

An ordinance of the City of El Paso
Text of Proposed Ordinance
Proposition A

"The City of El Paso shall limit contributions to political campaigns for mayor and city council to \$1,000.00 per individual donor per election, require campaign donors to disclose their place of employment, and adopt enforcement provisions. The City of El Paso adopts and shall take all steps necessary and appropriate to enforce the limits on campaign contributions to candidates for Mayor and City Council, to include the following.

Each candidate may authorize, establish, administer, or control only one campaign committee at one time.

The election cycle for purposes of this ordinance begins 365 days before election day.

Campaign contribution limits:

No candidate for mayor or city council and their campaign committee shall accept campaign contributions in excess of \$1000 per contributor per election cycle from any person, except for the candidate and political action committees. The amount of the contribution limit shall be modified each year with the adoption of the city budget to increase or decrease in accordance with the most recently published federal government Bureau of Labor Statistics Indicator, Consumer Price Index (CPI-W U.S. City Average) U.S. City Average. The most recently published Consumer Price Index in March 2022, shall be used as a base of 100 and the adjustment thereafter will be to the nearest \$50.00.

No candidate for mayor or city council shall contribute more than \$5,000 to the candidate's campaign or expend more than \$5000 from their own funds per election cycle. The amount of the contribution limit shall be modified each year with the adoption of the budget to increase or decrease in accordance with the most recently published federal government Bureau of Labor Statistics Indicator, Consumer Price Index (CPI-W U.S. City Average) U.S. City Average. The most recently published Consumer Price Index on March 2022, shall be used as a base of 100 and the adjustment thereafter will be to the nearest \$50.00.

Required disclosures:

All contributors to a candidate for mayor or city council shall disclose the name of their employer or current place of employment; if the contributor is not employed, they shall state their current status (ex: retired, unemployed, etc.).

No candidate for mayor or city council shall accept an aggregate contribution total of more than \$5,000.00 per election, and \$2,500.00 in the case of a runoff election, from sources other than natural persons. The amount of the contribution limit shall be modified each year with the adoption of the budget to increase or decrease in accordance with the most recently published federal government Bureau of Labor Statistics Indicator, Consumer Price Index (CPI-W U.S. City Average) U.S. City Average. The most recently published Consumer Price Index on March

2022, shall be used as a base of 100 and the adjustment thereafter will be to the nearest \$1,000.00.

Coordinated Expenditures:

Any campaign expenditure supporting the election of a candidate or opposing the election of an opponent made with the prior consent of the candidate or his or her committee, or with cooperation or strategic communication between the candidate or his or her committee and the person making the expenditure, is considered a campaign contribution and a campaign expenditure and is subject to the limitations in this ordinance.

Responsibility of Candidate To Prevent Violations:

The candidate, or his or her committee, shall determine whether accepting each campaign contribution would violate this section before accepting the campaign contribution. If the candidate is unable to prevent a violation before accepting the campaign contribution, the candidate must return funds that exceed the above limits on campaign contributions within 20 days of receiving the campaign contribution, which is considered the date the cash donation was accepted or when the electronic deposit, check or money order was deposited into a bank account or cashed. A candidate who violates this section shall be subject to a \$500 civil penalty for each campaign contribution in violation of this section. The fine is due on the 21st day after the violation occurred (i.e. when the unlawful campaign contribution was received). A \$50 fine shall be assessed for every day the initial fine goes unpaid.

Severability:

If any portion of this chapter is held unlawful by a court of law, that portion shall be severed from the chapter and the rest shall continue in force.

BALLOT LANGUAGE

City of El Paso Proposition A

Shall an ordinance be approved to limit contributions to political campaigns for mayor and city council to \$1,000.00 per individual donor per election, require campaign donors to disclose their place of employment, and adopt enforcement provisions?"

YES ()

NO ()

**An ordinance of the City of El Paso
Text of Proposed Ordinance
Proposition B**

"The City of El Paso shall establish a program of public financing for candidates for mayor and city council who voluntarily agree to limit their campaign contributions and expenditures and demonstrate community support for their candidacy. The City of El Paso shall take all steps necessary and appropriate to implement public financing, to include the following.

Each candidate may authorize, establish, administer, or control only one campaign committee at one time.

The election cycle for purposes of this ordinance begins 365 days before election day.

Campaign contributions:

Except as provided below, a candidate who signs a campaign public financing contract under this chapter shall not accept contributions from an individual or any political committee exceeding the following limits.

Candidates for mayor and city council shall not accept more than \$1,000 in contributions from individuals.

Candidates for mayor and city council shall not accept more than \$5,000 in campaign contributions in a campaign for a regular election from political committees for a regular election or an additional \$2,500 for a runoff election.

A candidate for mayor or city council may expend personal funds on his or her own campaign only up to \$5,000.

Candidates for Mayor:

Eligible mayoral candidates are those who sign the campaign public financing contract and collect signatures from 1% of the number of registered voters in the City of El Paso as of the date of the last general election. Eligible mayoral candidates must collect and return the requisite number of signatures to the City Clerk within the 365 days preceding the election and 45 days before election day. The City Clerk will have 10 working days to validate the signatures and provide the funding to the eligible candidate. Eligible candidates will receive \$65,000 for their campaigns, while funds are available. Eligible candidates are those who have not accepted campaign contributions over \$150,000 prior to submitting the requisite signatures and who have agreed not to accept an aggregate of more than \$150,000 in campaign contributions during the election cycle. Funds from the public financing program do not count towards the \$150,000 limit.

Up to \$260,000 will be available by the City Council from the City of El Paso general fund to fund campaigns for mayoral candidates for every election for mayor.

Candidates for City Council:

Eligible city council candidates are those who sign the campaign public financing contract and who collect signatures from 1% of the number of registered voters in their city council district as of the date of the last general election. Eligible mayoral candidates must collect and return the requisite number of signatures to the City Clerk within the 365 days preceding the election and 45 days before election day. Eligible candidates must collect and return the requisite number of signatures to the City Clerk.

The City Clerk will have 10 working days to validate the signatures and provide the funding to the eligible candidate. Eligible city council candidates will receive \$20,000 for their campaigns, while funds are available. Eligible city council candidates are those who have not accepted over \$50,000 in campaign contributions prior to submitting the requisite signatures and agree to not accept more than \$50,00 in campaign contributions during the election cycle. Funds from the public financing program do not count towards the \$50,000 limit.

Up to \$240,000 will be made available by the City Council from the City of El Paso general fund to fund campaigns for city council candidates for every election cycle.

Violations:

Candidates who accept public financing and violate the funding and spending limits of this ordinance, as determined by the candidate's campaign finance reports filed with the City Clerk, will be required to return the funding to the City within 15 days of the violation and will not be allowed to participate in the public financing program again.

Funding and Spending Limits:

(1) The City, acting through the City Clerk, shall establish a public financing dedicated fund account into which all the Program's proceeds shall be deposited. This account shall be under the city clerk's discretion and control, subject to the terms of this Ordinance (2) These funds shall be deposited promptly into the public financing dedicated fund account for the exclusive use of funding the Program: all candidate filing fees; all campaign finance, lobbyist reporting, and ethics fines, late fees, and criminal penalties; all donations and grants for the Program accepted by the city clerk; interest or other gains from the dedicated fund; and any other funds appropriated or designated for the Program. (3) The Council shall provide the city clerk the funds needed to effectively administer and publicize the Program. (4) At the beginning of each calendar year, the City of El Paso shall transfer in general revenue funds \$500,000 to the public financing dedicated fund account for the purpose of funding the redemption of Democracy Dollars Vouchers. (5) If there is an excess of funds in the public financing dedicated fund for the Program's current or reasonably foreseeable future use of Democracy Dollars Vouchers, the city clerk, at his or her discretion, may transfer the excess to the City's general fund.

Severability:

If any portion of this chapter is held unlawful by a court of law, that portion shall be severed from the chapter and the rest shall continue in force.

BALLOT LANGUAGE

City of El Paso Proposition B

Shall an ordinance be approved to establish public financing for candidates for mayor and city council who voluntarily agree to limit their campaign contributions and expenditures and demonstrate community support for their candidacy?"

YES ()
NO ()

An ordinance of the City of El Paso
Text of Proposed Ordinance
Proposition C

"The City of El Paso shall use ranked choice voting for the election of mayor and city council where voters rank candidates [up to five] in order of preference, and if no candidate receives a majority, candidates with the fewest votes are eliminated and the votes they received are transferred to voter's second choice, and so on until there is a majority vote for one candidate, so long as permitted by state law?"

The City of El Paso shall take all steps necessary and appropriate to implement ranked choice voting, to include the following.

RANKED CHOICE VOTING.

(A) This section shall be operative provided it is not in conflict with the state constitution or the state laws.

(B) To the extent of any conflict with other provisions of this Code , this section controls.

(C) For the purposes of this section, the following terms have the following meanings:

(1) Batch elimination. The term "batch elimination" means the simultaneous elimination of multiple candidates whose election is mathematically impossible.

(2) Continuing ballot. The term "continuing ballot" means a ballot that is not an inactive ballot.

(3) Continuing candidate. The term "continuing candidate" means any candidate who has not been eliminated.

(4) Election is mathematically impossible. The term "election is mathematically impossible" applies to a candidate who cannot be elected because such candidate's vote total in a round, plus all votes that could possibly be transferred to such candidate in future rounds from candidates who received a fewer or an equal number of votes, would not be enough to surpass that of the candidate with the next highest vote total in such round.

(5) Inactive ballot. The term "inactive ballot" means a ballot in which all ranked candidates have been eliminated, or a ballot that assigns equal rank to two or more candidates and all candidates with higher ranks than the rank assigned to two or more candidates are eliminated.

(6) Highest rank. The term "highest rank" refers to the highest rank whether that be rank number 1, rank number 2, rank number 3, rank number 4, or rank number 5.

(7) Last place candidate. The term "last place candidate" means a continuing candidate with the fewest votes in a round.

(8) Rank. The term "rank" means the number assigned on a ballot by a voter to a candidate to express the voter's preference for that candidate. Rank number 1 is the highest ranking, rank number 2 is the next highest ranking, and so on. No rank lower than 5 shall be permitted or

tabulated.

(9) Ranked choice election. The term "ranked choice election" means any election for a ranked choice office.

(10) Ranked choice office. The term "ranked choice office" means the offices of mayor and council member.

(D) The provisions of this section shall apply to ranked choice elections. No runoff election shall be held for any ranked choice office.

(E) All candidates in a ranked choice election shall be listed on the ballot. The ballot shall permit a voter to rank five candidates for each office, inclusive of any write-in candidate permitted by law, in order of preference, unless there are fewer than five candidates on the ballot for such office, in which case the ballot shall permit a voter to rank the total number of such candidates for such office inclusive of any write-in candidate permitted by law.

(F) For all ranked choice elections, the following tabulation procedures apply: (1) If a candidate receives a majority of highest rank votes, that candidate shall be elected. (2) If no candidate receives a majority of highest rank votes, tabulation shall proceed in rounds. In each round, the number of votes for each continuing candidate shall be counted; each continuing ballot shall count as one vote for its highest ranked continuing candidate for that round; and inactive ballots shall not be counted for any continuing candidate. A round ends with one of the following outcomes: (i) If there are two continuing candidates, the candidate with the most votes shall be elected. (ii) If there are more than two continuing candidates, the last place candidate shall be eliminated and a new round shall begin; provided, however, that batch elimination shall occur at the same time as such elimination of the last place candidate, unless such batch elimination would result in only one continuing candidate, in which case no such batch elimination shall occur. (3) A tie between two or more candidates shall be resolved in accordance with the election law.

(G) Severability. If any portion of this chapter is held unlawful by a court of law, that portion shall be severed from the chapter and the rest shall continue in force.

BALLOT LANGUAGE

City of El Paso Proposition C

Shall an ordinance be approved to use ranked choice voting for the election of mayor and city council where voters rank candidates in order of preference, and if no candidate receives a majority, candidates with the fewest votes are eliminated and the votes they received are transferred to voter's second choice, and so on until there is a majority vote for one candidate, so long as permitted by state law?"

YES ()

NO ()