

One-rdg. _____
P. Hrngs. _____
Pgs. 5
Filed: 10-27-20

Sponsored by: Lear, Hosmer and McGull

First Reading: _____

Second Reading: _____

COUNCIL BILL 2020- 248

GENERAL ORDINANCE _____

AN ORDINANCE

1 AMENDING the Springfield City Code, Chapter 46, 'Elections,' Section 46-6, 'Campaign
2 Finance,' and establishing an effective date. (Recommended by the Plans and
3 Policies Committee.)
4 _____
5

6 BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SPRINGFIELD, MISSOURI, as
7 follows, that:
8

9 NOTE: Language being added is underlined and language being deleted is ~~stricken~~.

10
11 Section 1 – The Springfield City Code, Chapter 46, 'Elections,' Section 46-6, 'Campaign
12 Finance,' is hereby amended as follows:
13

14 Sec. 46-6. - Campaign finance.
15

16 (a) *Title; intent; definitions.*
17

18 (1) *Title.* This section may be cited as the Springfield Campaign Finance
19 Ordinance.
20

21 ~~(2) *Intent.* The city council finds and declares that in recent years the amount~~
22 ~~contributed by individuals to political action committees and in turn by these~~
23 ~~committees to candidates for seats on the city council has increased~~
24 ~~dramatically. The campaign finance laws of the state limit contributions to~~
25 ~~candidates by political committees provided the committee is an enduring~~
26 ~~entity. Committees established solely for the purpose of influencing a single~~
27 ~~election and which then terminate operations following that election may not be~~
28 ~~subject to the state law limitations, nor is there a state limitation on the total~~
29 ~~contributions that an individual can make in a calendar year. Contributions from~~
30 ~~these committees and to these committees by individuals have been on the~~
31 ~~increase in the city. The courts and various governmental entities have~~
32 ~~consistently found that large unregulated contributions can have corrupting~~
33 ~~influence, either actual or apparent, on government.~~
34

35 (32) *Definitions.* Words, terms or phrases used in this section shall be accorded the
36 same meaning as in RSMo 130.011. The following terms, which are not defined
37 in RSMo 130.011, shall have the meaning designated in this subsection:
38

- 39 a. *Political committee* means any committee or group of two or more
40 individuals or persons, including a continuing committee, formed for the
41 sole purpose of influencing a city council candidate election or which in any
42 election cycle calendar year solely makes expenditures, whether
43 independent or otherwise, or contributions to influence any city council
44 candidate election which in the aggregate exceed \$200.00. A political
45 committee does not include a candidate committee or political party
46 committee.
47
48 b. *Independent expenditure* means an expenditure for a communication by a
49 person expressly advocating the election or defeat of a clearly identified
50 candidate which is made without cooperation or consultation with any
51 candidate, or any authorized committee or agent of such candidate, and
52 which is not made in concert with or at the request or suggestion of any
53 candidate, or any authorized committee or agent of such candidate. This
54 provision shall be interpreted and applied in the same manner as the
55 Federal Election Commission interprets and applies its comparable
56 definition of "independent expenditure" at 11 CFR 100.16.
57
58 c. *Related committees* means two or more political committees that are
59 established, maintained, financed or controlled by substantially the same
60 person.
61
62 d. *Election cycle* means the period of time beginning one day after the most
63 recent election for the office a candidate is seeking and ending the date of
64 the election for that office.

65
66 (b) *Applicability of state law.*

- 67
68 (1) *Campaign Finance Disclosure Law.* The contribution and expenditure
69 limitations, disclosure and reporting requirements, together with all other
70 applicable provisions, of the Missouri Campaign Finance Disclosure Law,
71 RSMo Chapter 130, as amended from time to time, shall govern all city council
72 elections.
73
74 (2) *Other state law.* The provisions of state law, as amended from time to time,
75 relating to the qualifications of electors, the manner of voting, the duties of
76 election officers and the form for ballots, the duties of the city clerk, notice of
77 election, numbers of judges, duties, and appointments thereto, polling hours,
78 canvass of the vote, and all other particulars in regard to the conduct of
79 elections shall govern all city elections so far as such provisions are applicable.
80

81 (c) *Limitations on contributions and non-independent expenditures.*

- 82
83 (1) *Contributions to and non-independent expenditures on behalf of political*
84 *committees (PACs).* No ~~person~~ single contributor shall make or receive
85 contributions to or non-independent expenditures on behalf of any political
86 committee or ~~to any set of related committees~~ which exceed \$2,600 during
87 any election cycle calendar year the amount that person is permitted by state
88 law to contribute per election to a candidate committee of an individual seeking
89 election to an at-large seat on the city council. RSMo 130.032.1(5) currently

90 provides that the maximum amount that can be contributed to a candidate in an
91 at-large election in the city is \$500.00 per election, or a total of \$1,000.00 if the
92 maximum contribution is made for the primary and general election. For
93 purposes of this subsection, any contribution made to a political committee in
94 the calendar year preceding the calendar year in which the election is held is
95 deemed to have been made in the calendar year in which the election is to be
96 held.

97
98 ~~(2) Contributions and expenditures by non-continuing committees.~~ A political
99 committee which is not a continuing committee shall be subject to the same
100 contribution and expenditure limitations that apply to continuing committees
101 under state law. RSMo 130.032.3 currently provides that the maximum amount
102 that can be made by or accepted from a continuing committee for an at-large
103 candidate in the city is \$500.00 per election and for a zone council candidate
104 \$250.00 per election.

105
106 ~~(3) Limitations on contributions and non-independent expenditures per calendar~~
107 ~~year per election cycle.~~ No ~~single contributor~~ individual shall make contributions
108 to ~~or non-independent expenditures on behalf of a~~ candidate ~~committees of~~
109 ~~those seeking election to the city council or to such a candidate's committee~~
110 ~~and to political committees which in the aggregate exceed \$2,600~~ \$5,000.00
111 ~~during in any calendar year election cycle.~~ For purposes of this subsection, any
112 contribution made to a candidate in the calendar year preceding the calendar
113 year in which the election is to be held is deemed to have been made in the
114 calendar year in which the election is to be held. If one or more unexpired terms
115 are filled, the total amount that an individual can contribute under this
116 subsection shall be increased by \$1,000.00 for each unexpired term to fill an at-
117 large city council seat and by \$500.00 for each unexpired term to fill a zone
118 council seat.

119
120 ~~(4) Independent expenditures.~~ The limitations on contributions and expenditures
121 contained in this section do not apply to independent expenditures.

122
123 (d) *Registration and disclosure requirements for political committees.*

124
125 (1) *Registration.* All political committees shall file a statement of organization with
126 the clerk of the city on a form prescribed by the clerk no later than ten days
127 after becoming a political committee within the meaning of subsection (a)(3)a of
128 this section.

129
130 (2) *Disclosure.* Any political committee not otherwise required by state law to file
131 disclosure reports shall file disclosure reports with the clerk of the city on the
132 forms provided in the same manner and subject to the same schedule as would
133 pertain if the committee were a continuing committee. All such reports shall be
134 available to the public upon request.

135
136 (e) *Penalties.*

137
138 (1) Any person who accepts or gives contributions or makes expenditures in
139 violation of this section shall be subject to a penalty equal to the nonallowable
140 contribution or expenditure and a fine of up to \$500.00 to be imposed by the

141 municipal court upon conviction. A person who has received a nonallowable
142 contribution shall not be guilty of violating this section if the contribution is
143 returned within ten days after the contribution has been made. A person who
144 has received or made a nonallowable contribution or expenditure shall not be
145 guilty of violating this section if that person pays the finance director of the city a
146 sum of money equal to the nonallowable contribution or expenditure as
147 determined by the finance director within ten days after being notified of the
148 violation of the nonallowable contribution or expenditure. The notification given
149 by the finance director of the violation and all other reports filed with the city
150 clerk shall be available to the public upon request. Any person who fails to file
151 the required disclosure report with the city clerk shall be subject to a fine of up
152 to \$500.00 per day for each day the required disclosure report is delinquent.

153
154 (2) The penalty provisions of this section shall not apply to any contribution which
155 violates provisions of RSMo ~~130.032.8~~, 130.071 or 130.072.
156

157 Section 2 – Severability Clause. If any section, subsection, sentence, clause or phrase
158 of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of
159 the remaining portions of this Ordinance. City Council hereby declares that it would have
160 adopted the Ordinance and each section, subsection, sentence, clause, or phrase thereof,
161 irrespective of the fact that any one or more sections, sentences, clauses, or phrases be
162 declared invalid.

163
164 Section 3 – Savings Clause. Nothing in this Ordinance shall be construed to affect any
165 suit or proceeding now pending in any court or any rights acquired or liability incurred nor any
166 cause or cause of action occurred or existing, under any act or ordinance repealed hereby. Nor
167 shall any right or remedy of any character be lost, impaired, or affected by this Ordinance.
168

169 Section 4 – This Ordinance shall be in full force and effect from and after December 1,
170 2020.

171
172 Passed at meeting: _____
173

174
175 _____
176 Mayor
177

178 Attest: _____, City Clerk
179

180 Filed as Ordinance: _____
181

182
183 Approved as to form: Rhonda Lewsader, City Attorney
184

185
186 Approved for Council action: Jason A. Hage, City Manager

EXPLANATION TO COUNCIL BILL 2020-248

FILED: 10-27-20

ORIGINATING DEPARTMENT: Law

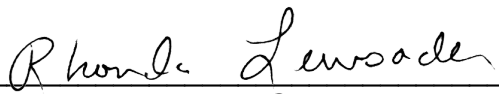
PURPOSE: To amend the Springfield City Code, Chapter 46, 'Elections,' Section 46-6, 'Campaign Finance,' and to establish an effective date for the amendment.

BACKGROUND INFORMATION: Changes in state law and developments in federal case law created a need for Section 46-6 to be revised to remove a reference to a repealed state statute and to conform with federal case law. The Plans and Policies Committee began reviewing Section 46-6 in September 2016 and requested that City staff draft this Council bill. At subsequent meetings, the Committee requested revisions to the draft bill. At their October 15, 2020, meeting, the Committee voted to recommend this Ordinance to City Council by a vote of 3 to 1.

Missouri Constitutional Amendment No. 2 was adopted by a vote of the people on November 8, 2016, and set campaign finance contribution caps for state offices but did not set caps for municipal offices. At present, no state law sets campaign finance contribution caps for local offices. This Ordinance would set a contribution and non-independent expenditure cap of \$2,600 per election cycle on contributions to candidates for City Council or to political committees formed for the sole purpose of influencing a City Council election. If adopted, this Ordinance would take effect on December 1, 2020.

Submitted by:

Approved by:


Rhonda Lewsader, City Attorney


Jason Gage, City Manager