

**Council Meeting: December 7, 2010****SUBJECT: Voluntary Campaign Expenditure Limit****DISCUSSION**

On October 19, 2010, Council voted to pursue a voluntary campaign expenditure limit by amending the current provision in the municipal code which allows a candidate to submit petitions containing signatures of registered voters in lieu of paying all or a portion of the costs of publishing the candidate's statement.

The amendment would place an additional condition on the petitions in lieu provision by providing that a candidate is eligible for the waiver if they accept an expenditure limit not exceeding \$ 0.50 per registered voter. Any candidate who chooses not to accept and comply with the voluntary campaign expenditure limit (approximately \$50,000) would not be eligible to receive reimbursement of the cost of publication of their candidate statement in the voter information pamphlet (currently estimated at \$2,476) after the election.

The requested draft ordinance amending Sunnyvale Municipal Code Section 2.28.010 is attached.

EXISTING POLICY

Sunnyvale Municipal Code Section 2.28.010: "A candidate for the office of the city council may submit a petition containing signatures of registered voters in lieu of paying all or a portion of the costs of the candidate's statement assessed pursuant to Section 13307 of the Elections Code of the state of California."

FISCAL IMPACT

Direct fiscal impacts cannot be specifically projected, but could result in occasional savings to the City during election years. Any candidate who does not accept the voluntary campaign expenditure limit would not be eligible to submit petitions in lieu of payment for costs of publication of their candidate statement. The cost per candidate is currently estimated at \$ 2,476 but is re-assessed every election year. If the voluntary campaign expenditure limit had been in effect for the 2009 election, the City would have reimbursed four candidates a total of \$10,040, but would not have reimbursed two candidates, resulting in a \$5020 savings to the City (see "Attachment B").

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, at the Sunnyvale Senior Center, Community Center and Department of Public Safety; and by making the agenda and report available at the Sunnyvale Public Library, the Office of the City Clerk and on the City's Web site.

ALTERNATIVES

1. Introduce an ordinance amending Sunnyvale Municipal Code Section 2.28.010 to implement voluntary campaign expenditure limits as submitted (Attachment A).
2. Introduce an ordinance amending Sunnyvale Municipal Code Section 2.28.010 to implement voluntary campaign expenditure limits with modifications as specified by Council (Attachment A).
3. Take no action.

RECOMMENDATION

Alternative 1 reflects Council's action of October 19, 2010.

Reviewed by:

Robert Walker, Assistant City Manager, OCM
Prepared by: Kathleen Franco Simmons, City Clerk

Approved by:

Gary M. Luebbers
City Manager

Attachments

Attachment A: Draft ordinance amending Sunnyvale Municipal Code Section 2.28.010.

Attachment B: Table of Candidate Statement Costs: 2005-2007-2009

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE AMENDING SECTION 2.28.010 OF CHAPTER 2.8 (ELECTIONS) OF TITLE 2 (ADMINISTRATION AND PERSONNEL) RELATING TO CAMPAIGN EXPENDITURE LIMITS

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SUNNYVALE DOES ORDAIN AS FOLLOWS:

SECTION 1. SECTION 2.28.010 AMENDED. Section 2.28.010 of Chapter 2.8 (ELECTIONS) of Title 2 (Administration and Personnel) of the Sunnyvale Municipal Code is hereby amended to read as follows:

2.28.010. In lieu petitions for cost of candidate's statement and voluntary campaign expenditure limit.

Each candidate filing a statement must pay in advance his or her estimated pro rata share of the total cost of printing, handling, translating, and mailing the candidate's statement as a condition of having his or her statement included in the voter's pamphlet. A candidate for the office of the city council may accept the voluntary campaign expenditure limit and submit a petition containing signatures of registered voters in lieu of paying all or a portion of the costs of the candidate's statement assessed pursuant to Section 13307 of the Elections Code of the state of California as follows:

(a) In the event a candidate accepts a voluntary campaign expenditure limit of a maximum of \$0.50 per registered voter and submits a petition containing not less than two hundred fifty valid signatures, then the city shall assume the entire cost of that candidate's statement and the candidate shall not be liable for payment of any of the costs thereof assessed pursuant to Section 13307 of the Elections Code. In the event a candidate who has accepted the voluntary campaign expenditure limit submits a petition containing less than two hundred fifty valid signatures, that candidate shall be given a credit toward the cost of the candidate's statement assessed pursuant to Section 13307 of the Elections Code of a pro rata amount for each valid signature contained in the petition. The pro rata amount shall be approximately 1/250th of the cost of the candidate's statement, rounded to the nearest whole dollar amount. In the event the total credit allowed to a candidate is less than the cost of the candidate's statement assessed pursuant to Section 13307 of the Elections Code, then the candidate shall be responsible for the remainder of the cost. In the event the total credit allowed equals or exceeds the actual cost of the statement, whether or not two hundred fifty valid signatures have been obtained, the candidate shall be relieved of any obligation for the cost of the statement. Reimbursement for the entire cost assessed or for pro rata credit allowed shall not be made until the city clerk receives all campaign statements required to be filed by the candidate pursuant to the Political Reform Act, California Government Code Sections 84200 – 84220 following conclusion of the election. In no event shall the city make any payment to a candidate or in any way become obligated to a candidate by reason of the fact that the credit calculated may exceed the actual cost of the statement.

(b) - (d) [Text unchanged]

(e) A candidate may only obtain nomination papers for one council seat at a time. If papers are obtained for one council seat and they decide to run for a different council seat, the papers obtained for the initial seat must be returned before the other papers are obtained. The city clerk shall furnish to each candidate, upon request, and without charge therefor, forms for certifying acceptance of the voluntary campaign expenditure limit and for securing signatures. The city clerk shall fill in the name of the candidate, the election date, and the office being filed for on all pertinent election forms. The forms may be issued at the time a candidate is issued nomination papers for the office of city council, or at any time after such issuance and before such nomination papers are filed with the city clerk. The in lieu petition shall be filed by the candidate with the city clerk at the time the nomination papers for that candidate are filed. The entire in lieu petition, and all pages thereof, shall be filed at one time with the nomination papers. A candidate shall not be entitled to file additional signatures either prior to or subsequent to the time of filing of the nomination papers.

(f) - (g) [Text unchanged.]

(h) For the purposes of this section, the requisite number of signatures shall be computed from the latest registration figures forwarded to the Secretary of State pursuant to Section 2187 of the Elections Code prior to the first day on which petitions are available. For the purposes of this section, the voluntary campaign expenditure limit is calculated at \$0.50 times the number of registered voters according to the last report of registration by the county elections official to the Secretary of State pursuant to Section 2187 of the Elections Code prior to the first day on which petitions are available.

(i) [Text unchanged.]

SECTION 8. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision or decisions shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

SECTION 9 EFFECTIVE DATE. This ordinance shall be in full force and effect thirty (30) days from and after the date of its adoption.

SECTION 10. POSTING AND PUBLICATION. The City Clerk is directed to cause copies of this ordinance to be posted in three (3) prominent places in the City of Sunnyvale and to cause publication once in The Sun, the official publication of legal notices of the City of Sunnyvale, of a notice setting forth the date of adoption, the title of this ordinance, and a list of places where copies of this ordinance are posted, within fifteen (15) days after adoption of this ordinance.

Introduced at a regular meeting of the City Council held on _____, 2010, and adopted as an ordinance of the City of Sunnyvale at a regular meeting of the City Council held on _____, 2010, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVED:

City Clerk

Mayor

Date of Attestation:_____

(SEAL)

APPROVED AS TO FORM AND LEGALITY:

David Kahn, City Attorney

Table of Candidate Statement Costs: 2005-2007-2009								If Campaign Expenditure Limit had been in Effect		
Election	Total Voter Registration	Cost of Candidate Statements	Expenditure factor per voter	Campaign Expenditure Limit	Candidate No.	Candidate Campaign Expenditure Total	Elected ?	Amount of Refund	Savings to City	Total Savings per Election
2009	53,828	\$2,510.00	\$ 0.50	\$ 26,914.00	1	\$ 56,924.26	Y	\$ -	\$ 2,510.00	\$ 5,020.00
	53,828	\$2,510.00	\$ 0.50	\$ 26,914.00	2	\$ 3,840.20	N	\$ 2,510.00	\$ -	
	53,828	\$2,510.00	\$ 0.50	\$ 26,914.00	3	\$ 3,354.29	N	\$ 2,510.00	\$ -	
	53,828	\$2,510.00	\$ 0.50	\$ 26,914.00	4	\$ 26,827.77	Y	\$ 2,510.00	\$ -	
	53,828	\$2,510.00	\$ 0.50	\$ 26,914.00	5	\$ 31,087.95	Y	\$ -	\$ 2,510.00	
	53,828	\$2,510.00	\$ 0.50	\$ 26,914.00	6	\$ 3,348.83	N	\$ 2,510.00	\$ -	
2007	47,838	\$2,224.00	\$ 0.50	\$ 23,919.00	1	\$ 5,082.00	Y	\$ 2,224.00	\$ -	\$ 6,672.00
	47,838	\$2,224.00	\$ 0.50	\$ 23,919.00	2	\$ 3,318.00	N	\$ 2,224.00	\$ -	
	47,838	\$2,224.00	\$ 0.50	\$ 23,919.00	3	\$ 30,158.54	Y	\$ -	\$ 2,224.00	
	47,838	\$2,224.00	\$ 0.50	\$ 23,919.00	4	\$ 30,839.48	Y	\$ -	\$ 2,224.00	
	47,838	\$2,224.00	\$ 0.50	\$ 23,919.00	5	\$ -	N	\$ -	\$ -	
	47,838	\$2,224.00	\$ 0.50	\$ 23,919.00	6	\$ 32,063.19	Y	\$ -	\$ 2,224.00	
	47,838	\$2,224.00	\$ 0.50	\$ 23,919.00	7	\$ 11,152.30	N	\$ 2,224.00	\$ -	
2005	55,102	\$1,225.00	\$ 0.50	\$ 27,551.00	1	\$ 102,956.65	Y	\$ -	\$ 1,225.00	\$ 7,350.00
	55,102	\$1,225.00	\$ 0.50	\$ 27,551.00	2	\$ 31,222.48	N	\$ -	\$ 1,225.00	
	55,102	\$1,225.00	\$ 0.50	\$ 27,551.00	3	\$ 47,655.25	Y	\$ -	\$ 1,225.00	
	55,102	\$1,225.00	\$ 0.50	\$ 27,551.00	4	\$ 43,857.00	N	\$ -	\$ 1,225.00	
	55,102	\$1,225.00	\$ 0.50	\$ 27,551.00	5	\$ 4,876.00	N	\$ 1,225.00	\$ -	
	55,102	\$1,225.00	\$ 0.50	\$ 27,551.00	6	\$ 53,762.69	Y	\$ -	\$ 1,225.00	
	55,102	\$1,225.00	\$ 0.50	\$ 27,551.00	7	\$ 31,710.00	N	\$ -	\$ 1,225.00	
Total 2005-2007-2009										\$ 19,042.00