

# DRAFT ORDINANCE FOR ST. PETERSBURG

## ARTICLE III. CAMPAIGN FINANCING

### Sec. 10-42. – Definitions.

The words, terms, and phrases used in this article shall have the meanings ascribed to them in the state statutes regulating elections, except that the following words, terms and phrases shall have the following meanings:

*Chief executive officer* means the highest-ranking officer or decision-making individual with authority over the corporation's affairs.

*Corporation* means any corporation, company, limited liability company, limited partnership, business trust, business association, or other similar entity.

*Foreign-influenced corporation* means any corporation:

- a. wherein foreign nationals hold, own, control, or otherwise have directly or indirectly acquired beneficial ownership of equity or voting shares in an amount that is equal to or greater than five percent of the total equity or outstanding voting shares; or
- b. with a chief executive officer who is a foreign national; or
- c. with a board of directors comprised of one-third or more foreign nationals; or
- d. wherein one or more foreign nationals participate in any way, directly or indirectly, in the corporation's decision-making process with respect to the corporation's political activities in the United States, including the corporation's political activities in a municipal election.

*Foreign national* includes both a foreign national, as defined in 52 U.S.C. § 30121(b), and an agent of a foreign principal, as defined in 22 U.S.C. § 611(c).

*Municipal candidate* means a candidate for Mayor or City Council.

*Municipal election* means a primary or general election for Mayor or City Council.

*Municipal expenditure for electioneering communication* means an expenditure for an electioneering communication, as defined in F.S. § 106.011(8), made with respect to a municipal candidate.

*Municipal independent expenditure* means an independent expenditure, as defined in

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F.S. § 106.011(12), made with respect to a municipal candidate, but shall not include any expenditure for any activity or communication that qualifies under F.S. § 106.011(8)(b).

*Municipal special election* means any special election for Mayor or City Council, including a special primary election under F.S. § 100.101, special election to fill a vacancy under Sec. 3.04 of Article VII of the St. Petersburg City Charter, or special recall election under F.S. § 100.361.

*Municipally active outside-spending group* means a political committee, as defined in F.S. § 106.011(16)(a), or an electioneering communications organization, as defined in F.S. § 106.011(9), that either:

- a. makes a municipal independent expenditure or a municipal expenditure for electioneering communication; or
- b. mentions this city, either explicitly or by means susceptible of no reasonable interpretation other than this city, in a solicitation for a contribution or in a description of a planned independent expenditure or electioneering communication, that is distributed or otherwise made available to contributors or to the general public; or
- c. solicits contributions for, among other purposes, the purpose of municipal independent expenditures or municipal expenditures for electioneering communication; or
- d. otherwise conveys, in solicitations for contributions or in materials otherwise made available to prospective or actual contributors, either explicitly or by means susceptible to no other reasonable interpretation, that contributions may be used for municipal independent expenditures or municipal expenditures for electioneering communication; or
- e. accepts a contribution that has been specifically designated for partial or exclusive use in a municipal election or municipal special election.

### **Sec. 10-43. – Election spending by foreign-influenced corporations.**

- (a) This section applies to any corporation that:
  - (1) makes a municipal independent expenditure of \$5,000 or more with respect to any municipal candidate in a municipal election or a municipal special election,

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- (2) makes a municipal expenditure for electioneering communication of \$5,000 or more with respect to any municipal candidate in a municipal election or municipal special election, or
  - (3) makes a contribution to a municipally active outside-spending group.
- (b) The chief executive officer of any corporation subject to this section shall file with the City Clerk's Office, within 10 days after making the contribution or expenditure, a statement of certification that the corporation is not a foreign-influenced corporation. The statement of certification shall include the following:
- (1) the name and mailing address of the corporation,
  - (2) for each contribution or expenditure, the amount, date, and recipient,
  - (3) the statement "I certify, after due inquiry and under penalty of perjury, that, on the date(s) on which the referenced contribution(s) or expenditure(s) was/were made, [name of corporation] was not a foreign-influenced corporation as defined by the St. Petersburg City Code," and
  - (4) the signature of the corporation's chief executive officer.
- (c) It shall be unlawful for a corporation that is subject to this section to fail to timely file the statement of certification.

### **Sec. 10-44. – Contribution limits for municipally active outside-spending groups.**

- (a) The treasurer of a municipally active outside-spending group shall separately designate, record, and account for, by a secondary depository or a separate interest-bearing campaign account under F.S. § 106.021 or by any other means consistent with state law, funds that are eligible for use for municipal independent expenditures or municipal expenditures for electioneering communications.
- (b) The following shall not be designated as eligible for use for municipal independent expenditures or municipal expenditures for electioneering communications:
  - (1) any portion of a contribution to a municipally active outside-spending group that exceeds the aggregate of \$5,000 per person per calendar year, or

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- (2) any contribution from a corporation to a municipally active outside-spending group for which the corporation fails to provide, within 10 days of making the contribution, a copy of the statement of certification required under Section 10-43.
- (c) The treasurer of a municipally active outside-spending group shall ensure that disbursements for municipal independent expenditures or municipal expenditures for electioneering communications are made from funds designated as eligible for such use.
- (d) It shall be unlawful for the treasurer of a municipally active outside-spending group to make or authorize disbursements in violation of this section.
- (e) The treasurer of a municipally active outside-spending group shall advise contributors and prospective contributors of the limits in this section.

### **Sec. 10-45. – Severability clause.**

If any provision of this article, or the application thereof to any person, entity, or circumstance, is held invalid, such determination shall not affect other provisions or applications of this article, and to that end the provisions of this article are severable.