

ORDINANCE NO. 0-2010-19

AN ORDINANCE OF THE CITY OF HOLLYWOOD, FLORIDA, AMENDING THE CITY CHARTER BY ADOPTING CAMPAIGN FINANCE REFORM, SUBJECT TO APPROVAL BY THE ELECTORATE AT A REFERENDUM TO BE HELD ON NOVEMBER 2, 2010.

WHEREAS, Florida Statutes Section 166.031(1) provides, in part, that "[t]he governing body of a municipality may, by ordinance, submit to the electors of said municipality a proposed amendment to its charter, which amendment may be to any part or to all of said charter except that part describing the boundaries of such municipality"; and

WHEREAS, the City Commission finds it to be in the best interest of the citizens of Hollywood to present to them, at a referendum election to be held on November 2, 2010, the following proposed Charter amendment;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA:

Section 1: That Section 3.12 of the City of Hollywood Charter is hereby created to read as follows:

**ARTICLE III. ELECTIONS**

\* \* \*

**DIVISION 2. CANDIDATES**

\* \* \*

**Sec. 3.12 Campaign Finance Reform**

**(a) Definitions**

- (1) Express Advocacy - A communication to the general public by means of any broadcast, cable, satellite, newspaper, magazine, outdoor advertising facility, mass mailing, the Internet, or telephone bank, or any other form of general public political advertising, that in express terms advocates the**

(Coding: Words underscored are additions to existing law; words ~~struck through~~ are deletions from existing law.)

election or defeat of a clearly identified candidate for elective office or the approval or disapproval of a clearly identified ballot issue; provided, however, that with respect to the Internet, a communication will be deemed to be express advocacy only if it constitutes the creation or dissemination of a message on a computer information system accessible by more than one person but excluding internal communications of a campaign or of any group.

- (2) Express Advocacy Organization (EAO) - A person, as defined in section 4 other than an individual, that engages in express advocacy or the functional equivalent of express advocacy.
- (3) Functional Equivalent of Express Advocacy - A communication to the general public by means of any broadcast, cable, satellite, newspaper, magazine, outdoor advertising facility, mass mailing, the Internet, or telephone bank, or any other form of general public political advertising, made within sixty days of an election that is susceptible of no reasonable interpretation other than as an appeal to vote for or against a clearly identified candidate for an office or issue on the ballot in such election.
- (4) Person - The word "person" includes individuals and associations of individuals, whether constituting legal entities or not, and business entities of whatever form, whether constituting legal entities or not, and including, but not limited to, corporations, partnerships, sole proprietorships, associations, joint ventures, estates, trusts, business trusts, syndicates, and fiduciaries and other business entity authorized to do business in the State of Florida, any other state or any foreign country.

(b) Limitation on contributions.

It is unlawful for any individual to make a contribution in excess of five hundred dollars (\$500.00), either directly, indirectly or through a political committee, to any candidate. Furthermore, it is unlawful for any candidate, political committee, or other person knowingly to accept or receive any contribution prohibited by this section. The contribution limits of this section apply to each election.

(c) Contributions prohibited.

It is unlawful for any person as defined in Section a(4), other than an individual, to make a contribution in connection with the election of any candidate. Furthermore, it is unlawful for any candidate, political committee, or other person knowingly to accept or receive any contribution prohibited by this section, or for any officer or any director of any such entity to consent to any contribution prohibited by this section.

(d) Reports; certification and filing.

- (1) Each campaign treasurer designated by a candidate pursuant to State law shall file regular reports with the City Clerk of all contributions received, and all expenditures made, by or on behalf of such candidate or political committee. Reports shall be filed on the 10th day following the end of each calendar quarter from the time the campaign treasurer is appointed, except that, if the 10th day following the end of a calendar quarter occurs on a Saturday, Sunday, or legal holiday, the report shall be filed on the next following day which is not a Saturday, Sunday, or legal holiday. Quarterly reports shall include all contributions received and expenditures made during the calendar quarter which have not otherwise been reported pursuant to this section.
- (2) When engaged in express advocacy, or the functional equivalent of express advocacy, as defined in this section, relating to any campaign for election to the office of mayor or city commissioner of the city or any campaign for approval or disapproval of an issue to appear on the ballot in which only city electors are eligible to vote, an EAO shall file with the City Clerk regular reports of all contributions received, and all expenditures made, in furtherance of such express advocacy or such functional equivalent of express advocacy. Reports shall be filed on the 10th day following the end of each calendar quarter from the time the EAO is created, except that, if the 10th day following the end of a calendar quarter occurs on a Saturday, Sunday, or legal holiday, the report shall be filed on the next following day which is not a Saturday, Sunday, or legal holiday. Quarterly reports shall include all contributions received and expenditures made during the calendar quarter which have not otherwise been reported pursuant to this section.
- (3) Following the last day of qualifying for office, the reports of all contributions received, and all expenditures made, by (i) a candidate who is seeking election to the office of mayor or city commissioner of the city; or (ii) a political committee, an EAO or a committee of continuous existence, when engaged in express advocacy or the functional equivalent of express advocacy, as defined in this section, relating to any campaign for election to the office of mayor or city commissioner of the city or any campaign for approval or disapproval of an issue to appear on the ballot in which only city electors are eligible to vote, shall be filed with the city clerk on the 46th, 32nd, 18th, and 7th days immediately preceding the election, for a candidate, for a political committee, for an EAO, or for a committee of continuous existence. No contributions may be accepted after the 7th day immediately preceding the election.
- (4) When an election is called for an issue to appear on the ballot at a time when no candidates are scheduled to appear on that same ballot, all political committees, EAO, and committees of continuous existence making contributions or expenditures in support of or in opposition to such

issue shall file reports with the City Clerk on the 46th, 32nd, 18th and 7th days prior to such election. No contributions may be accepted after the 7th day immediately preceding the election.

(e) Applicability.

The provisions of this Section 3.12 shall be applicable to all campaigns for election to the office of Mayor of Hollywood, to all campaigns for election to the office of City Commissioner of Hollywood, and to all elections called for an issue to appear on the ballot in which only City of Hollywood electors are eligible to vote.

(f) Penalties.

Any person who violates any of the provisions of Section 3.12 (b), (c) or (d) shall be subject to a fine in an amount not to exceed five hundred dollars (\$500.00), imprisonment for a period not to exceed sixty (60) days, or both.

Section 2: That the ballot language for the Charter amendments proposed in Section 1 above shall be as set forth in Exhibit A attached hereto.

Section 3: That the Charter amendments set forth in this ordinance shall be submitted to a vote of the electors of the City of Hollywood at an election to be held ballot on November 2, 2010.

Section 4: That notice of the election on the Charter amendments set forth in this ordinance shall be given at least thirty (30) days in advance of the election and shall be given in newspaper of general circulation published in Broward County. The notice shall be published at least twice, once in the fifth week and once in the third week prior to the week in which the election is to be held.

Section 5: That if the Charter amendments set forth in this ordinance are approved by a majority of the electors voting in the election scheduled for November 2, 2010, such amendments shall take effect as of the day immediately following the certification of the results of the election and shall be incorporated into the Charter of the City of Hollywood.

Section 6: That if any word, phrase, clause, subsection or section of this ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this ordinance.

ORDINANCE ADOPTING CAMPAIGN FINANCE REFORM

Section 7: That all sections or parts of sections of the Code of Ordinances, all ordinances or parts of ordinances, and all resolutions or parts of resolutions in conflict herewith be and the same are hereby repealed to the extent of such conflict.

Section 8: That this ordinance shall be in full force and effect immediately upon its passage and adoption.

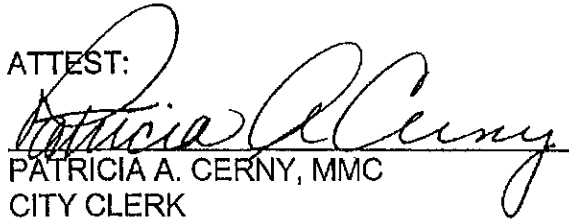
ADVERTISED on may 21, 2010.

PASSED on first reading this 5 day of may, 2010.

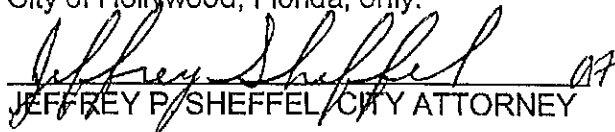
PASSED AND ADOPTED on second reading this 2 day of June, 2010.

  
PETER BOBER, MAYOR

ATTEST:

  
PATRICIA A. CERNY, MMC  
CITY CLERK

APPROVED AS TO FORM & LEGALITY  
for the use and reliance of the  
City of Hollywood, Florida, only.

  
JEFFREY P. SHEFFEL, CITY ATTORNEY

6/3/10pac

EXHIBIT A

CHARTER AMENDMENTS – REFERENDUM  
ADOPTION OF CAMPAIGN FINANCE REFORM

These amendments would adopt campaign finance reform. They would prohibit corporations and other business associations from making campaign contributions, require organizations engaged in conduct susceptible of no reasonable interpretation other than as support for or opposition to a candidate or ballot question to file campaign reports, change the deadline for filing the final campaign report from four days to seven days preceding the election, and prohibit contributions after the seventh day preceding the election.

QUESTION

Should the City Charter be amended to adopt campaign finance reform?

Yes \_\_\_\_\_

No \_\_\_\_\_