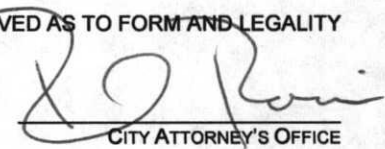


FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

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APPROVED AS TO FORM AND LEGALITY



CITY ATTORNEY'S OFFICE

INTRODUCED BY COUNCIL PRESIDENT PATRICIA KERNIGHAN

## OAKLAND CITY COUNCIL

### ORDINANCE NO. 13262 C.M.S.

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**ORDINANCE AMENDING THE OAKLAND CAMPAIGN REFORM ACT, OAKLAND MUNICIPAL CODE CHAPTER 3.12, TO PROHIBIT THE USE OR TRANSFER OF FUNDS FROM BALLOT MEASURE COMMITTEES CONTROLLED BY CANDIDATES FOR CITY OFFICE OR CITY OFFICEHOLDERS TO SUPPORT THE CANDIDATE'S OR OFFICEHOLDER'S ELECTION TO CITY OFFICE**

**WHEREAS**, in 1999, the City of Oakland passed the Oakland Campaign Reform Act (OCRA) in order to curb the growing influence of campaign contributions on Oakland city races; and

**WHEREAS**, to prevent corruption, existing language in the OCRA limits contributions to candidates seeking local office as follows:

3.12.050 Limitations on contributions from persons.

- A. No person shall make to any candidate for city office and the controlled committee of such a candidate, and no such candidate for city office and the candidate's controlled committee shall accept from any such person, a contribution or contributions totaling more than one hundred dollars (\$100.00) for each election except as stated in subsection B of this section.
- B. For candidates who adopt the expenditure ceilings as defined in Article IV of this Act, no person shall make to a candidate for city office and the controlled committee of such candidate, and no such candidate for city office and the controlled committee of such candidate shall accept contributions totaling more than five hundred dollars (\$500.00) from any person for each election;

and

**WHEREAS**, diversions of campaign funds from ballot measure committees to candidate committees are prohibited by the State of California in FPPC Regulation 18521.5 as explained by Campaign Disclosure Manual 3, "Information for Committees Primarily Formed to Support or Oppose a Ballot Measure," p. 1-7 (2007) which states: "A candidate may control a ballot measure committee as long as the committee's funds are not used to support the candidate's election or to support or oppose other candidates;" and

**WHEREAS**, this proposed amendment to the Oakland Campaign Reform Act would ensure consistency with California law and prevent circumvention of the City's contribution limits by prohibiting the diversion of monies from ballot measure committees to city candidate and officeholder committees;

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

**SECTION 1.** Oakland's Campaign Reform Act, codified in Oakland Municipal Code Chapter 3.12, is hereby amended to add a new section 3.12.115 (new language underscored), and amend section 3.12.040 as follows:

**3.12.115 Ballot Measure Committees Controlled by Candidates for City Office or City Officeholders.**

A candidate for City office or City officeholder who controls a ballot measure committee may not directly or indirectly use or influence the use of ballot measure committee funds to support the candidate's or officeholder's election or re-election to City office or to support or oppose other candidates for City office, and may not transfer such funds to another committee supporting the candidate's or officeholder's election or re-election to City office, or supporting or opposing other candidates for City office. The foregoing notwithstanding, the prohibitions of this section shall not apply to a committee created to oppose or support the qualification of a recall measure and/or the recall election of the controlling candidate for City office or controlling City officeholder.

**3.12.040 Interpretation of this Act.**

Unless the term is specifically defined in this Act or the contrary is stated or clearly appears from the context, the definitions set forth in Government Code Sections 81000 et seq., as amended~~they appear in 1998~~, shall govern the interpretation of this Act.

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**SECTION 2. Severability.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decision 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, clause or phrase thereof irrespective of the fact that one or more other sections, subsections, clauses or phrases may be declared invalid or unconstitutional.

**SECTION 3. Effective Date.** This Ordinance shall become effective immediately on final adoption if it receives six or more affirmative votes; otherwise it shall become effective upon the seventh day after final adoption.

1395737v1

IN COUNCIL, OAKLAND, CALIFORNIA, OCT 21, 2014

PASSED BY THE FOLLOWING VOTE:

AYES -BROOKS, GALLO, GIBSON MCELHANEY, KALB, KAPLAN, REID, SCHAAF AND  
PRESIDENT KERNIGHAN - 8

NOES - 0  
ABSENT - 0  
ABSTENTION - 0

ATTEST: 

LATONDA SIMMONS

City Clerk and Clerk of the Council  
of the City of Oakland, California

Introduction Date

SEP 23 2014

Date of Attestation: 11/4/14

**ORDINANCE AMENDING THE OAKLAND CAMPAIGN REFORM ACT,  
OAKLAND MUNICIPAL CODE CHAPTER 3.12, TO PROHIBIT THE  
USE OR TRANSFER OF FUNDS FROM BALLOT MEASURE  
COMMITTEES CONTROLLED BY CANDIDATES FOR CITY OFFICE  
OR CITY OFFICEHOLDERS TO SUPPORT THE CANDIDATE'S OR  
OFFICEHOLDER'S ELECTION TO CITY OFFICE**

**NOTICE AND DIGEST**

This Ordinance amends the Oakland Campaign Reform Act codified in Chapter 3.12 of the Oakland Municipal Code, to prohibit the use of funds from ballot measure committees controlled by candidates for city office or city officeholders to support the candidate's or officeholder's election to city office or to support or oppose other candidates for City office, and to prohibit the transfer of such funds to another committee supporting the candidate's or officeholder's election or re-election to City office, or supporting or opposing other candidates for City office.