

THE PHILADELPHIA CODE

CHAPTER 20-1000. POLITICAL CONTRIBUTIONS AND EXPENDITURES.¹

§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.

¹ Current through January 23, 2007. This document represents Chapter 20-1000 as it will appear in the Philadelphia Code (except for footnotes) when the Code is next up-dated by the Code publisher, in approximately March 2007. Includes Bill Nos. 030562 (became law December 18, 2003), 050301-A (approved June 9, 2005), 050014 (approved December 15, 2005) and 060629 (approved November 16, 2006). The effective date provision of Bill No. 060629 provides: “(1) This Ordinance shall take effect thirty (30) days after it becomes law” and “(2) The first public notice required by [§20-1007] of The Philadelphia Code shall be published within thirty (30) days after this Ordinance takes effect.” (Bill 060629 as adopted references §20-1006 as the public notice provision; a different §20-1006, relating to the filing of electronic versions of campaign finance reports with the Board, had already been added to the Code by Bill No. 050014. The editors of the Philadelphia Code will therefore renumber the §20-1006 added by Bill No. 060629 as §20-1007. Also, subsections of §20-1001, since Bill 060629 did not take into account changes made by the earlier Bill 050014.)

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

(12) 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.

(13) 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) No candidate 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 such candidate political committee.

(5) 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) 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 shall double.

(7) The limitations imposed by this subsection shall not apply to volunteer labor.

(8) On January 1, 2008 and on January 1 every four years thereafter, the maximum amounts set forth in §20-1002(1) and (2) 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:

(i) The maximum amount for purposes of §20-1002(1) shall equal \$2,500, multiplied by the CPI Multiplier, rounded to the nearest \$100.

(ii) The maximum amount for purposes of §20-1002(2) 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) No candidate for City elective office, and no political committee, shall accept any contribution which exceeds the contribution limits set forth in this Chapter.

§20-1003. Candidate Political Committee Accounts.

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 for such office shall be made, and out of which all expenditures for that office shall be made. 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 for the purpose of influencing the outcome of a covered election.

§20-1004. Candidate Expenditure Limitations.

(1) Expenditure Contract.

(a) Effective for the elections for District Attorney and City Controller in the year 2005, and Mayor, Register of Wills, Sheriff, Clerk of Quarter Sessions Court, City Commissioner and City Council in the year 2007 and thereafter, a candidate seeking election to any of said offices may sign a contract with the

Election Reform Board to abide by limitations on expenditures and agreeing to report his/her contributions and expenditures.

(b) The expenditure contract for a particular covered election may be signed by an individual candidate no later than the last date upon which such individual may withdraw as an official candidate in said election.

(c) A candidate may sign an expenditure contract limiting his/her overall expenditures as specified in §20-1004(2).

(2) Expenditure Limitations.

A candidate who signs an expenditure contract in accordance with this Chapter shall not make expenditures per covered election in excess of the following amounts:

Mayor \$2,000,000
District Attorney \$500,000
City Controller \$500,000
City Council \$250,000
Register of Wills \$250,000
Sheriff \$250,000
Clerk of Quarter Sessions Court \$250,000
City Commissioner \$250,000

§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 his or her costs of litigation, including reasonable attorney's fees.

§20-1006. Campaign Finance Disclosure.

(1) 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.

(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 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 of 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, 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, treasurers, political committees and other persons.

(4) The failure to file information as required by this Section, or the making of material misstatements or omissions in any filing required by this Section, shall be deemed to be a violation of Chapter 20-600 (Standards of Conduct and Ethics) and subject to enforcement and the imposition of penalties under that Chapter.

§20-1007. Required Notice of Contribution Limits.

(1) The Board of Ethics shall, at least every six months, arrange for the publication in the three newspapers with the largest circulation in the City and in such other newspapers as the Board shall determine, of a notice setting forth the contribution limits set forth in this Chapter, together with a plain English explanation of the provisions of this Chapter and the penalties and remedies for violations. Such notice shall also appear at all times on the City's official website.

§20-1008. Penalties.

A violation of this Chapter shall be punishable by a civil penalty in the amount set forth in §20-612 (relating to violations of the Standards of Conduct and Ethics). The provisions of this Chapter shall be subject to the jurisdiction of the Board of Ethics under §20-606, including, but not limited to, the Board's powers and duties relating to education, training, issuance of advisory opinions, receipt of complaints, investigations, referral, and adjudication.