

**AN ORDINANCE OF THE CITY OF SAN JOSE
AMENDING SECTION 12.06.210 OF CHAPTER 12.06 OF
TITLE 12 OF THE SAN JOSE MUNICIPAL CODE TO
UPDATE THE PROCESS AND METHOD FOR
CALCULATING AND APPROVING A COST OF LIVING
ADJUSTMENT FOR THE CAMPAIGN CONTRIBUTION
LIMIT COMMENCING WITH THE MARCH 3, 2020
PRIMARY ELECTION**

WHEREAS, the City's longstanding contribution limits have been effective in preventing corruption and the appearance of corruption and in maintaining the integrity of the electoral process; and

WHEREAS, under City Charter Section 1600, the City's regularly scheduled Primary Election must be held on the same date as the State of California holds its direct primary election; and

WHEREAS, beginning January 1, 2019, the State of California's statewide direct primary election, previously held on the first Tuesday after the first Monday in June of each even-numbered year, will move to the first Tuesday after the first Monday in March of each even-numbered year; and

WHEREAS, the deadlines for calculating and approving a cost of living adjustment for the campaign contribution limit must change in response to the State of California moving its statewide direct primary election to March of each even-numbered year. This change, however, is a technical update that does not substantively alter the procedures for adjusting the campaign contribution limit or change the campaign contribution limit as currently set by Resolution;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:

Section 12.06.210 of Chapter 12.06 of Title 12 of the San José Municipal Code is amended to read as follows:

12.06.210 Campaign Contribution Limitations

- A. Beginning January 1, 2011, the total campaign contribution made by any person to any council candidate and any controlled committee of that candidate, other than the candidate in aid of himself or herself, may not exceed:
 - 1. Five hundred dollars for the primary election;
 - 2. Five hundred dollars for the general election, if any;
 - 3. Five hundred dollars for any special election;
 - 4. Five hundred dollars for any special run-off election, if any.
- B. Beginning January 1, 2011, the total campaign contribution made by any person to any mayoral candidate and any controlled committee of that candidate, other than the candidate in aid of himself or herself, may not exceed:
 - 1. One thousand dollars for the primary election;
 - 2. One thousand dollars for the general election, if any;
 - 3. One thousand dollars for any special election;
 - 4. One thousand dollars for any special run-off election, if any.

C. The total post-election contribution made by any person to any council or mayoral candidate and any controlled committee of that candidate, other than the candidate in aid of himself or herself, may not exceed:

1. One thousand one hundred dollars for the post-election contribution after the primary election;
2. One thousand one hundred dollars for the post-election contribution after the general election, if any;
3. One thousand one hundred dollars for the post-election contribution for any special election;
4. One thousand one hundred dollars for the post-election contribution for any special run-off election, if any.

D. ~~Beginning September 1, 2013, and thereafter on September 1 of each odd-numbered year~~Two hundred and eighty (280) days before every regularly scheduled primary municipal election, the ~~e~~City ~~e~~Clerk must determine whether the cost of living, as shown on the Consumer Price Index (CPI) for all items (with a base period of 1982--1984--100) for ~~a~~All ~~u~~Urban ~~e~~Consumers in the San Francisco-Oakland-~~San José~~Hayward area as published by the U.S. Department of Labor, Bureau of Statistics, has increased during the ~~"base adjustment period"~~ as defined in this ~~s~~Section.

1. ~~The base period for the first~~Each adjustment period (September 1, 2013) will be the CPI reported for the months of December 2010 and ~~June 2013~~the CPI reported for the month that is at least two hundred and eighty days (280) days before the regularly scheduled primary municipal election.

2. ~~For the second adjustment (September 1, 2015), the base period will be the CPI reported for the months of December 2010 and June 2015. The base period for subsequent adjustments will be December 2010 to June for odd-numbered years.~~ If the CPI has increased for the applicable ~~base adjustment~~ period, the ~~eCity eClerk~~ must multiply the contribution limits established in Subsections A. and B. by the percentage increase for the ~~base adjustment~~ period. If the calculation results in an amount that is higher than the previously established contribution limit(s) when rounded to the nearest one hundred dollars ~~(\$100)~~, the ~~city City clerk Clerk~~ will ~~recommend that the City Council adopt a resolution adjusting the contribution limit(s) then increase the corresponding contribution limit(s)~~ established in Subsections A. and/or B. by the percentage increase rounded to the nearest one hundred dollars ~~(\$100)~~ and ~~recommend that the city council adopt a resolution specifying the adjusted contribution limit(s).~~ The contribution limit established in Subsection C. shall be the same as the limits established in Subsection B., as adjusted.

3. ~~The contribution limit established in Subsection C shall be consistent with the limits established in Subsection B.~~ In the event the ~~Ccity eCouncil~~ adopts a resolution ~~specifying adjusting~~ the contribution limits, the ~~eCity eClerk~~ will publish the ~~adjusted~~ contribution limits at least one hundred and ninety (190) days before the regularly scheduled primary municipal election ~~no later than December 1 of each odd-numbered year, beginning on December 1, 2013.~~

4.4. In the event the CPI is no longer published, the City eClerk ~~shall will~~ use as a reference another index published by either the State of California or a federal department or agency that is charged with the responsibility of

measuring the cost of living in the geographical area that includes the City of San José.

PASSED FOR PUBLICATION of title this _____ day of _____, 2019, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk