

**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 provide public financing for candidates for Mayor and City Council who voluntarily agree to limit their campaign contributions and expenditures and demonstrate community support for their candidacy.

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 PROVIDE PUBLIC FINANCING FOR CANDIDATES FOR MAYOR AND CITY COUNCIL WHO VOLUNTARILY AGREE TO LIMIT THEIR CAMPAIGN CONTRIBUTIONS AND EXPENDITURES AND DEMONSTRATE COMMUNITY SUPPORT FOR THEIR CANDIDACY.

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

The City of El Paso shall establish a program of public financing for candidates for mayor and city council who voluntarily agree to limit their campaign contributions and expenditures and demonstrate community support for their candidacy. The City of El Paso shall take all steps necessary and appropriate to implement public financing, 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 Contributions:

Except as provided below, a candidate who signs a campaign public financing contract under this chapter shall not accept contributions from an individual or any political committee exceeding the following limits.

Candidates for mayor and city council shall not accept more than \$1,000 in contributions from individuals.

Candidates for mayor and city council shall not accept more than \$5,000 in campaign contributions in a campaign for a regular election from political committees for a regular election or an additional \$2,500 for a runoff election.

A candidate for mayor or city council may expend personal funds on his or her own campaign only up to \$5,000.

Candidates for Mayor:

Eligible mayoral candidates are those who sign the campaign public financing contract and collect signatures from 1 % of the number of registered voters in the City of El Paso as of the date of the last general election. Eligible mayoral candidates must collect and return the requisite number of signatures to the City Clerk within the 365 days preceding the election and 45 days before election day. The City Clerk will have 10 working days to validate the signatures and provide the funding to the eligible candidate. Eligible candidates will receive \$65,000 for their campaigns, while funds are available. Eligible candidates are those who have not accepted campaign contributions over \$150,000 prior to submitting the requisite signatures and who have agreed not to accept an aggregate of more than

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\$150,000 in campaign contributions during the election cycle. Funds from the public financing program do not count towards the \$150,000 limit.

Up to \$260,000 will be available by the City Council from the City of El Paso general fund to fund campaigns for mayoral candidates for every election for mayor.

Candidates for City Council:

Eligible city council candidates are those who sign the campaign public financing contract and who collect signatures from 1 % of the number of registered voters in their city council district as of the date of the last general election. Eligible mayoral candidates must collect and return the requisite number of signatures to the City Clerk within the 365 days preceding the election and 45 days before election day. Eligible candidates must collect and return the requisite number of signatures to the City Clerk.

The City Clerk will have 10 working days to validate the signatures and provide the funding to the eligible candidate. Eligible city council candidates will receive \$20,000 for their campaigns, while funds are available. Eligible city council candidates are those who have not accepted over \$50,000 in campaign contributions prior to submitting the requisite signatures and agree to not accept more than \$50,000 in campaign contributions during the election cycle. Funds from the public financing program do not count towards the \$50,000 limit.

Up to \$240,000 will be made available by the City Council from the City of El Paso general fund to fund campaigns for city council candidates for every election cycle.

Violations:

Candidates who accept public financing and violate the funding and spending limits of this ordinance, as determined by the candidate's campaign finance reports filed with the City Clerk, will be required to return the funding to the City within 15 days of the violation and will not be allowed to participate in the public financing program again.

Funding and Spending Limits:

(1) The City, acting through the City Clerk, shall establish a public financing dedicated fund account into which all the Program's proceeds shall be deposited. This account shall be under the city clerk's discretion and control, subject to the terms of this Ordinance (2) These funds shall be deposited promptly into the public financing dedicated fund account for the exclusive use of funding the Program: all candidate filing fees; all campaign finance, lobbyist reporting, and ethics fines, late fees, and criminal penalties; all donations and grants for the Program accepted by the city clerk; interest or other gains from the dedicated fund; and any other funds appropriated or designated for the Program. (3) The Council shall provide the city clerk the funds needed to effectively administer and publicize the Program. (4) At the beginning of each calendar year, the City of El Paso shall transfer in general revenue funds \$500,000 to the public financing dedicated fund account for the purpose of funding the redemption of Democracy Dollars Vouchers. (5) If there is an excess of funds in the public financing dedicated fund for the Program's current or reasonably foreseeable future use of Democracy Dollars Vouchers, the city clerk, at his or her discretion, may transfer the excess to the City's general fund.

Severability:

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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 Leaser
Mayor

ATTEST:

Laura D. Prine
City Clerk

ORDINANCE NO. _____