee at one time.

(3) No candidate and his or her committee shall accept an aggregate contribution total of more than $30,000 per election, and $20,000 in the case of a runoff election, from sources other than natural persons eligible to vote in a postal zip code completely or partially within the Austin city limits. The amount of the contribution limit shall be modified each year with the adoption of the budget to increase or decrease in accordance with the most recently published federal government, Bureau of Labor Statistics Indicator, Consumer Price Index (CPI-W U.S. City Average) U.S. City Average. The most recently published Consumer Price Index on May 13, 2006, shall be used as a base of 100 and the adjustment thereafter will be to the nearest $100.00.

(B) Small-Donor Political Committees.

(1) A small-donor political committee is a political committee which has accepted no more than $25 from any contributor during any calendar year, has had at least 100 contributors during either the current or previous calendar year, has been in existence for at least six months, and has never been controlled by a candidate.

(2) Such a committee shall not contribute more than $1000 per candidate per election for the offices of Mayor and City Council.

(C) Coordinated Expenditures.

Any expenditure supporting the election of a candidate or opposing the election of an opponent made with the prior consent of the candidate or his or her committee, or with cooperation or strategic communication between the candidate or his or her committee and the person making the expenditure, is considered a contribution and an expenditure.

(D) Contributions Considered To Be From One Committee.

Contributions made by separate political committees established, administered, maintained, or controlled by the same person or persons, including any parent, subsidiary, branch, division, department or local unit of the person, or by groups of those persons, shall be considered to be made by a single political committee.

(E) Responsibility Of Candidate To Prevent Violations.

The candidate, or his or her committee, shall determine whether accepting each contribution would violate this section before accepting the contribution.

(F) Time Restrictions On Candidate Fundraising; Officeholder Accounts.

(1) In this section terms have the same meaning they have in Title 15 of the Texas Election Code. The term "officeholder account" means an account in which funds described by subsection (F)(4) must be kept. "Officeholder" means the mayor or a council member.

(2) An officeholder, a candidate for mayor or city council, or an officeholder's or candidate's committee may not solicit or accept a political contribution except during the last 180 days before an election for mayor or council member or in which an officeholder faces recall.

(3) Except as provided by subsection (F)(6), no later than the 90th day after an election, or if a candidate is in a runoff election no later than the 90th day after the runoff, a candidate or officeholder shall distribute the balance of funds received from political contributions in excess of any remaining expenses for the election on a pro rata basis to the candidate's or officeholder's contributors, or pay the balance to the Austin Fair Campaign Fund.

(4) An unsuccessful candidate who, after an election, has unpaid expenses remaining, or who has unreimbursed campaign expenditures from personal funds that were made with the intent to seek reimbursement from political contributions, may solicit and accept political contributions after the election until the unpaid expenses are paid and the unreimbursed expenditures are reimbursed.

(5) An officeholder who, after an election, has unpaid expenses remaining, or who has unreimbursed campaign expenditures from personal funds that were made with the intent to seek reimbursement from political contributions, may solicit and accept political contributions after leaving office until the unpaid expenses are paid and the unreimbursed expenditures are reimbursed. An officeholder may also pay the unpaid expenses and reimburse the unreimbursed expenditures from political contributions received during a subsequent campaign.

(6) An officeholder may retain up to $20,000 of funds received from political contributions for the purposes of officeholder expenditures.

(7) An officeholder shall keep funds retained under subsection (F)(6) in an

account separate from any other funds including personal funds of the officeholder and any other political funds of the officeholder. The funds kept in an officeholder account may be used only for officeholder expenditures. The funds kept in an officeholder account may not be used for campaign expenditures. The funds kept in an officeholder account may not exceed twenty thousand dollars at any time.

(8) When an officeholder leaves the Council the funds remaining in an officeholder account must be paid to the Austin Fair Campaign Fund.

(G) Applicability To Councilmembers.

Any incumbent mayor or councilmember is subject to the regulations applied to candidates for the office he or she holds.

(H) Severability.

If any provision of this section, or the application of that provision to any persons or circumstances, shall be held invalid, then the remainder of this section, to the extent that it can be given effect, and the application of that provision to persons or circumstances other than those to which it was held invalid, shall not be affected thereby, and to this extent the provisions of this section are severable.

PART 3. The election shall be conducted as provided in Ordinance No. 2006_____. The provisions of Ordinance No. 2006_____ relating to the conduct of the election are incorporated by reference as part of this ordinance.

PART 4. This ordinance takes effect on _____, 2006.

PASSED AND APPROVED

§
§
_____, 2006 § _____
Will Wynn
Mayor

APPROVED: _____
David Allan Smith
City Attorney

ATTEST: _____
Shirley A. Gentry
City Clerk