

**56-O-23**

**AN ORDINANCE**

**ADDING TITLE 1, CHAPTER 13, SECTION 5, "SMALL DONOR DEMOCRACY MATCHING SYSTEMS FOR FAIR ELECTIONS"**

**WHEREAS**, the current campaign finance system available to residents of the City of Evanston is not adequate; and

**WHEREAS**, the current campaign finance system discourages many otherwise qualified candidates from running for office because of their need to raise substantial sums of money to be competitive and able to adequately get their message out to voters; and

**WHEREAS**, the current campaign finance system undermines public confidence in the democratic process and in democratic institutions by encouraging candidates to rely unduly on personal wealth, wealthy individuals, and special interests to fund their campaigns; and

**WHEREAS**, the current campaign finance system creates a danger of corruption or undue influence by encouraging elected officials to take money from private interests that are directly affected by governmental actions; and

**WHEREAS**, the current campaign finance system diminishes elected officials' accountability to their constituents by compelling them to be disproportionately accountable to the relatively small group of contributors who finance their election campaigns; and

**WHEREAS**, the current campaign finance system reduces the opportunity for all citizens to equally and meaningfully participate in the democratic process; and

**WHEREAS**, the current campaign finance system disadvantages challengers because campaign contributors tend to give their money to incumbents, thus causing elections to be less competitive; and

**WHEREAS**, the current campaign finance system burdens candidates with the rigors of fundraising and thus decreases the time they have available to carry out their public responsibilities; and

**WHEREAS**, the current campaign finance system necessitates the creation of a Small Donor Democracy Matching System for Fair Elections to address these concerns.

**NOW THEREFORE BE IT ORDAINED** by the Evanston City Council that Title 1, Chapter 13, "Municipal Elections" of the Evanston City Code of 2012, as amended, is further amended to include as follows:

**1-13-5. - SMALL DONOR DEMOCRACY MATCHING SYSTEM FOR FAIR ELECTIONS.**

**1-13-5-1. - DEFINITIONS.**

The following words, terms, and phrases, when used in this Chapter, shall have the meaning ascribed to them in this Section except where otherwise specifically indicated:

<p><u>Candidate.</u></p>	<p><u>Consistent with the State Election Code (10 ILCS 5/9-1.3) and any regulations issued by the State Board of Elections (all referred to hereafter as the "State Election Code"), any person who seeks nomination for election, election to, or retention in public office. A person seeks nomination for election, election, or retention if the person (1) takes the action necessary under the laws of this State to attempt to qualify for nomination for election, election to, or retention in public office, or (2) receives Contributions or makes Expenditures, or gives consent for any other person to receive Contributions or make Expenditures with a view to bringing about their nomination for election or election to or retention in public office.</u></p>
<p><u>Consolidated Election.</u></p>	<p><u>Consistent with the State Election Code (10 ILCS 5/2A-</u></p>

	<p><u>1.1(b), 5/2A-1.1(a), and 5/2A-1.2(c)), the election for municipal officers, held in odd-numbered years on the first Tuesday in April (unless that election day conflicts with the celebration of Passover, in which case it is postponed to the first Tuesday in April following the last day of Passover).</u></p>
<p><u>Consolidated Primary Election.</u></p>	<p><u>Shall mean, consistent with the State Election Code (10 ILCS 5/2A-1.1(b) and 5/2A-1.2(d)), the primary election held in odd-numbered years for municipal officers on the last Tuesday in February.</u></p> <p><u>If and when ranked-choice voting is implemented for municipal elections, this definition shall cease to be effective.</u></p>
<p><u>Contribution.</u></p>	<p><u>Consistent with and pursuant to the current State Election Code (10 ILCS 5/9-1.4),</u></p> <ul style="list-style-type: none"> <li>a. <u>a gift, subscription, donation, dues, loan, advance, deposit of money, or anything of value, knowingly received in connection with the nomination for election, election, or retention of any Candidate or person to or in public office or in connection with any question of public policy;</u></li> <li>b. <u>a gift, subscription, donation, dues, loan, advance, deposit of money, or anything of value that constitutes an electioneering communication made in concert or cooperation with or at the request, suggestion, or knowledge of a Candidate, a political committee, or any of their agents;</u></li> <li>c. <u>the purchase of tickets for fund-raising events, including but not limited to dinners, luncheons, cocktail parties, and rallies made in connection with the nomination for election, election, or retention of any person in or to public office, or in connection with any question of public policy;</u></li> <li>d. <u>a transfer of funds received by a political committee from another political committee;</u></li> <li>e. <u>the services of an employee donated by an</u></li> </ul>

	<p><u>employer, in which case the Contribution shall be listed in the name of the employer, except that any individual services provided voluntarily and without promise or expectation of compensation from any source shall not be deemed a Contribution; and</u></p> <p>f. <u>an Expenditure by a political committee made in cooperation, consultation, or concert with another political committee.</u></p> <p>g. <u>notwithstanding anything in the foregoing to the contrary, the following shall not be deemed a "Contribution":</u></p> <ul style="list-style-type: none"> <li>i. <u>the use of real or personal property and the costs of invitations, food, and beverages, voluntarily provided by an individual in rendering voluntary personal services on the individual's residential premises for Candidate-related activities; provided the value of the services so provided does not exceed an aggregate of \$150 in a reporting period as the Evanston City Clerk may provide;</u></li> <li>ii. <u>the sale of any food or beverage by a vendor for use in a Candidate's campaign at a charge less than the normal comparable charge, if such charge for use in a Candidate's campaign is at least equal to the cost of such food or beverage to the vendor;</u></li> <li>iii. <u>communications by a corporation to its stockholders and executive or administrative personnel or their families;</u></li> <li>iv. <u>communications by an association to its members and executive or administrative personnel or their families;</u></li> <li>v. <u>voter registration or other campaigns</u></li> </ul>
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	<p><u>encouraging voting that make no mention of any clearly identified Candidate, public question, political party, group, or combination thereof;</u></p> <p>vi. <u>a loan of money by a national or state bank or credit union made in accordance with the applicable banking laws and regulations and in the ordinary course of business, but the loan shall be listed on disclosure reports required by this Ordinance and the State Election Code; however, the use, ownership, or control of any security for such a loan, if provided by a person other than the Candidate or their committee, qualifies as a Contribution; or</u></p> <p>vii. <u>an Independent Expenditure that does not fall under clause (f) of this definition (an “Independent Expenditure”).</u></p>
<p><u>Coordination.</u></p>	<p><u>An Expenditure made in cooperation, consultation, or concert with or at the request or suggestion of a Candidate, an authorized committee of a Candidate, a political committee of a political party, or agents of the Candidate or committee, or any payment for any communication that republishes, disseminates or distributes, in whole or in part, any broadcast or any written, graphic, or other form of campaign material prepared by the Candidate, their committee, or their agents.</u></p>
<p><u>Debate.</u></p>	<p><u>The moderated reciprocal discussion of issues among Candidates on the ballot for the same office.</u></p>
<p><u>Election Cycle.</u></p>	<p><u>For the purposes of this Ordinance, either of two separate periods, with (i) one cycle beginning the day after a Consolidated Election and ending on the day of the Consolidated Primary Election and (ii) one cycle beginning the day after the Consolidated Primary Election and ending on the day of the subsequent Consolidated Election.</u></p> <p>a) <u>If and when ranked choice voting is implemented for municipal elections, “Election Cycle” shall refer to the cycle beginning on the day after a Consolidated Election and ending on the day of the subsequent Consolidated Election.</u></p>

<u>Expenditure.</u>	<p><u>Consistent with the State Election Code (10 ILCS 5/9-1.5),</u></p> <ul style="list-style-type: none"> <li>a. <u>a payment, distribution, purchase, loan, advance, deposit, gift of money, or anything of value, in connection with the nomination for election, election, or retention of any person to or in public office or in connection with any question of public policy;</u></li> <li>b. <u>a payment, distribution, purchase, loan, advance, deposit, gift of money, or anything of value that constitutes an electioneering communication made in concert or cooperation with or at the request, suggestion, or knowledge of a Candidate, a political committee, or any of their agents; or a transfer of funds by a political committee to another political committee.</u></li> <li>c. <u>“Expenditure” does not include:</u> <ul style="list-style-type: none"> <li>(a) <u>the use of real or personal property and the cost of invitations, food, and beverages, voluntarily provided by an individual in rendering voluntary personal services on the individual’s residential premises for Candidate-related activities, provided the value of the service provided does not exceed an aggregate of \$150 in a reporting period as the Evanston City Clerk may provide; or</u></li> <li>(b) <u>the sale of any food or beverage by a vendor for use in a Candidate’s campaign at a charge less than the normal comparable charge, if such charge for use in a Candidate’s campaign is at least equal to the cost of such food or beverage to the vendor.</u></li> </ul> </li> </ul>

<u>Fund.</u>	The Small Donor Democracy Matching Fund created by Section 5-2 of this Ordinance.
<u>Immediate Family.</u>	A person's parents, siblings, spouse, and children.
<u>Independent Expenditure</u>	Any payment, gift, donation, or expenditure of funds (i) by a natural person or political committee for the purpose of making electioneering communications or of expressly advocating for or against the nomination for election, election, retention, or defeat of a clearly identifiable public official or candidate or for or against any question of public policy to be submitted to the voters and (ii) that is not made in connection, consultation, or concert with or at the request or suggestion of the public official or candidate, the public official's or candidate's designated political committee or campaign, or the agent or agents of the public official, candidate, or political committee or campaign.
<u>Initial Qualifying Contribution.</u>	A Qualified Contribution of not less than five dollars and not greater than the initial fifty dollars of any Contribution used for the purpose of determining whether a Candidate has raised the minimum number of Contributions to participate in the small donor Matching Funds Program under this Ordinance.
<u>Matching Funds.</u>	Funds paid to a Participating Candidate pursuant to the Matching Funds Program.
<u>Matching Funds Program.</u>	The small donor democracy matching funds program created by this Ordinance.
<u>Nomination Period.</u>	The period specified by state law during which Candidates must submit nomination papers for Evanston offices.
<u>Non-Participating Candidate.</u>	Any Candidate who is not a Participating Candidate, including any Candidate who has not qualified for Matching Funds under this Ordinance or who has elected not to participate in the small donor Matching Funds Program created by this Ordinance.
<u>Participating Candidate.</u>	A Candidate who qualifies for Matching Funds under this Ordinance and opts to participate in the small donor matching system created under this Ordinance.
<u>Qualified Contribution.</u>	A monetary Contribution not greater than the initial fifty dollars of any Contribution made by a Qualified Contributor
<u>Qualified Contributor.</u>	A natural person resident of Evanston who is eligible under federal law to donate to a political campaign.
<u>Qualifying Period.</u>	The period beginning on October 1 in the year preceding the Consolidated Election for the specific office or seat that a Candidate is seeking and ending 30 days prior to the election for which the Matching Funds are sought.

**1-13-5-2. - ESTABLISHMENT OF THE MATCHING FUND.**

The Evanston City Council shall establish a continuing and non-lapsing "Small Donor Democracy Matching Fund" (the "Fund") for the purpose of:

- A. Providing public financing for the election campaigns of Participating Candidates; and
- B. Paying for the administrative and enforcement costs of the Evanston City Clerk related to the Matching Funds Program created by this Section.

**1-13-5-3. - APPROPRIATIONS TO THE FUND.**

- A. Each year the Evanston City Council shall appropriate \$68,750, or one-sixtieth of a percent of Evanston's annual budget, to the Fund, whichever is greater.
- B. Other sources of revenue to be deposited in the Fund shall include:
  - 1) Any funds returned by any Participating Candidate that remain unspent by a Participating Candidate following the date of the election for which they were distributed, in accordance with 1-13-5-12(C);
  - 2) Fines levied against the Candidates for violation of election laws;
  - 3) Voluntary donations made directly to the Fund;
  - 4) Other funds appropriated by the Evanston City Council.
- C. The Evanston City Council may, by adoption of an ordinance, make an official declaration of fiscal emergency and suspend or reduce the amount of the annual appropriation specified in subsection (A) of this Section. Any such ordinance suspending or reducing the annual appropriation shall be effective for no more than one year.

**1-13-5-4. - OFFICES COVERED.**

Candidates for the office of Mayor shall be eligible to participate in the Matching Funds Program.

**1-13-5-5. - ELIGIBILITY FOR MATCHING FUNDS.**

- A. To be eligible to be certified as a Participating Candidate, a Candidate must:
  - (1) During the Qualifying Period for the election involved, choose to participate in the Matching Funds Program by filing with the Evanston City Clerk a written application for certification as a Participating Candidate in such form as may be prescribed by the Evanston City Clerk, containing the identity of the Participating Candidate, the office that the Participating Candidate seeks, and the Participating Candidate's signature, under penalty of perjury, certifying that:



a. The Participating Candidate has, since the last election or the adoption of this Ordinance, complied with, and will continue to comply with, the restrictions of this Ordinance during the applicable Election Cycle; a Candidate who has accepted impermissible Contributions prior to filing to participate in this program shall return any such impermissible Contributions prior to filing to participate in this Matching Funds Program;

b. The Participating Candidate's campaign committee has filed all campaign finance reports required by law during the applicable Election Cycle to date and the reports are complete and accurate; and

c. The Participating Candidate shall sign a Participating Candidate contract signifying the Candidate's prior compliance and continuing commitment to comply with the requirements of this Ordinance, to comply with the Expenditure and Contribution limits set forth below and in that contract, to comply with the requirements to participate in public forums or Debates set forth below and in that contract, and to comply with any other requirements set forth in that contract.

(2) Meet all requirements of applicable law to be listed on the ballot;

(3) Before the close of the Qualifying Period, collect at least 100 Initial Qualifying Contributions for the office of Mayor, and each such Initial Qualifying Contribution shall:

a. Have the Qualified Contributor's signature, or an electronic equivalent for any donations received online, signifying that the Qualified Contributor understands that the purpose of the Initial Qualifying Contribution is to help the Candidate qualify for the Matching Funds Program and that the Contribution is made without coercion or reimbursement.

b. Be acknowledged by a written statement, or the electronic equivalent for any donation received online, to the Qualified Contributor, with a copy retained by the Candidate. The receipt shall include the Qualified Contributor's signature, printed name, home address, and telephone number, if any, and the name of the Candidate on whose behalf the Contribution is made.

c. A Contribution for which a Candidate has not obtained a signed and fully completed receipt, or their electronic equivalents, shall not be counted as an Initial Qualifying Contribution for the purpose of satisfying this qualification requirement.

B. To remain eligible to continue to receive Matching Funds under this Ordinance, a Candidate must:

(1) Submit and maintain such records of all Contributions, receipts, and Expenditures as required by the Evanston City Clerk, including receipts containing the same information required for Initial Qualifying Contributions;

(2) Obtain and furnish to the Evanston City Clerk any information it may request relating to their campaign Expenditures, Contributions, and Qualified Contributions and furnish such documentation and other proof of compliance with this Ordinance as may be requested by the Evanston City Clerk;

(3) Remain in compliance with the requirements set forth in this Ordinance.

- C. At the earliest practicable time after a Candidate files a written application for certification as a Participating Candidate with the Evanston City Clerk (in no event exceeding ten business days), the Evanston City Clerk shall certify in writing that the Candidate is or is not eligible. Eligibility can be revoked if the Candidate commits a substantial violation of the requirements of this Ordinance, in which case all Matching Funds granted to the Candidate shall be repaid to the Fund. Such determination shall be made by the Evanston City Clerk after an appropriate hearing, affording due process to the aggrieved party, under rules and regulations to be adopted by the Evanston City Council that further define what constitutes a "substantial violation" and that set forth the procedures to be followed in connection with any such hearing.
- D. Contributions made prior to the Qualifying Period shall not be counted as Qualified Contributions.

### **1-13-6. - MATCHING FUNDS PAYMENTS**

- A. A Candidate who is certified as a Participating Candidate shall receive payment of Matching Funds equal to nine times the amount of Qualified Contributions received by the Participating Candidate during the Election Cycle beginning with the first day of the Qualifying Period and ending on the day of either the Consolidated Primary Election or the Consolidated Election with respect to a single election subject to the aggregate limit on the total amount of Matching Funds paid to a Participating Candidate specified in 1-13-6B, unless the Candidate has no opposition on the ballot. Unopposed Candidates shall not be eligible to receive Matching Funds unless and until they cease to be unopposed. Opposed Candidates whose opposition drops out during the campaign shall cease to be qualified for additional Matching Funds once the opposition drops out.
- B. The aggregate amount of Matching Funds payments that may be made to a Participating Candidate during an Election Cycle may not exceed \$45,000 for Consolidated Primary Election and \$45,000 for the Consolidated Election. If and when ranked choice voting is implemented for municipal elections, the aggregate amount of Matching Funds payments that may be made to a Participating Candidate during an Election Cycle may not exceed \$81,000.

- C. A Participating Candidate's application for Matching Funds, including an initial request submitted with an application for certification as a Participating Candidate, shall be made using a form prescribed by the Evanston City Clerk and shall be accompanied by Qualified Contribution receipts, which must include the same information required for Initial Qualifying Contributions; and any other information the Evanston City Clerk requires by rule or regulation. This application shall be accompanied by a signed statement from the Participating Candidate indicating that all information on the Qualified Contribution receipts is complete and accurate to the best of the Participating Candidate's knowledge. The Evanston City Clerk shall verify that a Participating Candidate's Qualified Contributions meet all of the requirements and limitations of this Ordinance prior to the disbursement of Matching Funds to the Participating Candidate.
- D. The Evanston City Clerk shall make an initial payment of Matching Funds within four business days of the Clerk's certification of a Participating Candidate's eligibility in accordance with the provisions of this Ordinance, or as soon thereafter as is practicable.
- E. The Evanston City Clerk shall establish a schedule for the submission of Matching Funds payment requests, permitting a Participating Candidate to submit a Matching Funds payment request at least once per week, in accordance with a schedule established by the Clerk.
- F. In the event that 90% of the existing Fund has been distributed, the Evanston City Clerk shall give notice within 24 hours to all Candidates that only 10% of the Fund remains. Thereafter, the Clerk shall make no further Matching Funds payments until after election day and it shall only pay any requests submitted after notice has been distributed under this subsection proportionally, spread over all Candidates and requests equally, in a manner to be determined in greater detail pursuant to rules adopted by the Clerk.

### **1-13-5-7.- LIMITS ON CONTRIBUTIONS.**

Participating Candidates shall adhere to the following limitations in accepting Contributions to their campaigns:

No Candidate shall accept, directly or indirectly, any Contribution (or combination of Contributions) from the same person, corporation, partnership, political party, political action committee or other legal entity in excess of the following amounts in any Election Cycle:

- 1) For Mayor                      \$150

- A. No Participating Candidate shall accept any Contribution (or combination of Contributions) from any person, corporation, partnership or other legal entity who

does business or plans to do business exceeding \$5,000 with Evanston, or seeks or plans to seek zoning variances from Evanston for non-residential properties. Nor shall any Participating Candidate encourage, support, cooperate, or coordinate with any Independent Expenditure committee or any individual engaging in Independent Expenditures, whether in support of the Candidate or in opposition to the Candidate's opponent. The Evanston City Council may adopt additional rules and regulations defining who is deemed to be "doing business" or planning to do business with the municipality, and who is deemed to be "seeking or planning to seek non-residential" zoning variances, within the meaning of this Ordinance.

No Participating Candidate shall make Expenditures from or use their own personal funds or the personal funds or property held jointly with their spouse, domestic partner, or unemancipated children in connection with their nomination for election or election except as a contribution to their political committee in an amount that does not exceed three times the maximum Contribution applicable under subsection A of this Section. Such Candidate shall not make Expenditures from or use other personal funds or property of their spouse, domestic partner, or unemancipated children in furtherance of their own campaign.

#### **1-13-5-8. - LIMITS ON OVERALL CAMPAIGN EXPENDITURES.**

During an Election Cycle, each Participating Candidate agrees to limit their campaign Expenditures to no more than the following sums:

- A. For Mayor: \$100,000 for the Consolidated Primary Election and \$100,000 for the Consolidated Election. If and when ranked choice voting is implemented for municipal elections and the Consolidated Primary Election is eliminated, each Participating Candidate agrees to limit their campaign Expenditures to no more than \$160,000 for the Consolidated Election.

#### **1-13-5-9.- ADJUSTING PROVISIONS.**

- A. The Evanston City Council shall review the amounts and numbers of required Initial Qualifying Contributions, the ratio of Matching Funds, the additional limits on Contributions, and the limits on overall Contributions and Expenditures in the six-month period following each Consolidated Election to determine whether they shall stay the same (after any adjustment for inflation) or be increased for the next Election Cycle.
- B. If the Evanston City Council determines that any of the figures specified in Section 5-8(A) should change, then any proposed change (other than an adjustment for inflation) shall be adopted for the next Consolidated Election by a majority vote of the Evanston City Council.

C. The Evanston City Clerk shall revise the limits on Contributions, on overall Contributions, and on overall Expenditures at least one year prior to the next Consolidated Primary Election, to adjust them by an amount equal to the change in the federal Consumer Product Index for inflation. Amounts shall be rounded to the nearest ten-dollar figure. The revised overall limits shall be published no later than one year prior to the date of the next Consolidated Primary Election.

(1) If and when ranked choice voting is implemented for municipal elections, any revisions made by the Evanston City Clerk shall be made at least one year prior to the next Consolidated Election. The revised overall limits shall be published no later than one year prior to the date of the next Consolidated Election.

### **1-13-5-10. - CAMPAIGN ACCOUNTS FOR PARTICIPATING CANDIDATES.**

During an Election Cycle, each Participating Candidate shall conduct all campaign financial activities through a single candidate committee, consistent with the State Election Code (10 ILCS 5/9-2(b)), and shall comply with any additional recordkeeping requirements imposed under this Ordinance by the Evanston City Clerk.

### **1-13-5-11. - EXPENDITURE OF MATCHING FUNDS.**

A. A Participating Candidate shall use Matching Funds only for direct campaign purposes.

B. A Participating Candidate (or anyone acting on their behalf) shall not use Matching Funds for:

1) Costs of legal defense in any campaign law enforcement proceeding;

2) Indirect campaign purposes, including but not limited to:

a. The Participating Candidate's personal support or compensation to the Participating Candidate or the Participating Candidate's Immediate Family;

b. Clothing, haircuts, and other items related to the Participating Candidate's personal appearance;

c. A Contribution or loan to the campaign committee of another Candidate, a party committee, or other political committee;

d. An Independent Expenditure;

e. Automobile purchases or tuition payments;

f. Dues, fees, or gratuities at a country club, health club, recreational facility, or other nonpolitical organization unless part of a specific fundraising event that takes place on the organization's premises;

g. Admission to a sporting event, theater, concert, or other entertainment event not part of a specific campaign activity;

h. Gifts, except for brochures, buttons, signs, and other campaign materials and token gifts valued at not more than fifty dollars that

are for the purpose of expressing gratitude, condolences, or congratulations.

- i. Interest on loans from the Candidate to their campaign committee. Participating Candidates are prohibited from charging interest on personal loans to their committees.

### **1-13-5-12. - DISCLOSURE REQUIREMENTS AND PROCEDURES; RETURN OF FUNDS.**

- A. Each Participating Candidate shall file reports of Contribution receipts and of Expenditures of Matching Funds and other campaign funds at such times and in such manners as the Evanston City Clerk may prescribe, including but not limited to reports containing information necessary to verify that the Qualified Contributions received by Participating Candidates and the Matching Funds spent by Participating Candidates comply with the restrictions and requirements of this Ordinance.
- B. No more than 90 days after the Consolidated Election, every Candidate for one of the offices covered by this Ordinance (whether or not they received Matching Funds under this Ordinance) who received campaign Contributions or made campaign Expenditures in excess of \$5,000 shall file a copy of their most recent quarterly report to the Illinois State Board of Elections with the Evanston City Clerk. The Evanston City Clerk shall adopt such procedures for auditing such reports and issuing a public report summarizing the election results, the campaign Expenditures made in connection with offices covered by this Ordinance, and the level and amount of Matching Funds provided to each campaign.
- C. No more than 90 days after the Consolidated Election, every Participating Candidate who received Matching Funds under this Ordinance shall repay the Fund any unused Matching Funds, calculated as follows: any unused campaign funds shall be multiplied by a ratio consisting of the total amount of Matching Funds received by the campaign in the numerator and the total amount of campaign funds raised by the campaign in the denominator. The amount of any such repayment is not to exceed the total amount of Matching Funds paid to the campaign.

### **1-13-15-13. - APPLICATION OF CONTRIBUTION AND EXPENDITURE LIMITATION TO CERTAIN POLITICAL ACTIVITIES.**

Nothing in this Ordinance shall be construed to restrict Candidates or their agents from making appearances at events sponsored or paid for by persons, political committees, or other entities that are not in any way affiliated with such Candidate or any agent of such Candidate. The costs of such events shall not be considered Contributions to or

Expenditures by such a Candidate for purposes of this Ordinance simply because the Candidate or agent appears at such an event. However, this provision does not apply to events at which Contributions are solicited on behalf of the Candidate.

#### **1-13-5-14. - OTHER REQUIREMENTS OF PARTICIPATING CANDIDATES.**

Participating Candidates shall also be required to participate in at least two Debates or public forums with the other Candidates for the office in question, including any other Participating Candidates for the office and any willing Non-Participating Candidates for the office. For the purpose of satisfying this provision, the forum or Debate must be held at least two days prior to the Election and must last at least 50 minutes. Such forums or Debates shall be run by a nonpartisan, non-endorsing organization under reasonable rules adopted by such organizations and made final in consultation with the Evanston City Clerk. A copy of the rules governing any such forum or Debate shall be submitted to the Evanston City Clerk.

#### **1-13-5-15. - RESPONSIBILITIES OF THE EVANSTON CITY CLERK.**

- A. The Evanston City Clerk's office may employ additional people, including but not limited to attorneys and accountants, to carry out its duties. The total budget for the Clerk's operations shall not exceed \$50,000 per Election Cycle without prior express approval from the Evanston City Council.
- B. The Clerk shall have the authority to promulgate such rules and regulations and provide such forms as it deems necessary to administer the Matching Funds system created by this Ordinance. The Clerk shall promulgate regulations concerning the form in which Contributions and Expenditures are to be reported, the periods during which such reports must be filed, the measures for auditing and reporting on campaign Contributions and Expenditures, and the verification required.
- C. The City's Administrative Hearing Officer shall have the power to investigate all matters relating to the performance of its functions and any other matter relating to the proper administration of this Ordinance. It shall have the power to require the attendance of witnesses; to examine and take testimony under oath of such persons as it shall deem necessary; and to require the production of books, accounts, papers, and any other relevant evidence relative to such investigation.
- D. The Clerk shall develop a program for informing Candidates and the public about the small donor Matching Funds system created by this Ordinance. The Clerk may prepare and make available educational materials, including compliance manuals and summaries of the relevant provisions of this program. The Clerk shall prepare and make available materials including, to the extent feasible, computer software, to facilitate the task of compliance with the disclosure and

record-keeping requirements under this Ordinance.

- E. The Clerk shall have the power to render advisory opinions with respect to questions arising under this Ordinance. Such opinions may be requested in writing by any Candidate, political committee, or member of the general public. The Clerk shall promulgate rules regarding submissions and responses to such requests, including response times. The Clerk shall make public its response to any such requests, as well as to any other formal rulings or interpretations it makes, including by posting them on its website, if practicable.
- F. The Clerk may take such other actions as are necessary and proper to carry out its functions and the purposes of adoption of a small donor Matching Funds system. The specific grants of power under this Section do not constitute and shall not be construed as limitations on the other proper and necessary powers of the Clerk.

#### **1-13-5-16. - PUBLIC CAMPAIGN FINANCING PROGRAM PENALTIES.**

- A. It is a violation of the law for Participating Candidates to accept more Matching Funds than those to which they are entitled or to misuse such Matching Funds.
- 1) If a Participating Candidate knowingly or willingly accepts or spends Matching Funds in violation of this Ordinance, the Candidate shall repay to the Fund an amount equal to twice the value of the Matching Funds unlawfully accepted or spent.
  - 2) The Evanston City Council shall have the authority to make willful violation of this Ordinance a misdemeanor and to impose appropriate penalties after affording appropriate due process.
- B. Any member of the public, as well as the Clerk on its own initiative, shall have standing to file a complaint alleging a violation of this Ordinance. In the event that a complaint is filed by an opposing Candidate, or in coordination with an opposing Candidate's campaign, the City's Administrative Hearing Officer shall have the option of awarding costs and attorney fees in the event that the complaint is found to have been lacking in a reasonable basis.
- C. The City's Administrative Hearing Officer shall adopt appropriate rules guaranteeing notice and due process to anyone accused of violating this Ordinance and setting forth the process the City will follow in investigating and adjudicating any such complaint.

**SECTION 2:** All ordinances or parts of ordinances in conflict herewith are hereby repealed.



**SECTION 3:** If any provision of this Ordinance or application thereof to any person or circumstance is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this Ordinance is severable.

**SECTION 4:** The findings and recitals contained herein are declared to be prima facie evidence of the law of the City and shall be received in evidence as provided by the Illinois Compiled Statutes and the courts of the State of Illinois.

**SECTION 5:** This Ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

Introduced: September 11, 2023

Approved: September 28, 2023

Adopted: September 26, 2023

Daniel Biss  
Daniel Biss, Mayor

Attest:

Approved as to form:

Stephanie Mendoza  
Stephanie Mendoza, City Clerk

Alexandra B. Ruggie  
Alexandra B. Ruggie, Interim Corporation Counsel