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An ordinance of the County of Allegheny, Commonwealth of Pennsylvania, repealing all existing provisions of the Allegheny County Code of Ordinances, Chapter 220, entitled "Campaign Finance Reports and Statements," replacing them with new provisions in order to establish updated campaign finance regulations for all candidates for County elected office, and making related amendments to Article 1013 of the Administrative Code of Allegheny County.

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, does contain some rudimentary provisions relating to campaign finance reports and statements, it contains no substantive regulation of campaign finances, let alone a comprehensive system of such regulations; and

Whereas, the provisions of Chapter 220 have not been meaningfully altered since their original enactment in August of 2003; and

Whereas, as has been conclusively - and repeatedly - demonstrated in modern political campaigns, the influence of special interests can become disproportionate when and if no regulations govern how campaigns can be financed; and

Whereas, increasing numbers of jurisdictions within Pennsylvania, including both the City of Pittsburgh and the City of Philadelphia, have begun establishing meaningful campaign finance regulations; and

Whereas, it is therefore the judgment of Council that the County owes its residents, taxpayers, voters, and candidates a more comprehensive, equitable system of campaign finance regulations than currently apply to candidates for County elected office;

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. Repeal of Existing Chapter 220.

Chapter 220 the Allegheny County Code of Ordinances is hereby repealed in its entirety, and replaced with a new Chapter 220 as delineated in Section 3 of this Ordinance.

SECTION 3. 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 Chapter 220, entitled "Campaign Finance Regulations," and comprised as follows:

Chapter 220
Campaign Finance Regulations

§220.1. Definitions.

The following terms when used in this Chapter shall have the following meanings:

CANDIDATE - Shall mean either:

A. Any individual who files nomination papers or petitions for County elected office; or

B. Any individual who publicly announces his or her candidacy for County elected office.

CANDIDATE COMMITTEE - The political committee, any money or assets associated with it, and any associated bank account into which all contributions in support of a campaign for County elected office shall be made, and out of which all expenditures for that office shall be made.

COUNTY ELECTED OFFICE - The offices of Chief Executive, Member of County Council, Controller, District Attorney, Sheriff, and Treasurer.

COORDINATED EXPENDITURE - Any expenditure made by any person (other than a candidate or candidate committee) in support of a candidate's campaign that is made in cooperation, consultation, or in concert with, or at the direction of a candidate, candidate committee, or agent thereof.

COVERED ELECTION - Every primary election, or general election, or special election for County elected office.

ELECTION CYCLE Begins on the day after a covered election for the County elected office which the candidate seeks and ends on the day of the next covered election for that same City elected office. For the purposes of the contribution limits set forth in §220.2, primary and general elections shall be considered separate elections.

INDEPENDENT EXPENDITURE - An expenditure made for the purpose of influencing an election, without cooperation or consultation with any Candidate or any Political Committee authorized by that Candidate, and which is not made in concert with, or at the request or suggestion of, any Candidate or Political Committee or agent thereof.

PERSON. An individual, partnership, corporation, sole proprietorship, or other form of organization permitted under the laws of the Commonwealth to make political contributions. For the purposes of this Chapter, person shall not include a political committee.

POLITICAL COMMITTEE. Any committee, association, political party, or other group of persons, including a candidate committee as required by §220.3 of this Chapter, operating with the purpose of influencing the

outcome of an election, including but not limited to covered elections.

POLITICAL CONTRIBUTION. Money, gifts, forgiveness of debts, loans, or things having a monetary value incurred or received by a candidate for County elected office or a political committee to which they are legally associated for use in advocating or influencing the election of the candidate for County elected office. For the purposes of this Chapter, political contribution shall include all coordinated expenditures.

§220.2. Contribution Limitations.

A. No person, except the candidate, shall make political contributions to a candidate or candidate committee per covered election for the office that the committee has been established to seek, that exceeds the limitations that are in effect and published by the Federal Election Commission as of the first day of that same calendar year. In instances where the donation limits increase in the middle of an election cycle, a candidate or candidate committee may seek donations equal to the difference between the total contribution made by a person to their candidate committee during that election cycle and the newly adopted campaign finance limits. Political contribution limits for donations made by a person to a candidate committee shall be the same as the federal contribution limit for "individuals" who make contributions to "candidate committees."

B. No political committee or candidate committee shall make political contributions to a candidate or candidate committee per covered election that exceeds the limitations that are in effect and published by the Federal Election Commission as of the first day of that same calendar year. Political contribution limits for donations made by a political committee to a candidate committee shall be the same as the federal contribution limit for "PAC-Multicandidate" that makes contributions to "candidate committees."

C. The limitations imposed by this Section shall not apply to volunteer labor hours.

D. No candidate for County elected office and no political committee shall accept any political contribution which exceeds the contribution limits set forth in this Chapter.

E. For reporting purposes, the date of a political contribution shall be the date that the contribution is received by the campaign. The act of pledging a political contribution or depositing a political contribution into the bank account associated with a candidate committee, or expending campaign funds that a political contribution may have been earmarked or otherwise planned for shall not be a sufficient act to indicate the date of a contribution. Similarly, "stacking" contributions, whereby a candidate accepts a contribution for the primary election and the general election at the same time or during the same election cycle, is prohibited.

§220.3. Candidate Committees and Accounts.

A. A candidate for County elected office shall have no more than one (1) candidate committee and one (1) associated bank account for each County elected office being sought, into which all political contributions in support of a campaign for said office shall be made, and out of which all expenditures in support of a campaign for said office shall be made.

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B. Candidates are prohibited from donating or transferring funds from one (1) candidate committee or any other political committee to another candidate committee at an amount above the campaign finance limits set forth in this Chapter in any and all circumstances.

C. Candidates are prohibited from amending an existing candidate committee and assigning it and the funds associated with it for the use in support of a different campaign for County elected office than it was originally intended.

§220.4. Special Elections.

In instances where a special election and another covered election fall on the same day, the two (2) elections together shall be considered a single covered election for reporting, contribution limits, and all other provisions and purposes in this Chapter.
In instances where a special election and another covered election do not fall on the same day, the two (2) elections together shall be considered separate covered elections for reporting, contribution limits, and all other provisions and purposes in this Chapter.
"Stacking" contributions, whereby a candidate accepts a contribution for the special election and the primary election at the same time or during the same election cycle, is prohibited.

§220.5. Public Database and Reporting.

A. Candidates for County elected office and candidate committees shall, on the first business day of each of the three (3) months prior to election day, provide a campaign finance report, for all candidate committees associated with the candidate for any office sought, in the form mandated by the regular Allegheny County Board of Elections pre-primary reporting forms and procedures to the County Elections Division. In the case of special elections, these reports shall be due on the lesser of either (1) the first business day of each month between when the special election is called and election day or (2) on the first business day of each of the three (3) months prior to election day. Included with these reports shall be an additional schedule that details the name of each contributor and the total contribution made by each contributor to the candidate committee both in the then current election cycle in a form to be promulgated by the County Elections Division and made available via the Allegheny County website.

B. The County Elections Division shall maintain an online database of all campaign finance reports required by this Chapter for County elected office. This database shall be searchable by candidate committee name, candidate name, and by covered election year, and shall be made available to the public free of any charge(s) or usage fee(s).

C. All Political Committees shall report to the County Elections Division all expenditures to, or made on behalf of, any question appearing on the ballot, in the same manner required of a Candidate Committee, as described in subsection (1) of this section. Political Committees must also report in the same manner required of a Candidate Committee, as described in subsection (1) of this section, all Independent Expenditures made to encourage or defeat an election outcome, or to advocate the election or defeat of a clearly identified Candidate or question appearing on the ballot. This provision is in addition to any other filing and reporting provisions of this Code that apply to such committees, their treasurers and chairpersons.

D. Every person, other than a Political Committee or Candidate, who makes Independent Expenditures to encourage or defeat an election outcome, or to advocate the election or defeat of a clearly identified Candidate or question appearing on the ballot, other than by contribution to a Political Committee or Candidate, in an aggregate amount over one hundred dollars ($100.00) during a calendar year, shall file with the County Elections Division a form prepared by the Division, in physical or electronic form, based on the State's Independent Expenditure Report. Reports required by this subsection shall be filed by dates on which reports by Candidates making expenditures are required under this section.

E. Campaign finance reports will be regularly audited according to regulations promulgated by the County Elections Division.

§220-6. Penalties and Investigations.

A. Any person residing in the County of Allegheny, including the County Solicitor, may bring an action for injunctive or other relief in any court of competent jurisdiction to enjoin any violations of or to compel compliance with the provisions of this Chapter.

B. Pursuant to the procedures established in Article 1013 of the Administrative Code of Allegheny County, the Allegheny County Ethics Commission shall also be empowered to hear complaints from County residents regarding violations of this Chapter, and may use all of its powers to investigate alleged violations in accordance with its normal administrative procedures and powers. Nothing contained within this Subsection shall be read, interpreted, or otherwise deemed to limit the right of any County resident to seek injunctive or other relief as provided for in Subsection A.

C. When the Ethics Commission makes any final finding of fact under the provisions of §5-1013.28 of the Administrative Code of Allegheny County relating to alleged violations of this Chapter, it shall forward such finding to the County Solicitor within seven (7) days of issuance.

1. Within twenty (20) days of receipt of the finding of fact, the County Solicitor may, at his or her sole discretion, institute an enforcement action in any court of competent jurisdiction. In the event that such court determines that one or more violations of the terms of this Chapter after *de novo* review of the facts and circumstances alleged by the County Solicitor, such court shall levy a fine on a candidate for such violation(s).

2. The fine shall be the greater of either one thousand dollars ($1 ,000.00) per instance of a violation of this law, in which an instance shall be a single donation above the campaign finance limit, or one thousand dollars ($1 ,000.00) for every two thousand dollars ($2,000.00) accepted by the candidate committee above the campaign finance limits set forth in this Chapter. Candidates shall also be required to fully refund all donations received above the campaign finance limits set forth in this Chapter.

D. The County Elections Division shall levy a fine of fifty dollars ($50.00)/day for the late filing of reports required under §220.5 of this Chapter.

E. No person elected to a public office of the County of Allegheny shall receive a salary, stipend, expense reimbursement, or any other payment of funds of any sort from the County of Allegheny if they have

outstanding fines owed related to penalties levied under the terms of this Chapter, or if they have not completed any action required by County Elections Division or court order relating to the terms of this Chapter.

SECTION 4. Amendment of the Administrative Code of Allegheny County.

In order to effectuate the provisions of Section 3 of this Ordinance, the Administrative Code of Allegheny County, Article 1013, entitled "Political Activity; Accountability, Conduct And Ethics Code," §5-1013.03, entitled "Definitions," and §5-1013.22, entitled "Complaint," are hereby amended as follows:

§5-1013.03. Definitions.

The following words and phrases, when used in this code, shall have the meanings given to them in this section:

* * *

COVERED PERSONS - All elected and appointed County officers, County officials, ~~and~~ all County employees and members of County agencies, and any individual who files nomination papers or petitions for County elected office and/or any individual who publicly announces his or her candidacy for County elected office.

* * *

§5-1013.22. Complaint.

A. Any individual who believes that an action or omission of a covered person is in violation of this Ethics Code shall have the right to lodge a formal complaint with the ACE Commission. To the extent that such complaint involves a covered person's alleged noncompliance with the provisions of Chapter 220 of the Allegheny County Code of Ordinances, the Commission's jurisdiction and authority regarding such complaint shall be limited to the delineation of such jurisdiction and authority contained within §§220-6.B and C.

* * *

SECTION 5. 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 6. Severability. If any provision of this Ordinance shall be determined to be unlawful,

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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 7. 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.

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