

FOURTH COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 060795, AS  
AMENDED

Amending Chapter 2, Code of Ordinances, by enacting a new section to be known as Section 2-53, Limitation on contributions for Mayor and Council elections.

WHEREAS, the City Council hereby finds that preserving integrity and openness in the political process is a matter of the highest public interest; and

WHEREAS, it is the policy of the City to promote and encourage broad-based citizen involvement in the financing of election campaigns; and

WHEREAS, the City Council further finds that regulation of campaign contributions is required because the costs of running political campaigns have reached levels that lead to a public perception that special interests and wealthy individuals may have undue influence on or access to elected officials; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 2, Code of Ordinances of the City of Kansas City, Missouri, is hereby amended by enacting a new section to be known as Section 2-53, Limitation on contributions for Mayor and Council elections, to read as follows:

**Sec. 2-53. Limitation on Contributions for Mayor and Council Elections.**

(a) *Definitions:* With the following exceptions, terms shall be defined as in the Missouri Campaign Finance Disclosure Law, Chapter 130, Revised Statutes of Missouri:

- (1) Base amount means the monetary campaign contribution limitation amounts prescribed in subsection (b) hereof.
  - (2) City election means any primary, general or special election held to elect an individual to the office of Kansas City, Missouri mayor or councilperson or to retain or recall such official. A primary election and the succeeding general election or run-off election shall be considered separate City elections.
  - (3) Limitation amounts means the monetary campaign contribution limitation amounts set forth in subsection (b), as subsequently adjusted pursuant to subsection (c).
- (b) *Campaign Contribution Limitation Amounts.*
- (1) No person, other than the candidate, shall make any contribution to elect a candidate which will cause the total amount contributed by such person in a city election to such candidate exceed the limitation amounts.

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- (2) No candidate, committee or other person acting on behalf of a candidate or committee shall solicit or accept from any person any contribution to elect a candidate which will cause the total amount contributed by such person in a City election to such candidate exceed the limitations amounts.
- (3) The limitation amounts for each City election, as defined in subsection (a)(2), are as follows:
  - a. To elect an individual to the office of Mayor, three thousand dollars.
  - b. To elect an individual to the office of Councilperson At-Large, two thousand five hundred dollars.
  - c. To elect an individual to the office of In-District Councilperson, one thousand five hundred dollars.

(c) *Adjustments to limitation amounts.* The base amounts set forth in subsection (b) shall be increased on the first day of January in each even numbered year. The first adjustment shall be made on January 1, 2008 by multiplying the base year amount by the cumulative consumer price index, as defined in Section 104.010 RSMo, as subsequently amended, and rounded to the nearest twenty-five dollar amount reflected for the previous year. Adjustment shall be made on each January 1 of each even numbered year thereafter reflecting the increase in the price index for the previous two years. The City Clerk shall forward to the City Council at the first legislative session of the Council following January 1 of the year in which an adjustment is made, the adjusted limitation amounts and publish once, in a newspaper of general circulation within the City, during that January, the adjusted limitation amounts.

(d) *Determination of maximum contribution.*

- (1) For purposes of computing the limitation amounts for a city election, the aggregate amount of contributions made by or accepted from any person for such city election shall be computed by adding all contributions made by or accepted from, as the case may be, such person during the following periods:
  - a. **Primary Election Period:** Beginning as 12:00 a.m. on the day after the general or run-off election and ending at 11:59 p.m. on the day of the next primary election.
  - b. **General Election Period:** Beginning at 12:00 a.m. on the day after the primary election and ending at 11:59 p.m. on the day of the immediately following general or run-off election.
- (2) Except, however, for contributions made and received during the thirty-day period immediately following a primary election, the candidate shall

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designate whether such contribution to a candidate committee is made and received as a primary election contribution or a general or run-off election contribution.

- (3) If a debt service committee is formed, contributions may be made to and received by such committee as long as the aggregate contribution received from or made by a person does not exceed the limitation amounts for the aggregating period in which the debt was incurred.
- (4) If a candidate changes the office sought during the primary election period, the limitation amounts of the new office sought shall apply to all contributions made to and received by such individual during the primary election period and the general election period. All contributions over the limitations of the new office sought shall be returned to the contributor within ten days of the change in the office sought.
- (5) Contributions made or received prior to January 1, 2007 shall not be considered when determining whether or not the limitation amounts have been reached.

(e) *Contributions from Persons under Fourteen.* Contributions from persons fewer than fourteen years of age shall be considered made by the parents or guardians of such person and shall be attributed toward any limitation amounts prescribed herein. Where the contributor fewer than fourteen years of age has two custodial parents or guardians, fifty percent of the contribution shall be attributed to each parent or guardian. Where such contributor has one custodial parent or guardian, all such contributions shall be attributed to the custodial parent or guardian.

(f) *Campaign Finance Disclosure Report.* Within seven business days of the filing of the report, the City Clerk shall obtain a copy of each Missouri Ethics Commission Campaign Disclosure Report filed by a candidate or committee pertaining to a city election. Within three business days after the Clerk's receipt of the reports, the Clerk shall forward to the Municipal Officials Ethics Commission copies of all campaign finance disclosure reports obtained by the City Clerk.

(g) *Duties of the Municipal Officials Ethics Commission.*

- (1) The Municipal Officials Ethics Commission shall review the applicable campaign finance disclosure reports submitted pursuant to the Missouri Campaign Finance Disclosure Law within seven business days of receipt. The Commission shall investigate and report on possible violations of this ordinance.
- (2) Any natural person may file a complaint with the Municipal Officials and Officers Ethics Commission alleging any violation of this ordinance. Any complaint shall be in writing, shall state all facts known by the complainant which have given rise to the complaint, and shall be sworn to, under penalty of perjury, by the complainant.

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- (3) Within the second business day after receipt of a complaint, the Commission shall supply a copy of the complaint to the person named in the complaint, deleting any material identifying the name of the complainant. The respondent may respond in writing or in person to the allegations of the complaint within four business days of delivery of the complaint to respondent.
- (4) Within seven business days of receipt of a complaint, the commission shall investigate the allegations contained in the complaint.
- (5) When, either as a result of investigation of a complaint or upon the Commission's own review of campaign finance disclosure reports, the Commission determines that there are reasonable grounds to believe that a violation of this ordinance has occurred, the Commission shall report its findings in writing and forward the complaint and findings to the person against whom the findings were made and to the city prosecutor who shall prosecute the violation upon his or her determination that probable cause exists.
- (h) *Violations.* It shall be a violation of this ordinance:
  - (1) for any contributor to knowingly contribute to any candidate, committee or person acting on behalf of a candidate or committee any amount exceeding the limitation amounts;
  - (2) for any candidate, committee or person acting on behalf of a candidate or committee to knowingly accept any contribution which exceeds the limitation amounts. An unauthorized contribution is knowingly accepted if it is not returned to the contributor within 30 days of receipt of the unauthorized contribution;
  - (3) for any committee treasurer to knowingly accept any contribution which exceeds the limitation amounts; a committee treasurer knowingly accepts an unauthorized contribution if it is not returned to the contributor within 30 days of receipt of the unauthorized contribution;
  - (4) for any candidate or committee treasurer to fail to return within 30 days of receipt of the unauthorized contribution, a contribution which exceeds the limitation amounts, including interest or other premium earned by the contribution exceeding the authorized limitations and each and everyday or portion thereof during which any violation of this provision is committed or continued shall be a separate offense;
  - (5) for any person to make a contribution in the name of another person, or to knowingly permit his or her name to be used to effect such a contribution, or to knowingly accept a contribution made by one person in the name of another person;

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(6) for any person to knowingly fail to report contributions, with the intent to mislead or deceive.

(i) *Penalty.* Any person who purposefully violates this section shall be punishable by a fine not to exceed \$500.00 and/or not more than 6 months in jail.

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Approved as to form and legality:

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Dorothy L. Campbell  
Assistant City Attorney