

City of Philadelphia



(Bill No. 050301-A)

AN ORDINANCE

Amending Title 20 of The Philadelphia Code, entitled "Officers and Employees," by amending the provisions relating to campaign contributions and expenditures, relating to, including but not limited to, the District Attorney, City Controller, Register of Wills, Sheriff, Clerk of Quarter Sessions Court and City Commissioner.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Chapter 20-1000, entitled "Campaign Contributions and Expenditures" is hereby amended as follows:

* * *

CHAPTER 20-1000. CAMPAIGN CONTRIBUTIONS AND EXPENDITURES.

§20-1001. Definitions.

- (1) Covered election. Every primary, general or special election for Mayor, *District Attorney, City Controller, Register of Wills, Sheriff, Clerk of Quarter Sessions Court, City Commissioner* and City Council.
- (2) Contribution. Money, gifts, forgiveness of debts, loans, or things having a monetary value incurred or received by a candidate or his/her agent for use in advocating or influencing the election of the candidate.
- (3) Expenditure. The payment, distribution, loan or advancement of money or any valuable thing by a candidate, political committee or other person for the purpose of influencing the outcome of a covered election.
- (4) Person. Any actual individual, any business partnership, sole proprietorship, or other form of business organization permitted under the laws of the Commonwealth to make political contributions.
- (5) Political Committee. Any committee, club, association, political party, or other group of persons, including the campaign committee of a candidate for office in a

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covered election, which receives contributions or makes expenditures for the purpose of influencing the outcome of a covered election.

- (6) Election Reform Board. A nonpartisan, non-governmental entity to be created that will execute and monitor voluntary contracts for campaign expenditure limitations and will include representation from the League of Women Voters of Philadelphia and/or the Committee of Seventy.

§20-1002. Campaign Contribution Limitations.

- (1) No [person] *individual* shall make total contributions [per covered election] per *calendar* year, including contributions made to or through one or more political committees, of more than [one thousand dollars (\$1,000)] *two thousand five hundred dollars (\$2,500)* to a candidate for Mayor, *District Attorney, City Controller, Register of Wills, Sheriff, Clerk of Quarter Sessions Court, City Commissioner* or City Council.
- (2) No *person, other than individuals who are covered under §20-1002(1), and no* political committee shall make total contributions [per covered election] per *calendar* year of more than [five thousand dollars (\$5,000)] *ten thousand dollars (\$10,000)* to a candidate for Mayor, *District Attorney, City Controller, Register of Wills, Sheriff, Clerk of Quarter Sessions Court, City Commissioner* or City Council.
- (3) During those calendar years in which a covered election is not occurring, candidates shall be limited in receiving political committee contributions to campaigns for such office as follows:
 - (i) candidates for Mayor may receive political committee contributions totaling no more than two hundred fifty thousand dollars (\$250,000) per year;
 - (ii) *candidates for District Attorney and City Controller may receive political committee contributions totaling no more than one hundred thousand dollars (\$100,000) per year;*
 - [(ii)](iii) candidates for City Council, *Register of Wills, Sheriff, Clerk of Quarter Sessions Court and City Commissioner* may receive political committee contributions totaling no more than [fifty thousand dollars (\$50,000)] *seventy-five thousand dollars (\$75,000)* per year.
- (4) The limitations imposed by this Chapter shall not apply to contributions from a candidate's personal resources to the candidate's own campaign.

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- (5) The limitations imposed by this subsection shall not apply to volunteer labor.
- (6) On January 1, 2008 and on January 1 every four years thereafter, the maximum amounts set forth in §20-1002(1) and (2) shall be adjusted, as follows. On the December 15 immediately preceding the adjustment, the Finance Director shall calculate the "CPI Multiplier" by dividing the average consumer price index for Philadelphia during the then-current calendar year by the average consumer price index for Philadelphia during calendar year 2005. To determine the average consumer price index for Philadelphia, the Finance Director shall use the latest available figures for the Consumer Price Index for all urban Consumers (CPI-U) All Items Index, Philadelphia, Pennsylvania, as measured by the United States Department of Labor, Bureau of Labor Statistics. After calculating the CPI Multiplier, the Finance Director shall calculate the new maximum amounts as follows:
- (i) The maximum amount for purposes of §20-1002(1) shall equal \$2,500, multiplied by the CPI Multiplier, rounded to the nearest \$100.
 - (ii) The maximum amount for purposes of §20-1002(2) shall equal \$10,000, multiplied by the CPI Multiplier, rounded to the nearest \$100.

The Finance Director shall certify the new maximum amounts in writing to the Mayor, the City Council President and Chief Clerk of Council.

§20-1003. Campaign Accounts.

A candidate for Mayor, *District Attorney, City Controller, Register of Wills, Sheriff, Clerk of Quarter Sessions Court, City Commissioner* or City Council shall have no more than one campaign committee and one checking account for the city office being sought, into which all contributions for such office shall be made, and out of which all campaign expenditures for that office shall be made. If the candidate for office maintains other political or non-political accounts for which contributions are solicited, such funds collected in these accounts shall not be used for any campaign for municipal office.

§20-1004. Campaign Expenditure Limitations.

- (1) Campaign Contract.
- (a) Effective for the elections for *District Attorney and City Controller in the year 2005, and Mayor, Register of Wills, Sheriff, Clerk of Quarter Sessions Court, City Commissioner* and City Council in the year 2007 and thereafter, a candidate seeking election to any of said offices may sign a contract with the Election Reform Board to abide by limitations on campaign expenditures and agreeing to

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report his/her contributions and expenditures to the Election Reform Board to be publicly posted on a website developed by the Election Reform Board.

- (b) The campaign contract for a particular covered election may be signed by an individual candidate no later than the last date upon which such individual may withdraw as an official candidate in said election.
- (c) A candidate may sign a campaign contract limiting his/her overall campaign expenditures as specified in §20-804 (2).

(2) Expenditure Limitations.

A candidate who signs a campaign contract in accordance with this Chapter shall not make expenditures per covered election in excess of the following amounts:

Mayor \$2,000,000
District Attorney \$500,000
City Controller \$500,000
City Council [\$200,000] \$250,000
Register of Wills [\$200,000] \$250,000
Sheriff [\$200,000] \$250,000
Clerk of Quarter Sessions Court [\$200,000] \$250,000
City Commissioner [\$200,000] \$250,000

§20-1005. Injunctive Relief.

Any person residing in the City of Philadelphia, including the City Solicitor may bring an action for injunctive relief in any Court of competent jurisdiction to enjoin any violations of, or to compel compliance with, the provisions of this Chapter. The Court may award to a prevailing plaintiff in any such action his or her costs of litigation, including reasonable attorney's fees.

SECTION 2. Effective date. This Ordinance shall be effective immediately, provided, however, that contributions to candidates for District Attorney or City Controller made before this ordinance becomes law shall not be considered in determining compliance with the contribution limits established by this ordinance.

SECTION 3. If any provision of this ordinance, or the application of such provision to any person or circumstance, shall be held invalid, the remainder of the ordinance, and application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

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CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on May 26, 2005. The Bill was Signed by the Mayor on June 9, 2005.



Patricia Rafferty
Chief Clerk of the City Council