

ORDINANCE NO. _____

ORDINANCE OF THE CITY OF CHULA VISTA AMENDING
VARIOUS SECTIONS OF CHULA VISTA MUNICIPAL CODE
CHAPTER 2.52 TO ADJUST THE CAMPAIGN
CONTRIBUTION LIMIT FOR ANY ELECTION HELD ON OR
AFTER JANUARY 1, 2022

WHEREAS, Chula Vista Municipal Code section 2.52.040 (D) requires the City Clerk to adjust the campaign contribution limits every odd-numbered year to reflect any changes in the Consumer Price Index for the San Diego area for the two-year period ending on December 31st of the previous year, and requires these adjustments to be rounded to the nearest \$10; and

WHEREAS, the Consumer Price Index for the San Diego area for the periods ending December 2018 and December 2020 were 292.547 and 303.932, respectively, demonstrating an increase of 3.89 percent; and

WHEREAS, the contribution limit for individuals, other than a candidate, was previously set at \$350 by Chula Vista Municipal Code section 2.52.040 (A), and the contribution limit for political party committees was previously set at \$1,190 by Chula Vista Municipal Code section 2.52.040 (B); and

WHEREAS, based on applying the percentage of change in the Consumer Price Index and rounding to the nearest \$10, the City Clerk adjusted the contribution limit to \$360 for individuals and \$1,240 for political party committees; and

WHEREAS, the City Clerk published the Notice of Campaign Contribution Limit Adjustment in the Star News on February 12, 2021, and had the notice translated into Chinese, Filipino, Spanish, and Vietnamese and published in covered language-specific newspapers between February 12 and 13, 2021, as required by the Federal Voting Rights Act.

NOW THEREFORE the City Council of the City of Chula Vista does ordain as follows:

Section I. The following sections in Chula Vista Municipal Code chapter 2.52 are hereby amended and shall read as follows:

2.52.040 Campaign contribution limits.

A. No person, other than a candidate, shall make a contribution in excess of \$360 to a candidate for a single election contest. No candidate shall solicit or accept a contribution in excess of \$360 from a person for a single election contest. A candidate may receive up to \$360 from a person in each of the general and special elections. The contribution limit in this subsection shall be adjusted biannually pursuant to subsection (D) of this section.

B. No political party committee, as that term is defined in California Government Code Section 85205, shall make a contribution in excess of \$1,240 to a candidate for a single election contest. No candidate shall solicit or accept a contribution in excess of \$1,240 from a political party committee for a single election contest. A candidate may receive up to \$1,240 from a political party committee in each of the general and special elections. The contribution limit in this subsection shall be adjusted biannually pursuant to subsection (D) of this section.

[Sections 2.52.040 C through I remain unchanged]

2.52.050 Loans.

A. A candidate shall not personally loan to his or her campaign funds, with the intent to receive repayment of those funds, an aggregate amount in excess of \$5,000 for a single election contest.

B. A loan or extension of credit shall be considered a contribution from the maker of the loan or extender of credit and shall be subject to the contribution limit of \$360 per person, pursuant to CVMC 2.52.040. The \$360 contribution limit does not apply to loans made to a candidate for the purpose of a campaign by himself or herself or by a commercial lending institution in the lender's regular course of business on terms available to members of the general public for which the candidate is personally liable.

2.52.100 Written solicitations by candidates.

Any candidate making a written solicitation for a contribution for his or her campaign for City elective office shall include the following written notice in no less than six point type on each such solicitation:

NOTICE

The City of Chula Vista Municipal Code limits contributions to campaigns for City elective office to three hundred sixty dollars per person.*

*The dollar amount to be included in this notice shall be amended biannually to reflect any CPI adjustment to the contribution limit made pursuant to CVMC 2.52.040(D).

Section II. Severability

If any portion of this Ordinance, or its application to any person or circumstance, is for any reason held to be invalid, unenforceable or unconstitutional, by a court of competent jurisdiction, that portion shall be deemed severable, and such invalidity, unenforceability or unconstitutionality shall not affect the validity or enforceability of the remaining portions of the Ordinance, or its application to any other person or circumstance. The City Council of the City of Chula Vista hereby declares that it would have adopted each section, sentence, clause or phrase of this Ordinance, irrespective of the fact that any one or more other sections, sentences, clauses or phrases of the Ordinance be declared invalid, unenforceable or unconstitutional.

Section III. Construction

The City Council of the City of Chula Vista intends this Ordinance to supplement, not to duplicate or contradict, applicable state and federal law and this Ordinance shall be construed in light of that intent.

Section IV. Effective Date

This Ordinance shall take effect and be in force on the thirtieth day after its final passage.

Section V. Publication

The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted according to law.

Presented by

Approved as to form by

Kerry K. Bigelow, MMC
City Clerk

Glen R. Googins
City Attorney