

**CITY OF EL PASO, TEXAS
AGENDA ITEM
DEPARTMENT HEAD'S SUMMARY FORM**

DEPARTMENT: City Clerk's Office

AGENDA DATE: September 27, 2022

PUBLIC HEARING DATE: October 11, 2022

CONTACT PERSON NAME AND PHONE NUMBER: Laura D. Prine, (915) 212-0049

DISTRICT(S) AFFECTED: All District

STRATEGIC GOAL: Goal No. 6 – Set the Standard for Sound Governance and Fiscal Management

SUBGOAL: 6.11 – Provide efficient and effective services to taxpayers

SUBJECT:

An Ordinance pursuant to Article III, Section 3.11 (Initiative) of the El Paso City Charter, to limit individual contributions to political campaigns for Mayor and City Council to \$1,000 per election and require donors to disclose their place of employment.

BACKGROUND / DISCUSSION:

On August 4, 2022, an initiative petition was filed with the City Clerk's Office related to Fair Elections and on September 13, 2022 the City Clerk certified that the requisite number of signatures of registered voters were submitted.

Section 3.11 – Initiative of the City Charter requires that the petition verification and placement of the proposed ordinance be placed on the City Council agenda meeting to be held within 30 working days of the filing date of the petition.

Thus, pursuant to all applicable City Charter provisions and requirements, the City Clerk is presenting this petition to the City Council within the 30 working days specified.

PRIOR COUNCIL ACTION:

On January 8, 2019 an Ordinance pursuant to Article III, Section 3.11 (Initiative) of the El Paso City Charter was presented to City Council for a vote that the City of El Paso would take all steps necessary pursuant to Chapter 311 of the Texas Tax Code to immediately terminate "Reinvestment Zone Number Twelve, City of El Paso" created by Ordinance No. 018790 and "Reinvestment Zone Number 10 expanded 10a" created by Ordinance No. 018791.

AMOUNT AND SOURCE OF FUNDING:

N/A

*****REQUIRED AUTHORIZATION*****

DEPARTMENT HEAD:

Laura D. Prine

(If Department Head Summary Form is initiated by Purchasing, client department should sign also)

ORDINANCE NO. _____

AN ORDINANCE PROPOSED BY INITIATIVE PETITION UNDER CITY CHARTER SECTION 3.11 TO LIMIT INDIVIDUAL CONTRIBUTIONS TO POLITICAL CAMPAIGNS FOR MAYOR AND CITY COUNCIL TO \$1,000 PER ELECTION AND REQUIRE DONORS TO DISCLOSE THEIR PLACE OF EMPLOYMENT.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO, TEXAS:

The City of El Paso shall limit contributions to political campaigns for mayor and city council to \$1,000.00 per individual donor per election, require campaign donors to disclose their place of employment, and adopt enforcement provisions. The City of El Paso adopts and shall take all steps necessary and appropriate to enforce the limits on campaign contributions to candidates for Mayor and City Council, to include the following.

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

The election cycle for purposes of this ordinance begins 365 days before election day.

Campaign contribution limits:

No candidate for mayor or city council and their campaign committee shall accept campaign contributions in excess of \$1000 per contributor per election cycle from any person, except for the candidate and political action committees. The amount of the contribution limit shall be modified each year with the adoption of the city 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 in March 2022, shall be used as a base of 100 and the adjustment thereafter will be to the nearest \$50.00.

No candidate for mayor or city council shall contribute more than \$5,000 to the candidate's campaign or expend more than \$5000 from their own funds per election cycle. 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 March 2022, shall be used as a base of 100 and the adjustment thereafter will be to the nearest \$50.00.

Required disclosures:

All contributors to a candidate for mayor or city council shall disclose the name of their employer or current place of employment; if the contributor is not employed, they shall state their current status (ex: retired, unemployed, etc.).

ORDINANCE NO. _____

No candidate for mayor or city council shall accept an aggregate contribution total of more than \$5,000.00 per election, and \$2,500.00 in the case of a runoff election, from sources other than natural persons. 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 March 2022, shall be used as a base of 100 and the adjustment thereafter will be to the nearest \$1,000.00.

Coordinated Expenditures:

Any campaign 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 campaign contribution and a campaign expenditure and is subject to the limitations in this ordinance.

Responsibility of Candidate To Prevent Violations:

The candidate, or his or her committee, shall determine whether accepting each campaign contribution would violate this section before accepting the campaign contribution. If the candidate is unable to prevent a violation before accepting the campaign contribution, the candidate must return funds that exceed the above limits on campaign contributions within 20 days of receiving the campaign contribution, which is considered the date the cash donation was accepted or when the electronic deposit, check or money order was deposited into a bank account or cashed. A candidate who violates this section shall be subject to a \$500 civil penalty for each campaign contribution in violation of this section. The fine is due on the 21st day after the violation occurred (i.e. when the unlawful campaign contribution was received). A \$50 fine shall be assessed for every day the initial fine goes unpaid.

Severability:

If any portion of this chapter is held unlawful by a court of law, that portion shall be severed from the chapter and the rest shall continue in force.

PASSED AND APPROVED this _____ day of _____ 2022.

CITY OF EL PASO

Oscar Leoser
Mayor

ATTEST:

ORDINANCE NO. _____

Laura D. Prine
City Clerk

ORDINANCE NO. _____

22-1065-156/1204245/