



Legislation Text

File #: 100122, **Version:** 1

Amending Chapter 20-1000 of The Philadelphia Code, entitled “Political Contributions and Expenditures,” by authorizing the creation of inauguration and transition committees and providing separate limitations on contributions to such committees; by requiring certain disclosures with respect to a candidate’s various committees; by limiting contributions that may be made after an election to retire debt; and by otherwise revising the provisions of that Chapter; all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Section 20-1000 of The Philadelphia Code is amended to read as follows:

CHAPTER 20-1000. POLITICAL CONTRIBUTIONS AND EXPENDITURES.

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§20-1001. Definitions.

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

(1) Board of Ethics. The Board of Ethics created under Section 3-100(e) of the Philadelphia Home Rule Charter.

(2) 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.

(3) Candidate political committee. The one political committee used by a candidate to receive all contributions and make all expenditures as required by §20-1003.

(4) City Commissioners. The City Commissioners acting in their capacity as the County Board of Elections.

(5) City elective office. The offices of Mayor, District Attorney, City Controller, [Register of Wills,] Sheriff, Clerk of Quarter Sessions, City Commissioner or City Council.

(6) 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.

(7) Covered election. Every primary, general or special election for City elective office.

(8) Election Reform Board. A nonpartisan, non-governmental entity to be created that will execute

and monitor voluntary contracts for expenditure limitations and will include representation from the League of Women Voters of Philadelphia and/or the Committee of Seventy.

(9) Excess pre-candidacy contributions. The amount of a person or committee's pre-candidacy contributions to a particular political committee that, had the contributions been made to a candidate for elective City office, would have been in excess of the contribution limitations set forth in subsections 20-1002(1) or 20-1002(2).

(10) Excess post-candidacy contributions. The amount of money, gifts, forgiveness of debts, loans, or things having a monetary value, contributed by a person or committee to a particular political committee that, had it been contributed for the purpose of retiring debt that was incurred to influence the outcome of a covered election, or for the purpose of defraying the cost of transition or inauguration of a candidate elected to City elective office, would have been in excess of the contribution limitations set forth in subsections 20-1002(4) or 20-1002(5).

[(10)] (11) Expenditure. The payment, distribution, loan or advancement of money or any valuable thing by a candidate, political committee or other person for the purpose of influencing the outcome of a covered election.

[(11)] (12) Person. An individual, partnership, corporation, sole proprietorship, or other form of business organization.

[(12)] (13) Political Committee. Any committee, club, association, political party, or other group of persons, including the candidate political committee of a candidate for office in a covered election, which receives contributions or makes expenditures for the purpose of influencing the outcome of a covered election.

(14) Post-candidacy contribution. Money, gifts, forgiveness of debts, loans, or things having a monetary value, received by a former candidate or his/her agent for use in retiring debt that was incurred to influence the outcome of a covered election, or for the purpose of defraying the cost of transition or inauguration of a candidate elected to City elective office.

[(13)] (15) Pre-candidacy contribution. A contribution made to a political committee that: (a) has been transferred to, or otherwise becomes available for expenditure by, a candidate for City elective office; and (b) was made before such candidate became a candidate.

§20-1002. Contribution Limitations.

(1) Except as provided in subsection (6), no individual shall make total contributions per calendar year, including contributions made to or through one or more political committees, of more than two thousand five hundred dollars (\$2,500) to a candidate for City elective office.

(2) Except as provided in subsection (6), no person, other than individuals who are covered under §20-1002(1), and no political committee shall make total contributions per calendar year of more than ten thousand dollars (\$10,000) to a candidate for City elective office.

(3) During those calendar years in which a covered election is not occurring, candidates shall be

limited in receiving political committee contributions as follows:

(i) candidates for Mayor may receive political committee contributions totaling no more than two hundred fifty thousand dollars (\$250,000) per year;

(ii) candidates for District Attorney and City Controller may receive political committee contributions totaling no more than one hundred thousand dollars (\$100,000) per year;

(iii) candidates for City Council, [Register of Wills,] Sheriff, Clerk of Quarter Sessions Court and City Commissioner may receive political committee contributions totaling no more than seventy-five thousand dollars (\$75,000) per year.

(4) During the interval between such general election (or primary election, with respect to candidates who were not nominated) and the end of the calendar year in which the general election occurred, and in each calendar year thereafter, no individual shall make total post-candidacy contributions, including contributions made to or through one or more political committees, of more than two thousand six hundred dollars (\$2,600).

(5) During the interval between such general election (or primary election, with respect to candidates who were not nominated) and the end of the calendar year in which the general election occurred, and in each calendar year thereafter, no person, other than an individual covered under §20-1002(4), and no political committee shall make total post-candidacy contributions, including contributions made to or through one or more political committees, of more than ten thousand six hundred dollars (\$10,600).

[(4)] (6) No candidate or candidate political committee may spend any excess pre-candidacy contributions for the purpose of influencing the outcome of a covered election in which he or she is a candidate [, nor may any candidate political committee spend any excess pre-candidacy contributions for such purpose, including, but not limited to, the purpose of paying any expenses of any such candidate political committee].

(7) No candidate or candidate political committee may spend any excess pre-candidacy contributions or excess post-candidacy contributions for the purposes of:

(a) transition or inauguration expenses; or

(b) retiring debt that was incurred to (i) influence the outcome of an already completed covered election; or (ii) cover transition or inauguration expenses related to an already completed covered election.

[(5)] (8) A pre-candidacy contribution made in the same calendar year that a person becomes a candidate shall count toward the limitations on contributions set forth in paragraphs (1) and (2).

[(6)] (9) The limitations imposed by this Chapter shall not apply to contributions from a candidate's personal resources to the candidate's candidate 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, *other than those in subsections (4) and (5) above*, shall double.

[(7)] (10) The limitations imposed in this subsection shall not apply to volunteer labor.

[(8)] (11) On January 1, 2008 and on January 1 every four years thereafter, the maximum amounts set forth in §20-1002 (1), [and](2), (4), and (5) shall be adjusted, as follows. On the December 15 immediately preceding the adjustment, the Finance Director shall calculate the "CPI Multiplier" by dividing the average consumer price index for Philadelphia during the then-current calendar year by the average consumer price index for Philadelphia during calendar year 2005. To determine the average consumer price index for Philadelphia, the Finance Director shall use the latest available figures for the Consumer Price Index for all urban Consumers (CPI-U) All Items Index, Philadelphia, Pennsylvania, as measured by the United States Department of Labor, Bureau of Labor Statistics. After calculating the CPI Multiplier, the Finance Director shall calculate the new maximum amounts as follows:

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(iii) *The maximum amount for purposes of §20-1002(4) shall equal \$2,500, multiplied by the CPI Multiplier, rounded to the nearest \$100.*

(iv) *The maximum amount for purposes of §20-1002(5) shall equal \$10,000, multiplied by the CPI Multiplier, rounded to the nearest \$100.*

The Finance Director shall certify the new maximum amounts in writing to the Mayor, the City Council President and Chief Clerk of Council.

[(9)] (12) No candidate for City elective office, and no political committee, shall accept any contribution *or post-candidacy contribution* which exceeds the contribution limits set forth in this Chapter.

§20-1003. Candidate Political Committee Accounts.

(1) *Candidate Political Committee Account.* 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 *and post-candidacy contributions* for such office shall be made, and out of which all expenditures for that office shall be made, *including expenditures for retiring debt and for transition or inauguration to that office*. 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 the purpose of influencing the outcome of a covered election, *or to retire debt that was incurred to influence the outcome of covered election, or to cover transition or inauguration expenses.* Upon formation of a candidate political committee, the candidate immediately shall file with the Board of Ethics a statement identifying:

- (i) *the name and address of the committee;*
- (ii) *the checking account information of the committee;*
- (iii) *the identity of the treasurer of the committee;*
- (iv) *such other information as the Board of Ethics may require by regulation.*

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§ 20-1006. Campaign Finance Disclosure.

(1) (a) Whenever a candidate, treasurer of a political committee or other person files a required report of receipts and expenditures with the City Commissioners pursuant to Article XVI of the Pennsylvania Election Code (25 P.S. § 3241 et seq.), or files such report with the Secretary of the Commonwealth because such report is filed by a political committee and concerns both candidates who file for nomination with the Secretary of the Commonwealth and candidates who file with the City Commissioners, such candidate, treasurer or other person shall at the same time file with the Board of Ethics a copy of all information set forth in such report, in an electronic format mandated by the Board of Ethics. Such filing shall be accompanied by a written statement, signed by the person making the filing, that subscribes and swears to the information set forth in such filing. Upon receipt of such filing, the Board of Ethics shall issue a written receipt to the person making the filing.

(b) Former candidates and treasurers of political committees shall file reports of post-candidacy contributions and expenditures made to retire debt or for inauguration and transition expenses in such form and detail and on such schedule as the Board of Ethics requires by regulation.

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Explanation:

[Brackets] indicate matter deleted.

Italics indicate new matter added.