



Text File

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Bill No: 2008-0026, Version: 4

Committee: City Council

Status: Veto was Sustained

Ordinance supplementing the Pittsburgh Code, Title One, Administrative, by adding a new section, Article XIII, entitled, "Campaign Finance Regulations."

Be it resolved by the Council of the City of Pittsburgh as follows:

Section 1. The Pittsburgh Code, Title One, Administrative, is hereby supplemented by adding a new section, Article XIII, entitled, "Campaign Finance Regulations," as follows:

Chapter 198: Campaign Finance Regulations

§198.01 Definitions

For purposes of this Chapter, the following definitions shall apply:

(1) Candidate

(a) An individual who files nomination papers or petitions for City elective office.

(b) An individual who publicly announces his or her candidacy for City elective office.

(2) Political Committee.

Any committee, club, association, political party, or other group of persons, including the candidate political committee as required by §198.03, for the purpose of influencing the outcome of a covered election.

(3) City elective office

The offices of Mayor, City Controller, or City Council.

(4) 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.

(5) Covered election

Every primary, general or special election for City elective office.

(6) Person

An individual, partnership, corporation, sole proprietorship, or other form of business organization permitted under the laws of the Commonwealth to make political contributions.

§198.02 Contribution Limitations

(1) Except as provided in subsection (3), no individual shall make total contributions per covered election, including contributions made to or through one or more political committees, of more than two thousand dollars (\$2,000) to a candidate for a City elective office.

a. On the Wednesday following a municipal general election, the contribution limit shall increase by the percent difference in the Consumer Price Index for All Urban Customers (CPI-U) for the previous two years.

(2) Except as provided in subsection (3), no political committee shall make total contributions per covered election of more than five thousand dollars (\$5,000) to a candidate for a City elective office.

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(3) The limitations imposed by this Chapter shall not apply to contributions from a candidate's personal resources to the candidate's political committee. However, if such contributions total \$250,000 or more (regardless of the time period over which such contributions are made), then the contribution limits set forth in this Section for all other candidates for that City elective office shall double.

(4) The limitations imposed by this subsection shall not apply to volunteer labor, but they shall apply to the value of in-kind contributions.

(5) No candidate for City elective office, and no political committee, shall accept any contribution which exceeds the contribution limits set forth in this Chapter.

§198.03 Candidate Political Committee Accounts

A candidate for City elective office shall have no more than one political 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 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 the purpose of influencing the outcome of a covered election

§198.04 Competitive Bidding and Disclosure

(1) Any person who makes a maximum contribution during an election cycle may not be awarded a contract relating to City affairs, without going through a competitive bidding process.

(2) Any candidate seeking an elective office in the City must submit a disclosure form for every contributor who makes a contribution of five-hundred dollars (\$500.00) or more:

- a. Does business with or has a contract with the City, its Authorities, Boards or Commissions and the nature of said business or contract for the past five (5) years;
- b. Is employed by the City, its Authorities, Boards or Commissions or was employed by the same in the past five (5) years;
- c. Has an appointment to any Authority Board or any other Board or Commission of the City or has held one in the past five (5) years;

§198.05 Public Record of Reports

All candidates submitting campaign finance reports to the Allegheny County Department of Elections shall simultaneously file copies with the City Controller for the City of Pittsburgh. The Department of City Information Systems shall be responsible for maintaining an up-to-date and public database that is searchable based on the following categories: candidate name, contributor name, contribution level, and, where applicable, employer.

§198.06 Required Notice of Contribution Limits

The Ethics Hearing Board shall annually arrange for the publication of a notice setting forth the contribution limits set forth in this Chapter, together with a plain English explanation of the provisions of this Chapter and the penalties and remedies for violations. Such notice shall also appear at all times on the City's official website.

§198.07 Penalties, Injunctive Relief & Wrongful Acts

(1) Any person residing in the City of Pittsburgh, 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.

(2) A person who brings an action or causes or precipitates an action for injunctive relief alleging a violation of this chapter is subject to liability for wrongful use of this Chapter if the complaint was frivolous, as defined thereby, or without probable cause and made primarily for a purpose other than that of reporting a violation of this Chapter.

(a) A person who brings an action for injunctive relief alleging a violation of this Chapter has probable cause for doing so if he or she reasonably believes in the existence of the facts upon which the action is based and either:

- (1) Reasonably believes that under those facts the action may be valid under this Chapter; or
- (2) Believes to this effect in reliance upon the advice of counsel, sought in good faith and given after full disclosure of all relevant facts within his or her knowledge and information.

(b) Allegations of wrongful use shall be investigated in the manner set forth in § 197.12.

(c) When the essential elements of an action brought pursuant to this section have been established, damages may be assessed by a court of appropriate jurisdiction considering the following:

- (1) The harm to reputation by a defamatory matter alleged as the basis of the proceeding;
- (2) The expenses, including any reasonable attorney fees, that the person has reasonably incurred;
- (3) Any specific pecuniary loss that has resulted from the proceedings;
- (4) Any emotional distress that has been caused by the proceedings; and
- (5) Any punitive damages according to law in appropriate cases.

(3) The provisions of this Chapter shall be subject to the jurisdiction of the Ethics Hearing Board.

§198.08 Severability

If any provision of this Ordinance shall be determined to be unlawful, invalid, void, or unenforceable, then that provision shall be considered severable from the remaining provisions of this Ordinance, which shall be in full force and effect.

§198.09 Effective Date; Implementation

(1) This Ordinance shall take effect on January 1, 2010.

(2) By June 1, 2009 the City Controller shall provide City Council with a report on the City's preparedness of the implementation of this ordinance.