



Allegheny County Council

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Legislation Details (With Text)

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Title: An ordinance of the County of Allegheny, Commonwealth of Pennsylvania, amending and supplementing the Allegheny County Code of Ordinances, Chapter 220, entitled "Campaign Finance Regulations," through the creation of new Sections 220-7 through 220-9 in order to regulate certain forms of expenditures coordinated between Candidates and/or Candidate Committees and other entities.
Sponsors: Tom Duerr

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Attachments:

Date	Ver.	Action By	Action	Result
6/1/2023	1	County Council	Withdrawn	
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An ordinance of the County of Allegheny, Commonwealth of Pennsylvania, amending and supplementing the Allegheny County Code of Ordinances, Chapter 220, entitled "Campaign Finance Regulations," through the creation of new Sections 220-7 through 220-9 in order to regulate certain forms of expenditures coordinated between Candidates and/or Candidate Committees and other entities.

Whereas, the right of candidates to campaign necessarily entails the need to finance such campaigns; and

Whereas, while the Allegheny County Code of Ordinances, Chapter 220 (as recently amended), does contain provisions relating to campaign finance limitations, reports and statements, it does not address potential issues arising from expenditures coordinated between candidates and/or candidate committees and other entities; and

Whereas, other jurisdictions within the Commonwealth of Pennsylvania, perhaps most notably the City of Philadelphia, have taken steps to address these deficiencies in their campaign finance regulations; and

Whereas, it is the considered opinion of Council that certain forms of coordinated expenditures constitute clear and obvious paths to circumvention of the County's recently-enacted campaign contribution limitations; and

Whereas, increasing numbers of jurisdictions within Pennsylvania, including both the City of Pittsburgh and the City of Philadelphia, have begun regulating coordinated expenditures to render their campaign finance regulations more transparent and consistent; and

Whereas, it is accordingly the judgment of Council that the County owes its residents, taxpayers, voters, and candidates meaningful regulation of expenditures coordinated between candidates for County elected office and/or their candidate committees and other entities;

The Council of the County of Allegheny hereby enacts as follows:

SECTION 1. Incorporation of the Preamble

The provisions of the preamble to this Ordinance are hereby incorporated in their entirety by reference herein.

SECTION 2. Amendment of the Allegheny County Code of Ordinances.

The Allegheny County Code of Ordinances is hereby amended and supplemented by the establishment of a new §220-7, entitled “Coordinated Expenditures,” a new §220-8, entitled “Other In-kind Contributions,” and a new §220-9, entitled “Exceptions,” comprised as follows:

**Chapter 220
Campaign Finance Regulations**

§220-7. Coordinated Expenditures.

An expenditure shall be presumed to be coordinated with a Candidate and/or Candidate Committee and shall be deemed an in-kind campaign contribution to such Candidate or Candidate Committee for the purposes of this Chapter if it is made in cooperation, consultation or concert with such Candidate or Candidate Committee, including the following:

- A. The expenditure is made at the request or suggestion of the Candidate or Candidate Committee;
- B. A person suggests making an expenditure and the Candidate or Candidate Committee assents to the suggestion;
- C. The person making the expenditure communicates with the Candidate or Candidate Committee concerning the expenditure before making the expenditure;
- D. The Candidate or Candidate Committee has solicited funds for or directed funds to the person making the expenditure, but only if the solicitation occurred within the 12 months before the election that the expenditure seeks to influence; or
- E. The Candidate or Candidate Committee directs, places, or arranges the expenditure; or
- F. The person making the expenditure uses information obtained from the Candidate or Candidate Committee to design, prepare, or pay for the specific expenditure at issue, unless the person has obtained that information from a public source or from a communication the Candidate or Candidate Committee made to the general public. This subparagraph does not apply to the republication of Candidate or Candidate Committee communications or materials, which is covered by §220-8 of this Chapter.
- G. The person making the expenditures does so based on instructions received from the Candidate or Candidate Committee. A public communication by a Candidate or Candidate Committee will constitute such instructions only if:

1. The communication includes a suggestion that the electorate or segment thereof be made aware of information identified in the communication; and
2. The communication suggests the manner in which the information should be presented, including (but not limited to) instances in which the communication includes a phrase such as “voters need to hear” or “voters need to see.” Despite the presence of these factors, coordination will not be found if the person can demonstrate that they had an independent basis for making the expenditure.

§207-8. Other In-kind Contributions.

- A. Republication of campaign communications or materials. For the purposes of the contribution limits established pursuant to the terms of this Chapter, an expenditure made to reproduce, republish, or disseminate a campaign communication (including audio recordings or video footage) or campaign material (such as photographs, flyers, signs, or brochures) prepared by a Candidate or Candidate Committee:
 1. Shall be considered an in-kind contribution made by the person making the expenditure.
 2. Shall be considered an in-kind contribution received by the Candidate and/or Candidate Committee if the person making the expenditure obtains the communication or materials directly from the Candidate and/or Candidate Committee, or from another source with the consent of the Candidate or Candidate Committee. For the purposes of this Section, a campaign communication or campaign material is obtained with the Candidate’s or Candidate Committee’s consent if such Candidate or Candidate Committee provides it to a third party for the purpose of enabling another person to obtain the communication or material from that third party and subsequently republish some or all of it.
- B. Notwithstanding any provision of Subsection A, republication of campaign materials shall not be considered an in-kind contribution to the extent that:
 1. The communication or material is incorporated into a communication that advocates the defeat of the Candidate or Candidate Committee that prepared the material;
 2. The item republished is a photograph or video obtained from a public source that is not controlled by the Candidate or Candidate Committee; or
 3. The person’s expenditures for republication of a campaign’s communications or materials are less than \$100 in the aggregate per reporting period.

§220-9. Exceptions.

An expenditure will not be considered a coordinated expenditure for the purposes of this Chapter merely because:

- A. The person making the expenditure interviews the Candidate;

- B. The person making the expenditure has endorsed the Candidate;
- C. The person making the expenditure and the Candidate or Candidate Committee use the same vendor, attorney, or accountant;
- D. The person making the expenditure has obtained from the Candidate or Candidate Committee a biography of the Candidate or a position paper, press release, or similar material about the Candidate; or
- E. The person making the expenditure has invited the Candidate to make an appearance before the person's members, employees, or shareholders.

SECTION 3. Effective Date and Implementation.

This Chapter shall take effect on November 8, 2023. This shall mark the beginning of a new election cycle for all candidates. No donations received prior to the effective date shall count towards the new contribution limits.

SECTION 4. Severability. If any provision of this Ordinance shall be determined to be unlawful, invalid, void or unenforceable, then that provision shall be considered severable from the remaining provisions of this Ordinance which shall be in full force and effect.

SECTION 5. Repealer. Any Resolution or Ordinance or part thereof conflicting with the provisions of this Ordinance is hereby repealed so far as the same affects this Ordinance.