

ORDINANCE NO 2025- XXXX

AN ORDINANCE OF THE CITY OF SAN MARCOS, CALIFORNIA, AMENDING SAN MARCOS MUNICIPAL CODE CHAPTER 2.16 (CONTROLS ON CAMPAIGN CONTRIBUTIONS) TO INCREASE CAMPAIGN CONTRIBUTION LIMITS

WHEREAS, the Political Reform Act authorizes cities to adopt campaign contribution limitations applicable to elections for local office (Government Code § 85702.5) and such limitations must be aimed at eliminating the possibility of corruption or any appearance of corruption in local elections and must be weighed against a contributor's First Amendment rights; and

WHEREAS, SMMC Section 2.16.030 sets limitations on the amounts that individuals and political party committees can contribute to a candidate's campaign, which are set at \$250 for individual contributors, and \$500 for political party committee contributors; and

WHEREAS, during its goal-setting session, the City Council inquired about the current amounts, which were set in 2012, prompting City staff to review the City's current limits, applicable state law, and limits set by other cities in the County; and

WHEREAS, the state has established a default campaign contribution limit (currently \$5,900) for cities which had not adopted local contribution limits and local cities closest in size to San Marcos have generally imposed limits in the range of \$250 - \$3,600 for both individuals and committees, or default to the state limits; and

WHEREAS, effective in January 2025, the state amended the Levine Act (California Government Code section 84308 to prohibit elected agency officials from accepting, soliciting or directing a campaign contribution of more than \$500 from a party to, or participant in, a proceeding involving a license, permit, or other entitlement while the proceeding is pending, and for 12 months following the date a final decision is rendered, and requires city council members to recuse themselves from any proceeding if the member received a campaign contribution of more than \$500 from a party or participant as defined by that Act within the previous 12 months; and

WHEREAS, the City desires to amend its SMMC Chapter 2.16 to: (i) increase the amount a person can contribute to a campaign from \$250 to \$500; (ii) increase the amount a committee can contribute to \$1,000; (iii) increase the amounts in SMMC section 2.16.070 to the new Levine Act amounts; and (iv) revise SMMC section 2.16.030 to adopt the Political Reform Act definition of "person," without modification, to allow contributions from business entities; and

WHEREAS, in adopting this Ordinance, the City Council intends that the new campaign contribution limitations become effective as of the date this ordinance becomes effective, for current and future election cycles.

Section 1. Chapter 2.16 of the San Marcos Municipal Code is hereby amended as reflected on Exhibit 1 to this Ordinance.

Section 2. Severability. If any section, sentence, clause, or phrase of this Ordinance is determined to be invalid, illegal, or unconstitutional by a decision or order of any court or agency of competent jurisdiction, then such decision or order will not affect the validity and enforceability of the remaining portions of this Ordinance. The City Council declares that it would have passed and adopted the Ordinance, and each section, sentence, clause, or phrase thereof, regardless of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

Section 3. Effective Date. This Ordinance shall take effect and be in force thirty (30) days after its passage.

Section 4. Publication. Within fifteen (15) days following its adoption, the City Clerk shall certify to the passage of this Ordinance and cause the same to be published, or the title thereof as a summary, in accordance with the provisions of State law in a newspaper of general circulation designated for legal notices publication in the City of San Marcos.

INTRODUCED at a regular meeting of the City Council of the City of San Marcos, California, held on the 22nd day of July, 2025, by the following roll call vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:

APPROVED:

Rebecca D. Jones, Mayor

ATTEST:

APPROVED AS TO FORM:

Phillip Scollick, City Clerk
City of San Marcos

Helen Holmes Peak, City Attorney
City of San Marcos