

CHAPTER 15A

ELECTIONS

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ARTICLE I.

CAMPAIGN CONTRIBUTIONS.

SEC. 15A-1. DEFINITIONS.

The terms used in this article have the meanings ascribed to them in Chapter 251, Texas Election Code. (Ord. Nos. 15434; 16718; 21035; 22925)

SEC. 15A-2. CAMPAIGN CONTRIBUTION LIMITATION.

(a) An individual shall not make a contribution of more than:

(1) \$1,000 per city election in support of, or opposition to, a single candidate for election to Place Numbers 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, or 14 on the city council; or

(2) \$5,000 per city election in support of, or opposition to, a single candidate for election to Place Number 15 on the city council.

(b) Each individual is entitled to contribute the full amount of the limitation established in Subsection (a), regardless of marital status.

(c) A political committee shall not:

(1) make a contribution of more than \$1,000 per contributing member per city election to a single candidate for election to Place Numbers 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, or 14 on the city council;

(2) make a contribution of more than \$5,000 per contributing member per city election to a single candidate for election to Place Number 15 on the city council; or

(3) make a total contribution per city election of more than \$2,500 to a candidate for a single-member district nor more than \$10,000 to a candidate for mayor.

(d) For the purpose of this article an initial election and a runoff election are separate elections. (Ord. Nos. 15434; 16105; 16718; 18403; 21035)

SEC. 15A-3. CAMPAIGN CONTRIBUTIONS BY POLITICAL COMMITTEES.

(a) A general purpose political committee that makes a contribution to support or oppose a candidate for election to the city council or a city measure shall file with the city secretary:

(1) a copy of the latest campaign treasurer designation, a verified statement of the number of contributing members of the committee, and a copy of the monthly reports filed with the Texas Ethics Commission:

(A) for the three months immediately preceding the date of the contribution; and

(B) for the two months immediately following the date of the contribution; or

(2) if the committee does not file monthly reports with the Texas Ethics Commission, then reports on the dates and covering the reporting periods required by state law for candidates or measures, whichever apply.

(b) A general purpose political committee shall make its initial filing with the city secretary no later than five business days following the date of its first contribution to support or oppose a candidate for city council or a city measure, the initial filing to include the required campaign treasurer designation, the verified statement of the number of contributing members of the committee, and copies of reports filed with the Texas Ethics Commission for the preceding three months, if the committee files monthly with the Texas Ethics Commission. Subsequent monthly reports filed by general purpose political committees must be filed with the city secretary by the deadline and covering the reporting periods designated in Chapter 254, Texas Election Code, for monthly reports filed with the Texas Ethics Commission.

(c) Specific purpose political committees must file campaign reports with the city secretary in accordance with Chapter 254, Texas Election Code. (Ord. Nos. 15434; 16105; 16718; 21035; 22925; 27146)

SEC. 15A-4. PERSONAL SERVICES.

An individual may donate personal services and personal traveling expenses to aid or defeat a candidate and such a donation does not constitute a contribution as defined in Section 251.001 of the Texas Election Code. (Ord. Nos. 15434; 16718; 21035)

SEC. 15A-4.1. CAMPAIGN CONTRIBUTIONS BY APPLICANTS IN DESIGNATED ZONING CASES AND DESIGNATED PUBLIC SUBSIDY MATTERS AND BY BIDDERS AND PROPOSERS ON CITY CONTRACTS.

(a) In this section:

(1) **AFFILIATED** means the relationship created when one business entity is the parent or subsidiary of another business entity or when multiple business entities are subsidiaries of the same parent business entity.

(2) **APPLICANT** means any person who:

(A) owns all or part of the property that is the subject of a designated zoning case or designated public subsidy matter;

(B) is a parent, child, spouse, or other family member within the first degree of consanguinity or affinity, or the domestic partner, of:

(i) the property owner; or

(ii) any individual described in Paragraph (2)(E) of this subsection;

(C) is a representative of the property owner in connection with the designated zoning case or designated public subsidy matter, and, if the representative is an entity, includes any individual who holds with the entity any position described in Paragraph (2)(E)(i) through (vii) of this subsection;

(D) is affiliated with the property owner; or

(E) if the property owner is an entity, is an individual who holds any of the following positions with the entity or with any affiliated business entity:

(i) the chief executive officer, chief financial officer, or chief operating officer, or any person with equivalent duties, powers, and functions;

(ii) a member of the board of directors of a corporation;

(iii) a general partner of a general partnership or limited partnership;

(iv) a manager of a limited liability company that is managed by managers;

(v) a member of a limited liability company that is managed by members entitled to manage the company;

(vi) a member of the board of directors of a cooperative association; or

(vii) a trust manager of a real estate investment trust.

(3) CANDIDATE means a person who has filed an application with the city secretary for a place on the official ballot in an impending election for one or more members of the Dallas city council.

(4) DESIGNATED PUBLIC SUBSIDY MATTER means any of the following:

(A) A tax abatement.

(B) A housing tax credit.

(C) An historic development tax abatement.

(D) Federal grant money administered by the city.

(E) Tax increment financing.

(F) An economic development grant or loan.

(5) DESIGNATED ZONING CASE means a change of zoning on a specific property where:

(A) the property is 25 acres or more;

(B) the proposed floor area for retail or personal service uses is 200,000 square feet or more;

(C) the proposed floor area for industrial uses is one million square feet or more;

(D) the proposed zoning change is to a multifamily district of 10 acres or more;

(E) the proposed zoning change allows 60 dwelling units or more per acre; or

(F) the city staff recommendation and the city plan commission recommendation regarding the proposed change of zoning do not agree.

(b) An applicant in a designated zoning case shall not (either personally or through a representative, employee, or agent) knowingly make a campaign contribution to a city council member or candidate during the period between the date the first notices of a public hearing to consider the designated zoning case by the city plan commission are mailed and the later of:

(1) 60 days after the designated zoning case is withdrawn pursuant to Section 51A-4.701(f) of the Dallas City Code;

(2) 60 days after the date a decision of the city plan commission on the designated zoning case becomes final and all opportunities for appeal are exhausted; or

(3) 60 days after the date a final decision on the designated zoning case is made by the city council either granting or denying the request.

(c) Subsection (b) does not apply to a change of zoning for historic districts, conservation districts, or neighborhood stabilization overlays.

(d) An applicant in a designated public subsidy matter shall not (either personally or through a representative, employee, or agent) knowingly make a campaign contribution to a city council member or candidate from the time the matter is posted on a council committee agenda or a council agenda, whichever occurs first, until 60 days after the date the city council votes on the designated public subsidy matter or the application for the designated public subsidy matter is withdrawn by the applicant.

(e) A person responding to a request for bids or request for proposals on a city contract shall not (either personally or through a representative, employee, or agent) knowingly make a campaign contribution to a city council member or candidate from the time the advertisement or public notification of the request for bids or request for proposals is made until 60 days after the date the contract is awarded by the city council. For purposes of this subsection, "person" includes:

(1) any individual responding to the request for bids or proposals;

(2) any entity responding to the request for bids or proposals and its affiliated business entities;

(3) if the person responding to the request for bids or proposals is an entity, any individual who holds with the entity (or with any affiliated business entity) any position described in Subsection (a)(2)(E)(i) through (vii) of this section;

(4) the parent, child, spouse, or other family member within the first degree of consanguinity or affinity, or the domestic partner, of any individual described in Paragraph (1) or (3) of this subsection; and

(5) a representative of the bidder or proposer in connection with the city contract, and, if the representative is an entity, includes any individual who holds with the entity any position described in Subsection (a)(2)(E)(i) through (vii) of this section.

(f) This section applies to a campaign contribution made to any specific-purpose political committee that will ultimately contribute to an identified city council member or candidate, and any campaign contribution made to the specific-purpose political committee during the time restrictions imposed by this section will be considered to have been made to that city council member or candidate. The time restrictions imposed by this section do not apply to when the specific-purpose political committee makes a campaign contribution to the identified city council member or candidate.

(g) This section applies to a campaign contribution made by any political committee established, administered, financially supported, or assisted pursuant to state or federal law by a corporation or labor organization that is an applicant in a designated zoning case or designated public subsidy matter or that is the person responding to a request for bids or proposals on a city contract. The time restrictions imposed by this section do not apply to when an individual campaign contribution is received by the political committee, but only to when the political committee actually makes the campaign contribution to the city council member or candidate.

(h) Except as provided in Subsection (g), this section does not apply to a campaign contribution made to or by any general-purpose political committee. (Ord. Nos. 27749; 28169; 28239)

SEC. 15A-5. USE OF LEGAL NAME.

(a) An individual shall not make a contribution in support of, or opposition to, a candidate for city council under a name other than the name by which the individual is identified for legal purposes.

(b) A contribution must be made in the name of the individual who owns and is contributing the thing of value, and one individual shall not make a contribution on behalf of another individual. (Ord. Nos. 15434; 16718; 21035)

SEC. 15A-6. RESPONSIBILITY OF CAMPAIGN TREASURER AND CANDIDATE.

(a) A campaign treasurer for a political committee shall file reports required by this article. Failure to file a timely report required by this article constitutes an offense.

(b) A candidate for city council or the candidate's campaign treasurer shall not knowingly accept a contribution that will cause the amount contributed to a candidate by an individual or a political committee, with respect to a single city council election, to exceed the amount authorized in Section 15A-2. (Ord. Nos. 15434; 16105; 16718; 21035)

SEC. 15A-7. ENFORCEMENT.

If the city secretary receives a written complaint alleging violation of this article or if the city secretary determines that a required report of a candidate or political committee has not been filed by the deadline imposed by this article or state law, the city secretary shall forward this information to the city attorney for investigation and appropriate enforcement action, if warranted. (Ord. Nos. 16718; 21035)

ARTICLE II.

ELECTRONIC FILING OF CAMPAIGN FINANCE REPORTS.

SEC. 15A-8. PURPOSE.

The purpose of this article is to require, with certain defenses, that campaign finance reports required to be filed with the city secretary by a city officeholder, a candidate for city elective office, or a political committee (whether general purpose or specific purpose) be filed in an electronic format. It is the intent of this article that the requirement of filing campaign finance reports in an electronic format will not inconvenience those required to file such reports and will afford persons interested in the information contained in the reports easier access and an efficient means by which such information may be examined or extracted. (Ord. 27146)

SEC. 15A-9. DEFINITIONS.

(a) In this article:

(1) **ELECTRONIC FORMAT** means:

(A) for a filer other than a general purpose political committee, a format approved by the Texas Ethics Commission for use in the city of Dallas through which a report is entered, sent, and received through an electronic filing system provided by the city; or

(B) for a general purpose political committee, the electronic medium in which the committee filed its report with the Texas Ethics Commission under Section 254.036 of the Texas Election Code, as amended.

(2) **FILER** means the holder of a city elective office, any candidate for a city elective office, a political committee (whether general purpose or specific purpose) acting through a duly authorized representative, or any individual required to file a report under this chapter or Chapter 254 of the Texas Election Code, as amended.

(3) **REPORT** means a campaign finance report required to be filed with the city secretary under this chapter or Chapter 254 of the Texas Election Code, as amended, and includes any updates, corrections, or amendments to a campaign finance report.

(b) Terms not defined in this article but defined in Title 15 of the Texas Election Code, as amended, have the meanings ascribed to them in Title 15 of the Texas Election Code. (Ord. 27146)

SEC. 15A-10. ELECTRONIC FILING REQUIRED; DEFENSES; PENALTY.

(a) A filer commits an offense if the filer fails to timely file a report with the city secretary in an electronic format. To be timely, an electronic report must be time and date stamped as having been received on the city's server by 5 p.m. on the last day permitted for filing the particular report under Chapter 254 of the Texas Election Code, as amended.

(b) It is a defense to prosecution under Subsection (a) of this section that:

(1) the filer:

(A) (or an agent of the filer or a person with whom the filer contracts) does not use computer equipment to keep the current records of political contributions, political expenditures, or persons making political contributions to the filer; and

(B) does not, in a calendar year, accept political contributions that in the aggregate exceed \$1,000 or make political expenditures that in the aggregate exceed \$1,000; or

(2) the filer is an individual not acting in concert with another person who makes one or more direct campaign expenditures in an election from the individual's own property that exceed \$100 on any one or more candidates or measures if the individual complies with Chapter 254 of the Texas Election Code, as amended, as if the individual were a campaign treasurer of a political committee and the individual receives no reimbursement for the expenditures.

(c) A filer wishing to assert a defense described in Subsection (b) of this section shall file with the city secretary an affidavit, sworn under penalty of perjury, identifying the asserted defense and stating that the filer qualifies for the defense. A separate affidavit must be filed with each report that is not filed in an electronic format as required by this article.

(d) A filer who files an affidavit under Subsection (c) of this section asserting a defense for a particular report shall file that report with the city secretary in a non-electronic form prescribed by the Texas Ethics Commission pursuant to Section 254.036 of the Texas Election Code, as amended.

(e) An offense under this section is punishable by a fine not to exceed \$500. (Ord. 27146)

SEC. 15A-11. COMPUTER ACCESS; POSTING OF REPORTS; AVAILABILITY OF PAPER COPIES.

(a) The city will provide publicly accessible computer terminals for filers to file reports in an electronic format.

(b) The city will post the electronic reports on the city's website.

(c) The city will make available, upon request, a paper copy of a report that conforms to the same format and paper size as the form prescribed by the Texas Ethics Commission pursuant to Section 254.036 of the Texas Election Code, as amended. (Ord. 27146)

SECS. 15A-12. THRU 15A-13. RESERVED. (Ord. 27146)

ARTICLE III.

TEMPORARY POLITICAL CAMPAIGN SIGNS ON PUBLIC PROPERTY.

SEC. 15A-14. DEFINITIONS.

In this article:

(1) **PUBLIC PROPERTY** means any property owned or operated by a governmental entity that is open to the public and used for a public purpose. "Public property" includes, but is not limited to, a library, park, school, or government building.

(2) **TEMPORARY POLITICAL CAMPAIGN SIGN** means a sign that refers only to the issues or candidates involved in an election that has been ordered by a governmental entity. (Ord. 28221)

SEC. 15A-15. TEMPORARY POLITICAL CAMPAIGN SIGNS ALLOWED ON PUBLIC PROPERTY; REQUIREMENTS AND RESTRICTIONS.

(a) A temporary political campaign sign may be placed in accordance with this article on public property that serves as an early voting location or election day voting location for an election that has been ordered by a governmental entity. Only signs that refer to a candidate or issue that is on the ballot at a particular voting location may be placed at that voting location.

(b) A temporary political sign placed on public property under this article may not:

- (1) have an effective area greater than 20 square feet;
- (2) be more than eight feet high;
- (3) be illuminated;
- (4) have any moving elements;
- (5) be placed in or over any public right-of-way; or
- (6) project more than 18 inches from a wall, roof, parapet, or eaves.

(c) Nothing in this article authorizes a person to place a temporary political campaign sign:

- (1) on public property owned or operated by a governmental entity, other than the city, if such placement is not allowed by the governmental entity; or
- (2) in a form, manner, or location prohibited by another city ordinance or state or federal law. (Ord. 28221)

SEC. 15A-16. PLACEMENT AND REMOVAL OF TEMPORARY POLITICAL CAMPAIGN SIGNS.

(a) A person commits an offense if the person:

(1) places, or causes the placement of, a temporary political campaign sign on public property in violation of any provision of Section 15A-15;

(2) places, or causes the placement of, a temporary political campaign sign on public property earlier than:

(A) two calendar days before commencement of early voting, if the sign is being placed at an early voting location; or

(B) two calendar days before election day, if the sign is being placed at an election day voting location;

(3) fails to remove all temporary political campaign signs that the person placed, or caused to be placed, from the public property not later than:

(A) two calendar days after the last day of early voting, if the sign is placed at an early voting location; or

(B) two calendar days after election day, if the sign is placed at an election day voting location; or

(4) fails to remove any temporary political campaign sign that the person placed, or caused to be placed, from the public property within 24 hours after notification from the city that the sign is in violation of this article.

(b) The city may, without notice, confiscate and dispose of any sign that is:

(1) placed in violation of this article; or

(2) not removed as required by this article. (Ord. 28221)

SEC. 15A-17. PENALTY; ENFORCEMENT.

A person who violates a provision of this article is guilty of a separate offense for each day or part of a day during which the violation is committed, continued, or permitted. Each offense, upon conviction, is punishable by a fine not to exceed \$500. (Ord. 28221)