

9/15/2017

ORDINANCE NO. 30715

An ordinance amending Chapter 15A, "Elections," of the Dallas City Code by amending Sections 15A-1 and 15A-7; amending the definition of contribution; providing for the ethics advisory commission's jurisdiction over campaign contribution violations; providing a penalty not to exceed \$500; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, the city council finds that there is a compelling public interest in preventing quid pro quo corruption, or the appearance thereof, through regulating campaign contributions for city council candidate elections;

WHEREAS, more and more, city council candidates' campaigns are being financed in coordination with political committees such that coordinated expenditures between political committees and campaigns are really in the nature of campaign contributions;

WHEREAS, the city's voters have the right to know the sources of funding in elections when there is coordination between political committees and city council candidates' campaigns and a more robust disclosure of those funding sources is in the electorate's best interest and promotes public confidence in the city's elected officials; Now, Therefore,

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

SECTION 1. That Section 15A-1, "Definitions," of Article I, "Campaign Contributions," of Chapter 15A, "Elections" of the Dallas City Code is amended to read as follows:

"The terms used in this article have the meanings ascribed to them in Chapter 251, Texas Election Code, as amended, or as defined in this section.

(1) CITY-FUNDED OFFICEHOLDER ACCOUNT means, for the purposes of this chapter, an individual attributable Mayor/Council account that is funded from the city budget and intended for use by a city council member to cover the expenses of holding office.

(2) CONTRIBUTION means:

(A) a direct or indirect transfer of money, goods, services, or any other thing of value and includes an agreement made or other obligation incurred, whether legally enforceable or not, to make a transfer. The term includes a loan or extension of credit, other than those expressly excluded by this subdivision, and a guarantee of a loan or extension of credit, including a loan described by this subdivision; or

(B) an expenditure made to advocate or influence the election of a candidate and that is made in cooperation, consultation, or in concert with the candidate's campaign. The following is considered a contribution within the meaning of this subparagraph:

(i) the expenditure is made at the request or suggestion of the candidate's campaign;

(ii) the individual or political committee suggests the expenditure and the candidate's campaign assents to the suggestion;

(iii) the individual or political committee making the expenditure communicates with the candidate's campaign before making the expenditure;

(iv) the candidate's campaign has solicited funds for or directed funds to the individual or political committee making the expenditure, but only if the expenditure or direction occurred in the 12 months before the election that the expenditure seeks to influence;
or

(v) the individual or political committee making the expenditure uses information from the candidate's campaign to design, prepare, or pay for the expenditure unless that same information is available to the general public.

(C) The term does not include:

(i) a loan made in the due course of business by a corporation that is legally engaged in the business of lending money and that has conducted the business continuously for more than one year before the loan is made; or

(ii) an expenditure required to be reported under Section 305.006(b), Government Code, as amended."

SECTION 2. That Section 15A-7, "Enforcement," of Article I, "Campaign Contributions," of Chapter 15A, "Elections," of the Dallas City Code is amended to read as follows:

"The ethics advisory commission has jurisdiction to consider a violation of this article pursuant to the procedures detailed in Chapter 12A of this code. [If the city secretary receives a

~~written complaint alleging violation of this article or if the city secretary determines that a required report of a candidate or political committee has not been filed by the deadline imposed by this article or state law, the city secretary shall forward this information to the city attorney for investigation and appropriate enforcement action, if warranted.]”~~

SECTION 3. That, unless specifically provided otherwise by this ordinance or by state law, a person violating a provision of this ordinance is, upon conviction, punishable by a fine not to exceed \$500.

SECTION 4. That Chapter 15A of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 5. That any act done or right vested or accrued, or any proceeding, suit, or prosecution had or commenced in any action before the amendment or repeal of any ordinance, or part thereof, shall not be affected or impaired by amendment or repeal of any ordinance, or part thereof, and shall be treated as still remaining in full force and effect for all intents and purposes as if the amended or repealed ordinance, or part thereof, had remained in force.

SECTION 6. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 7. That this ordinance shall take effect immediately, and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

LARRY E. CASTO, City Attorney

By Chhy Chhean
Assistant City Attorney

DEC 13 2017

Passed _____



PROOF OF PUBLICATION – LEGAL ADVERTISING

The legal advertisement required for the noted ordinance was published in the Dallas Morning News, the official newspaper of the city, as required by law, and the Dallas City Charter, Chapter XVIII, Section 7.

DATE ADOPTED BY CITY COUNCIL DEC 13 2017

ORDINANCE NUMBER 30715

DATE PUBLISHED DEC 16 2017

ATTESTED BY: