

## **ORDINANCE NO. 2017-**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS AMENDING CHAPTER 2, ARTICLE 5, CODE OF ETHICS, OF THE SAN MARCOS CITY CODE; ADDING A NEW DIVISION 4 – CAMPAIGN FINANCES; SETTING A LIMIT OF \$500 ON INDIVIDUAL CONTRIBUTIONS TO CANDIDATES FOR MAYOR OR CITY COUNCIL PER ELECTION CYCLE; SETTING AGGREGATE LIMITS ON CONTRIBUTIONS TO CANDIDATES FOR THE OFFICE OF MAYOR AND COUNCIL MEMBER; AND PROVIDING AN EFFECTIVE DATE.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS:**

**SECTION 1.** Chapter 2, Article 5, Code of Ethics, of the San Marcos City Code is hereby amended to add a new Division 4, Campaign Finances, to read as follows:

### **ARTICLE 5. CODE OF ETHICS**

#### **DIVISION 4. CAMPAIGN FINANCES**

##### **Sec. 2.466. Definitions.**

In this division;

*Campaign contribution* means and includes a contribution to a candidate for mayor or city council in any of the following forms: a monetary contribution; a non-monetary contribution (in-kind contribution); or a pledged contribution.

*Election cycle* means the period of time beginning on the day after the last election for the office of mayor or council member of a particular council place and ending on the day of the next election for that position.

##### **Sec. 2.467. Individual Contribution Limit.**

An individual may not make campaign contributions in an amount exceeding \$500 per election cycle to a candidate for mayor or to a candidate for council member of a particular council place.

##### **Sec. 2.468. Aggregate Fund Raising Limits.**

- (a) *Candidates for mayor.* A candidate for the office of mayor, including an incumbent mayor, shall not accept campaign contributions during an election cycle in an amount exceeding an aggregate limit to be determined as follows: an amount equal to \$1.25

multiplied by the number of registered voters in the city on the date of the last election for the office of mayor.

- (b) *Candidates for city council positions.* A candidate for the position of council member of a particular council place, including an incumbent council member, shall not accept campaign contributions during an election cycle in an amount exceeding an aggregate limit to be determined as follows: an amount equal to \$0.75 multiplied by the number of registered voters in the city on the date of the last election for any council position.
- (c) *Candidates in a run-off election or special called election.* A candidate in a run-off election or special called election for the office of mayor or council member shall not accept campaign contributions during an election cycle in an amount exceeding an aggregate limit determined as follows: an amount equal to \$1.50 multiplied by the number of registered voters on the date of the last regular municipal election.

**SECTION 2.** In codifying the changes authorized by this ordinance, paragraphs, sections and subsections may be renumbered and reformatted as appropriate consistent with the numbering and formatting of the San Marcos City Code.

**SECTION 3.** If any word, phrase, clause, sentence, or paragraph of this ordinance is held to be unconstitutional or invalid by a court of competent jurisdiction, the other provisions of this ordinance will continue in force if they can be given effect without the invalid portion.

**SECTION 4.** All ordinances and resolutions or parts of ordinances or resolutions in conflict with this ordinance are repealed.

**SECTION 5.** This ordinance will take effect after its passage, approval and adoption on second reading.

**PASSED AND APPROVED** on first reading on the \_\_\_\_ day of \_\_\_\_\_, 2017.

**PASSED, APPROVED AND ADOPTED** on second reading on the \_\_\_\_ day of \_\_\_\_\_, 2017.

John Thomaides  
Mayor

Attest:

Approved:

Jamie Lee Case  
City Clerk

Michael J. Cosentino  
City Attorney

DRAFT