

Folsom Municipal Code



Chapter 2.48 CAMPAIGN CONTRIBUTION LIMITS

(Initiative measure passed by vote of the people 6/7/94)

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2.48.010 Purpose and intent.

Inherent to the high cost of election campaigning is the problem of improper influence, real or potential, exercised by campaign contributions over elected officials. It is the purpose and intent of the people of the city in enacting the ordinance codified in this chapter to preserve an orderly political forum in which individuals may express themselves effectively; to place realistic and enforceable limits on the amounts of money that may be contributed to political campaigns in municipal elections; to limit contributions by organizations in order to develop a broader base of political efficacy within the community; to limit the use of loans and credit in the financing of municipal election campaigns; and to provide full and fair enforcement of all the provisions of this chapter. (Initiative measure passed by vote of the people 6/7/94)

2.48.020 Definitions.

Except as otherwise provided in this chapter, the words and phrases used in this chapter shall be interpreted as defined in Title 9, Chapter 2, of the California Government Code. (Initiative measure passed by vote of the people 6/7/94)

2.48.030 Campaign contribution limitation.

A. No person other than a candidate shall make, and no campaign treasurer shall solicit or accept, any contribution which will cause the total amount contributed by such person with respect to a single election in support or opposition to such candidate, including contributions to all committees supporting or opposing such candidate, to exceed \$150.

B. Extension of credit for a period of more than 90 days is prohibited. Extension of credit for more than \$1,000 is prohibited; provided, however, a candidate may personally borrow any amount and such funds shall be considered as a contribution by the candidate personally; provided, further, that such transaction is fully disclosed and documented in accordance with applicable law.

C. The terms of this section are applicable to any contributions made to a candidate or committee hereunder, whether used by such candidate or committee to finance a current campaign, to pay deficits incurred in a prior campaign, or otherwise.

D. If any person is found guilty of violating the terms of this section, the amount of funds received constituting such violation shall be paid by the candidate or committee treasurer who received such funds to the city finance director for deposit in the general fund of the city.

E. As used in this section, "extension of credit" means any loan, gift, forbearance or forgiveness of debt without adequate compensation. (Initiative measure passed by vote of the people 6/7/94)

2.48.040 Organizational contributions.

A. In any municipal election, no person shall make a contribution to any candidate or committee in excess of the limit in Section 2.48.030; provided, however, that this section shall not apply to contributions made to a committee which is organized solely for the purpose of supporting or opposing the qualification for the ballot or adoption of one or more city measures.

B. No person covered by this chapter shall knowingly aid, abet, recommend or participate in a violation of this section.

C. No person shall knowingly accept a payment or contribution made in violation of this section.

D. If a committee treasurer is offered a contribution which would be in excess of the limitation, the treasurer must refuse the contribution.

E. This section shall not prohibit a committee from delivering to a candidate any moneys legally received by said committee as contributions. (Initiative measure passed by vote of the people 6/7/94)

2.48.050 Duties of the city clerk.

In addition to other duties required under the law, the city clerk shall:

A. Supply every candidate for city election a copy of the ordinance codified in this chapter at the time of filing qualification documents for the election;

B. Report any violations of this chapter to appropriate law enforcement authorities. (Initiative measure passed by vote of the people 6/7/94)

2.48.060 Violation--Penalties.

Any person who knowingly or wilfully violates any provision of this chapter is guilty of a misdemeanor. In addition to any other penalty provided by law, any wilful or knowing failure to report contributions, done with intent to mislead or deceive, shall be punishable by a fine of not less than \$500. (Initiative measure passed by vote of the people 6/7/94)

2.48.070 Effect of violation on outcome of election.

If after an election a candidate is convicted of a violation of any provision of this chapter, the election to office of such candidate shall be void and such office shall become vacant immediately thereupon, or on the date upon which the candidate, if she or he is not an incumbent, would otherwise take office, whichever occurs later. In such event, the vacancy shall be filled as otherwise required by law.

If a candidate is convicted of a violation of this chapter at any time prior to an election, her or his candidacy shall be terminated immediately and the person shall be no longer eligible for election.

Any person convicted of a violation of this chapter shall be ineligible to hold city elective office for a period of 5 years from and after the date of her or his conviction. (Initiative measure passed by vote of the people 6/7/94)

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