



Text File

Introduced: 5/10/2011

Bill No: 2011-1706, Version: 1

Committee: Committee on Finance and Law

Status: Died due to expiration of legislative council session

Ordinance repealing Ordinance Number 7 of 2009 entitled, "Supplementing the Pittsburgh Code, Title One, Administrative, Article XI, Personnel, by adding a new Chapter 198 entitled, "Campaign Finance Regulations," by repealing it in its entirety.

**Whereas**, the City of Pittsburgh Campaign Finance Reform Ordinance of 2009 was designed to limit the influence of money in City politics; and,

**Whereas**, it was constructed to afford all of the enforcement mechanisms available to the Allegheny County Board of Elections; and,

**Whereas**, candidates for office in the City of Pittsburgh have been ignoring this Ordinance since its' effective date without penalty; and,

**Whereas**, the Allegheny County Board of Election has stated publicly that it has no jurisdiction to enforce this Ordinance whatsoever; and,

**Whereas**, the laws that govern us form the fundamental basis of our society; and,

**Whereas**, an unenforceable law is no law at all.

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

**Section 1.** Ordinance Number 7 of 2009, effective May 15, 2009, is hereby repealed, effective immediately, which reads:

~~Supplementing the Pittsburgh Code, Title One, Administrative, Article XI, Personnel, by adding a new Chapter 198 entitled, "Campaign Finance Regulations."~~

~~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, is hereby supplemented by adding a new section, Article XIII, Chapter 198 entitled, "Campaign Finance Regulations" as follows:~~

~~Chapter 198: Campaign Finance Regulations~~

~~§198.01 Definitions~~

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~~BOARD—Allegheny County Board of Elections.~~

~~CANDIDATE—(a) Any individual who files nomination papers or petitions for City Elected Office or Citywide Elected Office;~~

~~(b) Any individual who publicly announces his or her candidacy for City Elected Office or Citywide Elected Office.~~

~~CITY ELECTED OFFICE—The offices of Mayor, City Controller, or City Council.~~

~~CITYWIDE ELECTED OFFICE—The offices of Mayor and City Controller~~

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

~~ELECTION CYCLE—Begins on the day after the general election for the office or seat which the candidate seeks and ends on the day of the next general election for that seat or office.~~

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

~~POLITICAL COMMITTEE—Any committee, association, political party, or other group of persons, including the candidate political committee as required by §198.03 of this ordinance, for the purpose of influencing the outcome of a covered election.~~

~~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 Citywide Elected Office, or any designation agent of a candidate for City Elected Office or Citywide Elected Office, for use in advocating or influencing the election of the candidate for City Elected Office or Citywide Elected Office.~~

#### §198.02 Contribution Limitations

(1) No person shall make political contributions to a candidate per covered election cycle that exceeds the following limitation:

~~Candidates for City Elected Office: \$4,600~~ \$1,000

~~Candidates for Citywide Elected Office: \$2,000~~

(2) No political committee shall make political contributions to a candidate per covered election cycle, that exceed the following limitations:

~~Candidates for City Elected Office: \$10,000~~ \$2,000

~~Candidates for Citywide Elected Office: \$4,000~~

(3) The limitations on personal and political committee political contributions shall be automatically adjusted to the rates promulgated by the federal government via the Federal Election Campaign Act (FECA).

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

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

(6) The limitations imposed in this Chapter shall not apply to political contributions from a candidate's personal resources to his or her own candidate political committee. ~~Candidates for City Elected Office or Citywide Elected Office shall declare their intention to contribute personal resources in an amount that exceeds \$50,000 per election cycle upon becoming a candidate for a covered election.~~

~~(a) If a candidate for City Elected Office or Citywide Elected Office declares her or his intention to contribute personal resources in excess of \$50,000 during the election cycle, the limitations imposed by this Chapter shall not apply to be doubled for any candidate for that specific City Elected Office or Citywide Elected Office in that specific covered election, and all campaign finance in that specific City Elected Office or Citywide Elected~~

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~~Office in that specific covered election shall be governed by State Law.~~

~~(b) If a candidate for City Elected Office or Citywide Elected Office does not declare her or his intention to contribute personal resources in excess \$50,000 during the election cycle, but actually does, at any time during the election cycle, contribute personal resources in excess of \$50,000, the limitations imposed by this Chapter shall not apply to any candidate for that specific City Elected Office or Citywide Elected Office in that specific covered election, and all campaign finance in that specific City Elected Office or Citywide Elected Office in that specific covered election shall be governed by State Law.~~

#### ~~§198.03 Candidate Political Committee Accounts~~

~~A candidate for City Elected Office or Citywide Elected Office shall have no more than one political committee and one checking account for the City elected office or Citywide Elected 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 in excess of the limits imposed on other Political Committees.~~

#### ~~§198.04 Required Notice of Contribution Limits~~

~~Pursuant to applicable ordinances of the County of Allegheny, the Allegheny County Division of Elections 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 County's official website. The Director of City Information Systems for the City of Pittsburgh shall ensure that these requirements are prominently featured on the city's homepage.~~

#### ~~§198.05 Public Database~~

~~The City Controller shall maintain an online database of all campaign contributions to candidates for City Elected Office and Citywide Elected office, as well as all contracts awarded by the City, all TIF's approved by City Council, and all other applications of public dollars approved by City Council. This database shall be searchable by candidate, date, amount, contributor name, occupation, company name, and address.~~

#### ~~§198.05 §198.06 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) Pursuant to applicable ordinances of the County of Allegheny;~~

~~(a) The Allegheny County Board of Elections shall receive written complaints alleging violations of this Chapter. All such complaints shall be filed in a manner prescribed by the Board.~~

~~(b) The existing members of the Board of Election shall recuse themselves upon receipt of a complaint. The President Judge of the Court of Common Pleas shall appoint three (3) Judges to sit in place of the existing board for the purpose of investigating allegations of violation of this Chapter.~~

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~~(c) The Board shall have the power to conduct an investigation of any matter related to the Board's responsibilities under this Chapter.~~

~~(d) In addition to the penalties as presently provided by law, any person found by the Board in violation of this Chapter shall be subject to a civil penalty of two thousand dollars (\$2,000) for each violation committed. Additionally, if a violation is determined by the Board, any person in violation of this Chapter may be subject to further penalties as determined by the Board.~~

~~§198.06 §198.07 Effective Date; Implementation is hereby repealed in its entirety.~~