

AN ORDINANCE

Amending Chapter 20-1000 of the Philadelphia Code (“Political Contributions and Expenditures”) to revise provisions and to make technical changes; all under certain terms and conditions.

*THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:*

SECTION 1. Chapter 20-1000 of The Philadelphia Code is hereby amended as follows:

CHAPTER 20-1000. POLITICAL CONTRIBUTIONS AND EXPENDITURES

**§ 20-1001. Definitions.**

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

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

(2) **Campaign.** A candidate, the candidate’s candidate political committee and its officers, and agents of any of them.

(3) **Candidate.** \*\*\*

~~(3)~~(4) \*\*\*

~~(4)~~(5) \*\*\*

~~(5)~~(6) \*\*\*

~~(6)~~(7) **Contribution.** Money, gifts, forgiveness of debts, loans, or things having a monetary value incurred or received by (i) a **campaign candidate** or his/her agent for use in advocating or influencing the election of the candidate or ~~by~~(ii) a former candidate to retire debt incurred to influence a covered election or to pay costs related to transition or inauguration to City elective office.

~~(7)~~(8) \*\*\*

~~(8)~~(9) **Electioneering communication.** Any publicly distributed broadcast, cable, radio, print, Internet, or satellite communication (a) that promotes, attacks, supports, or opposes a candidate, -or (b) that, within **fifty** (50) days of a covered election, names, refers to, includes, or depicts a candidate in that covered election. The term shall not include: (i) sponsorship or organization of a candidate debate or forum; (ii) any news story, commentary, or editorial by any broadcasting station, newspaper, magazine, or other periodical publication, including any Internet periodical publication, unless the station, newspaper, magazine, or publication is owned or controlled by a candidate, political committee, **campaign**, or political party.

~~(9)~~**(10)** *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 **campaign candidate** for elective City office, would have been in excess of the contribution limitations set forth in subsection [20-1002\(1\)](#) or [20-1002\(2\)](#).

~~(10)~~**(11)** *Expenditure:*

(a) The payment, distribution, loan or advancement of money or any valuable thing by a candidate, political **committee, committee-campaign**, or other person for the purpose of influencing the outcome of a covered election or to retire debt incurred to influence the outcome of a covered election or to cover expenses related to transition or inauguration to City elective office, including any expenditure for an electioneering communication;

(b) \*\*\*

(c) \*\*\*

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

~~(12)~~**(13)** \*\*\*

~~(13)~~**(14)** \*\*\*

~~(14)~~**(15)** *Sample ballot.* A ballot distributed by a **campaign or** political committee that lists more than one candidate in a specific covered election and recommends that voters vote for the listed candidates.

## § 20-1002. Contribution Limitations.

(1) Except as otherwise provided in this Section [20-1002](#), no individual shall make total contributions per calendar year, including contributions made to or through one or more political committees or persons, of more than three thousand dollars (\$3,000), cumulatively, ~~to~~ **to:**

(a) a ~~candidate-campaign~~ for City elective **office; office,** or

(b) to a **former candidate or** the candidate **political** committee of a former candidate for City elective office if that committee is carrying debt incurred to influence the outcome of a covered election.

(2) Except as otherwise provided in this Section [20-1002](#), no person, other than individuals who are covered under subsection [20-1002\(1\)](#), and no political committee shall make total contributions per calendar year, including contributions made to or through one or more political committees or persons, of more than twelve thousand dollars (\$12,000), cumulatively, ~~to~~ **to:**

(a) a **campaign candidate** for City elective **office; office,** or

(b) to the candidate committee of a former candidate for City elective office if that committee is carrying debt incurred to influence the outcome of a covered election.

(3) No ~~campaign 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 ~~that campaign's candidate~~ **he or she** is a candidate.

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

- (a) transition or inauguration expenses; or
- (b) retiring debt that was incurred ~~to~~ **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) A pre-candidacy contribution made in the same calendar year that **an individual a person** becomes a candidate shall count toward the limitations on contributions set forth in subsections (1) and (2).

(6) The limitations imposed by subsections [20-1002](#)(1) and (2) shall not apply to contributions from a candidate's personal resources to the candidate's **own campaign**. ~~candidate political committee~~. However, if such contributions **made since the more recent of (i) the most recent election cycle for the office sought by the candidate, or (ii) the last municipal election in which the candidate sought office** total two hundred fifty thousand dollars (\$250,000) or more (~~regardless of the time period over which such contributions are made~~), then the contribution limits set forth in subsections [20-1002](#)(1) and (2) above shall double with respect to **other campaigns candidates** for that City elective office. The contribution limits set forth in subsections [20-1002](#)(7) and (8) below shall not double based on such a contribution of personal resources.

(7) Notwithstanding the limits set forth in subsections [20-1002](#)(1) and (2), if a ~~campaign candidate~~ establishes a Litigation Fund Committee pursuant to Section [20-1009](#):

- (a) \*\*\*
- (b) \*\*\*

(8) Notwithstanding the limits set forth in subsections [20-1002](#)(1) and (2), if a ~~campaign candidate~~ or former candidate establishes a Transition and Inauguration Committee pursuant to Section [20-1011](#):

- (a) \*\*\*
- (b) \*\*\*

(9) The limitations imposed by subsections [20-1002](#)(7) and (8) shall not apply to contributions from a candidate's personal resources or from a candidate's **own** candidate political committee. A ~~campaign candidate~~ or former candidate shall not transfer funds to **its his or her** candidate political committee from a Litigation Fund Committee or a Transition and Inauguration Committee.

(10) \*\*\*

(11) \*\*\*

(12) \*\*\*

(13) If a candidate makes an expenditure to a political committee in order to have **the candidate's own** ~~his or her~~ name placed on a sample ballot distributed by that political committee, any expenditures made by the political committee for printing or distribution of the sample ballot on which the candidate appears shall not be counted as a contribution to the candidate for the purpose of calculating the contribution limits set forth in this Section.

\* \* \*

### **§ 20-1005. Injunctive Relief.**

Any person residing in the City of Philadelphia, 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 **the plaintiff's** ~~his or her~~ costs of litigation, including reasonable attorney's fees.

### **§ 20-1006. Campaign Finance Disclosure.**

(1) (a) \*\*\*

(b) In addition to any filing required by subsection (a), any political committee, including a candidate political committee, that has made expenditures within the eight months prior to a covered election shall file a report with the Board of Ethics in a digital electronic format on the sixth Tuesday before the covered election, setting forth all transactions (including contributions and expenditures) covered by subsection (d) below that occurred more than fifty (50) days prior to the election, but less than eight (**8**) months prior to the election, and that have not previously been disclosed in a report filed with the Board of Ethics.

(c) In addition to any filing required by subsection (a) or (b), any person, including a not-for-profit organization or political committee, other than a candidate political committee, that on or before any report due date set forth below, whether directly or through another person, makes or promises to make expenditures of five thousand dollars (\$5,000) or more in the aggregate for one or more electioneering communications that are published or to be published within fifty (50) days of a covered election shall file a report with the Board of Ethics in a digital electronic format setting forth all transactions covered by subsection (d) below that occurred more than twenty-four (**24**) hours before the report due date, but less than eight (**8**) months prior to the election, and that have not previously been disclosed in a report filed with the Board of Ethics. If the date of dissemination of the electioneering communication precedes the date of the expenditure for it, then the date of dissemination shall be used to determine the due date of the report. Such reports shall be due (unless the same person is required to file a report under subsection (a) or (b) on the same date):

\* \* \*

(.6) for any covered electioneering communication expenditures made after the last expenditure reported under subsection 20-1006(1)(c)(.5) above, by the **thirtieth** (30<sup>th</sup>) day after a covered election.

(d) \*\*\*

(e) In a report filed pursuant to subsection (c), if a person, other than a political committee or an individual, has segregated funds used to make expenditures into one or more accounts separate from funds not used to make expenditures, that person is only required to disclose the source of contributions deposited in the segregated accounts used to make expenditures. An individual who files a report pursuant to subsection (c) is only required to disclose contributions that **the individual** ~~he or she~~ receives or solicits in order to fund the expenditures disclosed in the report.

(f) \*\*\*

(2) The Board of Ethics shall arrange for the publication of all information it receives under this Section on the City's official website as soon as practicable after the Board receives such information, but no later than five (**5**) business days after receipt, in a format that will permit the public to easily search such information by candidate, by political committee, by contributor, and by any other means determined by the Board by regulation.

(3) In carrying out its duties under this Section, the Board of Ethics shall work with the City Commissioners to devise efficient means of advising candidates, **campaigns**, treasurers, political committees and other persons of the requirements of this Section, and to devise means of coordinating the activities of the Board of Ethics under this Section with the duties of the City Commissioners to receive, file and promptly make available for public inspection all required reports filed by candidates, **campaigns**, treasurers, political committees and other persons.

\* \* \*

### **§ 20-1009. Litigation Funds.**

(1) In addition to establishing a political committee to receive campaign contributions, a **campaign candidate** ~~candidate~~ for City elective office may establish a separate committee to solicit and receive contributions to a litigation fund. The name of such separate committee shall include the terms "Litigation Fund".

(2) \*\*\*

(3) A candidate shall establish a single committee to receive and expend litigation funds for the purposes set forth in subsection (2), above, and a single separate checking account for such purposes, except that this shall not prohibit a candidate from making expenditures from **that candidate's** ~~his or her~~ candidate political committee for the purposes set forth in subsection (2), above. The Board of Ethics shall by regulation require a candidate to provide the Board with such information as the Board deems

necessary to identify the candidate's litigation fund committee and checking account, within such period of time as the Board specifies.

(4) Each litigation fund committee shall have a treasurer who shall be responsible for keeping records of contributions and expenditures to the same extent and in the same detail that records of contributions and expenditures must be kept by the candidate's candidate political committee **and campaign** pursuant to this Chapter or applicable State law.

**§ 20-1010. Required Termination of a Litigation Fund Committee.**

(1) A litigation fund committee must be terminated no later than six **(6)** months after the date of the general election for the office which the candidate seeks, except that if any matters for which litigation funds may be expended are pending during such six month period, then the litigation fund shall be terminated within six **(6)** months after the conclusion of all such matters, including any appeals.

\* \* \*

**§ 20-1011. Transition and Inauguration Committees.**

(1) A candidate or **individual** ~~person~~-elected to City office shall use a political committee that is separate from **that candidate's** ~~his or her~~ candidate political committee to solicit and receive contributions for transition or inauguration into City elective office. The name of such committee shall contain the terms "Transition" and "Inauguration".

(2) Funds held by a Transition and Inauguration Committee may only be used to pay costs incurred for the transition or inauguration into City elective office of the elected **individual.** ~~person.~~

(3) A candidate or **individual** ~~person~~-elected to City office shall use only one committee and one checking account to receive and expend funds for expenses of **that individual's** ~~his or her~~ transition or inauguration into City elective office, except that nothing shall prohibit a former candidate from transferring money raised while a candidate from the elected person's candidate political committee to **that candidate's** ~~his or her~~ Transition and Inauguration Committee. The Board of Ethics shall require a candidate or **individual** ~~person~~-elected to City office to provide the Board with such information as the Board deems necessary to identify the candidate's **Transition and Inauguration Committee** ~~transition and inauguration committee~~ and checking account, within three **(3)** business days of formation of the committee.

(4) Each Transition and Inauguration Committee shall have a treasurer who shall be responsible for keeping records of contributions and expenditures to the same extent and in the same detail that records of contributions and expenditures must be kept by a candidate's political committee **and campaign** pursuant to this Chapter and applicable State law.

(5) A Transition and Inauguration Committee must be terminated, including closure of the committee checking account, no later than six **(6)** months after the date of the former candidate's inauguration to City office. Before a Transition and Inauguration Committee is terminated, any remaining funds shall be returned to contributors on either a "last in,

first out" or "first in, first out" accounting basis, or on such other equitable basis as may be approved by the Board of Ethics. The Board of Ethics may for good cause shown extend the deadline for termination of a Transition and Inauguration Committee.