



# City of Sunnyvale

## Agenda Item

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**24-0115**

**Agenda Date: 2/15/2024**

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### **2023 COUNCIL STUDY ISSUE**

#### **NUMBER**

OCM 21-04

**TITLE** Establishing Local Rules for City Council Campaign Contributions That Would Differ from the Requirements of AB 571

#### **BACKGROUND**

**Lead Department:** Office of the City Manager  
**Support Departments:** Office of the City Attorney  
**Sponsor(s):** Councilmembers: Melton, Fong, Din  
**History:** 1 year ago: Deferred by Council  
2 years ago: Deferred by Council

#### **SCOPE OF THE STUDY**

##### **What precipitated this Study?**

At the January 12, 2021 City Council meeting, Councilmember Melton sponsored a study issue related to establishing a local limit on campaign contributions to local candidates that supersedes the requirements of AB 571, which went into effect on January 1, 2021.

AB 571 limits contributions to campaigns for local county and city offices (Government Code section 85301(d)). For 2021-22, the limit was \$4,900 per each individual contributor. The limit for 2023-24 is \$5,500 per each individual contributor. However, cities may adopt different limits for local campaign contributions (Government Code section 85702.5). Thus, the Council has the option of setting a different local contribution limit, an amount lower or higher than the default limit, or setting no limit for local campaign contributions.

On July 14, 2020, the City Council held a Study Session on Local Campaign Finance, including AB 571 (RTC No. 20-0597). During the Study Session, Councilmembers shared concerns regarding local control versus state mandates setting local campaign limits, whether the state campaign contribution limit is set at the appropriate level for Sunnyvale, and the option of setting no limit. It was noted during discussions that Independent Expenditure Committees are not subject to the state contribution limit nor could a local contribution limit be applied to Independent Expenditure Committees and that these contribution limits do not apply to self-funded candidates. The idea of setting a local contribution limit for the Mayor, with a lower limit set for District Councilmembers, was also suggested.

##### **What are the key elements of the Study?**

This Study would include surveying comparable Bay Area cities to identify local contribution limits in neighboring jurisdictions. Staff would identify any considerations that comparable agencies have established. In addition, staff would present options to Council for consideration.

**Estimated years to complete Study:** 1 year

**FISCAL IMPACT**

**Cost to Conduct Study**

Level of staff effort required (opportunity cost):	Minor
Funding Required for Non-Budgeted Costs:	\$0
Funding Source:	Existing operating funds

The Study would require minor staff time from the Office of the City Manager to conduct the survey and prepare a summary for Council.

**Cost to Implement Study Results**

Minimal cost is expected to implement including drafting of an implementation ordinance, updates to election materials and outreach to existing campaign committees.

**EXPECTED CITY COUNCIL, BOARD OR COMMISSION PARTICIPATION**

Council-Approved Work Plan: No  
Council Study Session: Yes  
Reviewed by Boards/Commissions: None

**STAFF RECOMMENDATION**

Support. This policy issue merits discussion at the 2024 Study Issues Workshop.

The topic of local campaign contribution limits was discussed during the July 14, 2020 Study Session on local Campaign Finance. Now that Sunnyvale has conducted its first by-district elections in November 2020 and November 2022, Council may want to consider a local campaign contribution limit.

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