



Legislation Details (With Text)

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**Type:** Ordinance    **Status:** Mayor's Office

**File created:** 2/27/2018    **In control:** City Council

**On agenda:** 3/8/2018    **Final action:** 3/8/2018

**Title:** \*\*\*BILL No. B-8 - (Intro. 3/1/2018) (For adoption) - Amending Section 2-1104 of the Municipal Code relating to campaign contributions. (Subject to Mayor's veto)

**Sponsors:** City Attorney's Office

**Indexes:**

**Code sections:**

**Attachments:** 1. Ord- amending 2-1104.pdf

Date	Ver.	Action By	Action	Result
3/8/2018	1	City Council	adopted	

**REPORT TO THE CITY COUNCIL**

**March 8, 2018**

**FROM:** DOUGLAS T. SLOAN, City Attorney  
City Attorney's Office

**SUBJECT**

\*\*\*BILL No. B-8 - (Intro. 3/1/2018) (For adoption) - Amending Section 2-1104 of the Municipal Code relating to campaign contributions. (Subject to Mayor's veto)

**RECOMMENDATION**

It is recommended Council approve the ordinance amending Section 2-1104 of the Municipal Code relating to campaign contributions.

**EXECUTIVE SUMMARY**

Charter Section 309 limits campaign contributions to a time window from the election filing date through the end of that calendar year. A recent court of appeals decision found such time restrictions to be unconstitutional. This ordinance provides the City will no longer enforce Charter Section 309 and effectively removes timing restrictions for fundraising for city offices.

**BACKGROUND**

The U.S. Fifth Circuit Court of Appeals decision of *Zimmerman v. City of Austin, Texas*, No. 16-

51366, 2018 WL 652854 (5th Cir. Feb. 1, 2018) recently held fundraising time limits violate the First Amendment absent specific findings that the time limits prevent actual or perceived corruption beyond contribution dollar limits. In light of the Zimmerman case, this ordinance amends Municipal Code Section 2-1104 to state Charter Section 309 will no longer be enforced.

### **ENVIRONMENTAL FINDINGS**

Not applicable.

### **LOCAL PREFERENCE**

Not applicable.

### **FISCAL IMPACT**

None.

Attachment: Ordinance Amending Section 2-1104