



Legislation Details (With Text)

File #: 2015-2060 **Version:** 3

Type: Ordinance **Status:** Passed Finally

File created: 9/28/2015 **In control:** Committee on Finance and Law

On agenda: 10/14/2015 **Final action:** 10/20/2015

Enactment date: 10/20/2015 **Enactment #:** 38

Effective date: 10/28/2015

Title: Ordinance amending the Pittsburgh Code, Title One, Administrative, Article XI, Personnel, Chapter 198 entitled, "Campaign Finance Regulations" by deleting the current language in its entirety and replacing it with new language.

Sponsors: Dan Gilman, Reverend Ricky V. Burgess, Bruce A. Kraus

Indexes: PGH. CODE ORDINANCES TITLE 01 - ADMINISTRATIVE

Code sections:

Attachments:

| Date | Ver. | Action By | Action | Result |
|------------|------|--------------------|--------------------------------------|--------|
| 10/28/2015 | 2 | Mayor | Signed by the Mayor | |
| 10/20/2015 | 3 | City Council | AMENDED | Pass |
| 10/20/2015 | 3 | City Council | Referred for Public Hearing | Pass |
| 10/20/2015 | 3 | City Council | RECOMMENDED | Fail |
| 10/20/2015 | 3 | City Council | Passed Finally, As Amended | Pass |
| 10/14/2015 | 2 | Standing Committee | Affirmatively Recommended as Amended | Pass |
| 10/14/2015 | 2 | Standing Committee | AMENDED | Pass |
| 10/7/2015 | 1 | Standing Committee | Held in Committee | Pass |
| 9/29/2015 | 1 | City Council | Read and referred | |

Ordinance amending the Pittsburgh Code, Title One, Administrative, Article XI, Personnel, Chapter 198 entitled, "Campaign Finance Regulations" by deleting the current language in its entirety and replacing it with new language.

Be it resolved that the Council of the City of Pittsburgh hereby enacts as follows:

Section 1. The Pittsburgh Code, Title One, Administrative, Article XI, Personnel, language Chapter 198 "Campaign Finance Regulations" is hereby amended by deleting the current language in its entirety and replacing it with new as follows:

CHAPTER 198: CAMPAIGN FINANCE REGULATIONS

§ 198.01 - DEFINITIONS.

CANDIDATE.

- (a) Any individual who files nomination papers or petitions for City Elected Office;
- (b) Any individual who publicly announces his or her candidacy for City Elected Office.

CANDIDATE COMMITTEE. The political committee, any money or assets associated with it, and any associated bank account into which all contributions in support of a campaign for City Elected Office shall be made, and out of which all expenditures for that office shall be made.

CITY ELECTED OFFICE. The offices of Mayor, City Controller, and City Council.

COORDINATED EXPENDITURE. Any expenditure made by any person (other than a Candidate or Candidate Committee) in support of a Candidate's campaign that is made in cooperation, consultation, or in concert with, or at the direction of a Candidate, Candidate Committee, or agent thereof.

COVERED ELECTION. Every primary election, or general election, or special election for City Elected Office.

ELECTION CYCLE. Begins on the day after a Covered Election for the City Elected Office which the candidate seeks and ends on the day of the next Covered Election for that same City Elected Office. For the purposes of the contribution limits set forth in Section 198.03, primary and general elections shall be considered separate elections.

PERSON. An individual, partnership, corporation, sole proprietorship, or other form of organization permitted under the laws of the Commonwealth to make political contributions. For the purposes of this Chapter, Person shall not include a political committee.

POLITICAL COMMITTEE. Any committee, association, political party, or other group of persons, including a Candidate Committee as required by Section 198.03 of this Chapter, operating with the purpose of influencing the outcome of an election, including but not limited to Covered Elections.

POLITICAL CONTRIBUTION. Money, gifts, forgiveness of debts, loans, or things having a monetary value incurred or received by a candidate for City Elected Office or a Political Committee to which they are legally associated for use in advocating or influencing the election of the candidate for City Elected Office. For the purposes of this Chapter, Political Contribution shall include all Coordinated Expenditures

§ 198.02 - CONTRIBUTION LIMITATIONS.

(1) No Person, except the Candidate, shall make Political Contributions to a Candidate or Candidate Committee per Covered Election **for the office that the Committee has been established to seek**, that exceeds the limitations that are in effect and published by the Federal Election Commission as of the first day of that same calendar year. In instances where the donation limits increase in the middle of an Election Cycle, a Candidate or Candidate Committee may seek donations equal to the difference between the total contribution made by a Person to their Candidate Committee during that Election Cycle and the newly adopted campaign finance limits. Political Contribution limits for donations made by a Person to a Candidate Committee shall be the same as the federal contribution limit for "Individuals" who make contributions to "Candidate Committees."

(2) No Political Committee shall make Political Contributions to a Candidate or Candidate Committee per

Covered Election that exceeds the limitations that are in effect and published by the Federal Election Commission as of the first day of that same calendar year. Political Contribution limits for donations made by a Political Committee to a Candidate Committee shall be the same as the federal contribution limit for “PAC-Multicandidate” that makes contributions to “Candidate Committees.”

(3) The limitations imposed by this Section shall not apply to volunteer labor hours.

(4) No Candidate for City Elected Office and no Political Committee shall accept any Political Contribution which exceeds the contribution limits set forth in this Chapter.

(6) For reporting purposes, the date of a Political Contribution shall be the date that the contribution is received by the campaign. The act of pledging a Political Contribution or depositing a Political Contribution into the bank account associated with a Candidate Committee, or expending campaign funds that a Political Contribution may have been earmarked or otherwise planned for shall not be a sufficient act to indicate the date of a contribution. Similarly, “stacking” contributions, whereby a candidate accepts a contribution for the primary election and the general election at the same time or during the same Election Cycle, is prohibited.

§ 198.03 - CANDIDATE COMMITTEES AND ACCOUNTS.

(1) A candidate for City Elected Office shall have no more than one (1) Candidate Committee and one (1) associated bank account for each City Elected Office being sought, into which all Political Contributions in support of a campaign for said office shall be made, and out of which all expenditures in support of a campaign for said office shall be made.

(2) Candidates are prohibited from donating or transferring funds from one Candidate Committee or any other Political Committee to another Candidate Committee at an amount above the campaign finance limits set forth in this Chapter in any and all circumstances.

(3) Candidates are prohibited from amending an existing Candidate Committee and assigning it and the funds associated with it for the use in support of a different campaign for City Elected Office than it was originally intended.

§ 198.04 - SPECIAL ELECTIONS

In instances where a special election and another Covered Election fall on the same day, the two elections together shall be considered a single Covered Election for reporting, contribution limits, and all other provisions and purposes in this chapter.

In instances where a special election and another Covered Election do not fall on the same day, the two elections together shall be considered separate Covered Elections for reporting, contribution limits, and all other provisions and purposes in this chapter.

“Stacking” contributions, whereby a candidate accepts a contribution for the special election and the primary election at the same time or during the same Election Cycle, is prohibited.

§ 198.05 - PUBLIC DATABASE AND REPORTING

(1) Candidates for City Elected Office and Candidate Committees shall, on the first business day of each of the

five months prior to Election Day, provide a campaign finance report, **for all Candidate Committees associated with the Candidate for any office sought**, in the form mandated by the regular Allegheny County Board of Elections Pre-Primary reporting forms and procedures to the City's Ethics Hearing Board. In the case of special elections, these reports shall be due on the lesser of either (1) the first business day of each month between when the special election is called and Election Day or (2) on the first business day of each of the five months prior to Election Day. Included with these reports shall be an additional schedule that details the name of each contributor and the total contribution made by each contributor to the Candidate Committee both in the then current Election Cycle in a form to be promulgated by the City of Pittsburgh and made available via the City of Pittsburgh website.

(2) The Ethics Hearing Board shall maintain an online database of all campaign finance reports required by this Chapter for City Elected Office. This database shall be searchable by Candidate Committee name, candidate name, and by Covered Election year.

§ 198.06 - PENALTIES AND INVESTIGATIONS.

(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.

(2) Pursuant to Chapter 197.09, the Ethics Hearing Board of the City of Pittsburgh shall be empowered to hear complaints from City of Pittsburgh residents regarding violations of this Chapter and may use all of its powers to investigate and adjudicate these alleged violations in accordance with its normal administrative procedures and powers.

(3) If the Ethics Hearing Board levies a fine on a Candidate for violations of this chapter, the fine shall be the greater of either \$1,000 per instance of a violation of this law, in which an instance shall be a single donation above the campaign finance limit, or \$1,000 for every \$2,000 accepted by the Candidate Committee above the campaign finance limits set forth in this chapter. Candidates shall also be required to fully refund all donations received above the campaign finance limits set forth in this chapter.

(5) The Ethics Hearing Board may levy a fine of up to \$50/day for the late filing of reports required under section 198.05 of this chapter.

(4) No person elected to a public office of the City of Pittsburgh shall receive a salary or payment of funds of any sort from the City of Pittsburgh if they have outstanding fines owed to the Treasury of the City of Pittsburgh related to penalties levied by the Ethics Hearing Board, or if they have not completed any action required by the Ethics Hearing Board related to a penalty levied or issued by the Ethics Hearing Board.

§ 198.07 - EFFECTIVE DATE; IMPLEMENTATION.

This Chapter shall take effect on November 4, 2015. This shall mark the beginning of a new Election Cycle for all candidates. No donations received prior to the effective date shall count towards the new contribution limits.

§ 198.08 - SEVERABILITY

The invalidity or unenforceability of any provisions of this Chapter shall not affect the validity or enforceability of any other provision of this Chapter, which shall remain in full force and effect.