

ARTICLE IV

ELECTIONS

GENERAL PROVISIONS RELATING TO ELECTIONS

SEC. 400. TYPES OF ELECTIONS.

Municipal elections held in the City of Los Angeles shall be classified as primary nominating elections, general municipal elections and special elections.

SEC. 401. ELECTION DAYS - CITY OF LOS ANGELES AND BOARD OF EDUCATION.

For City offices and elections of the Board of Education, primary nominating elections shall be held on the second Tuesday in April in every odd-numbered year, and general municipal elections shall be held on the first Tuesday after the first Monday in June in every odd-numbered year. However, if holding the election on that day would conflict with a significant event or occurrence, and the Council finds that holding the election on that day would substantially reduce voter participation, the Council may set the election on a specific alternate day not earlier than the previous Tuesday nor later than the subsequent Tuesday from the regularly scheduled election day. The Council may set the alternate day only if it finds that holding the election on such alternate day would not substantially reduce voter participation. Any action setting an alternate election day must be adopted by the Council by resolution no later than six months before the date on which the affected election would otherwise take place.

SEC. 402. ORDINANCE ORDERING THE HOLDING OF AN ELECTION.

The Council shall, by ordinance, order the holding of all elections. The ordinance ordering the election shall specify the object and time of holding the election, shall establish election precincts, designate polling places, and name officers of election for each precinct. That ordinance may do so by making reference to other enactments or documents. Any ordinance ordering the holding of an election may also order the holding of a run-off election, to be held if necessary.

SEC. 403. OFFICERS OF ELECTION.

Officers of election shall be registered voters of the City, or of the School District in the case of Board of Education elections, and shall be selected and appointed in accordance with procedures set forth in the City Election Code. No candidate who has taken out papers for nomination, nor a member of his or her immediate family, shall be permitted to act as an election officer, nor shall the polling place be held in his or her residence.

SEC. 404. RETURNS OF ELECTION.

The returns of every election shall be delivered to the City Clerk, who shall, within 14 days after any election, canvass the returns and certify them to the Council, who shall declare the result and order the issuance of certificates of nomination or election as appropriate. The Council shall be the judge of the qualifications of all of the elected officers. When any municipal election is consolidated with any state or county election, after the Board of Supervisors or Registrar of Voters of Los Angeles County has canvassed the returns and certified the result of the canvass of all municipal questions submitted at the election to the Council, the Council shall declare the result. Any act in relation to the conduct of the election required by the Charter to be performed by an officer or employee of the City may be performed by the proper officer or employee of the county.

SEC. 405. EMPLOYMENT OF ADDITIONAL PERSONS.

Whenever requested by the City Clerk, the Council shall authorize the Clerk to employ those persons, in addition to the persons regularly employed in the Clerk's office, as may be necessary to assist in the performance of any duty imposed upon the Clerk in connection with the conduct of any election. The provisions of the Charter respecting the classified civil service of the City shall not apply to the persons so specially employed.

SEC. 406. RECOUNTS.**(a) Applicability.**

This section governs recounts of all primary nominating, general municipal, and special elections of the City of Los Angeles and any elections of other jurisdictions consolidated with those elections. Nothing in this section shall be construed to prevent any person from contesting the results of any election by judicial proceedings authorized by law.

(b) Procedure.

Within five days after the Council's declaration of the results of an election, any registered voter of the City, or of the School District in the case of Board of Education elections, may file with the City Clerk a written request to recount all of the votes cast at that election for candidates for any office, or for and against any measure. The request shall comply with the requirements of the City Election Code. The recount shall be conducted publicly and shall commence not more than seven calendar days after the City Clerk's acceptance of the recount request. No person who is an interested party to the recount shall be involved in the recount. The recount shall otherwise be conducted in accordance with procedures set forth in the City Election Code.

(c) Results of Recount.

Upon completion of the recount, the Council shall declare the result. If any person who had not been declared nominated or elected is found upon the recount to be entitled to nomination or election, the Council shall so declare and direct that the proper certificate of nomination or election be issued to that person. If by the recount it is determined that the result of a ballot measure election is different than as already declared, the Council shall so declare.

(d) Costs of Recount.

Any request for recount shall be accompanied by a bond or cash deposit in a sum specified by ordinance, in a form satisfactory to the City Clerk. The bond or deposit shall be payable to the City of Los Angeles in the event that the recount does not change the result of the election. If the result of an election is changed by the recount, the expense of the recount shall be borne by the City, and the bond or cash deposit shall be returned to the elector who requested the recount. The results of an election are considered changed if the identity of any person who had been declared nominated or elected is changed, or if the approval or disapproval of any ballot measure is changed.

SEC. 407. ELIGIBILITY FOR OFFICE.**(a) Election.**

To be eligible for nomination or election to any office under the Charter, a person must be a registered voter of the City or of the School District in the case of candidates for the Board of Education, at the time of his or her nomination and election, and have been a resident of the City, in the case of candidates for Mayor, Controller, or City Attorney, or of the Council district or Board district from which he or she is nominated or elected in the case of candidates for City Council and Board of Education, for at least 30 days immediately preceding the first day upon which candidates could file a Declaration of Intention to run for office at that election. When an election is to be held to fill a vacancy in an elected office and the Charter does not require the filing of a Declaration of Intention to run for that office, the 30 day residency requirement shall be measured from and precede the first day upon which candidates are permitted to secure Nominating Petitions for that office from the City Clerk.

(b) Appointment.

The eligibility requirements of Subsection (a) shall also apply to persons appointed to fill a vacancy in an elected office; however, the 30 day residency requirement shall be measured from and precede the date of appointment.

(c) Disqualification.

No person shall be eligible to file a Declaration of Intention to run for City office or for election or appointment to any elected City office, who, within the prior five years:

- (1) was convicted of a felony or entered a plea of guilty or no contest to a felony charge; or
- (2) was convicted of a violation of the conflict of interest or governmental ethics provisions of the Charter; City ordinances, or state or federal law, unless the court at the time of sentencing specifically determines that this provision shall not apply.

(d) Any person disqualified under these provisions from seeking election or appointment to an elected City office shall likewise be ineligible for the same period of time to hold any appointed position in the City government.

SEC. 408. ELIGIBILITY TO VOTE.

To be eligible to vote at any of the elections held under the Charter, a person must be registered in the manner and have the qualifications required by the general laws of this state respecting the registration and qualification of voters for state and county elections.

SEC. 409. FILLING VACANCIES IN THE OFFICES OF MAYOR, CITY ATTORNEY, CONTROLLER AND MEMBER OF THE CITY COUNCIL.

Vacancies in the offices of Mayor, City Attorney, Controller and members of the City Council shall be filled by either appointment or election in the manner set forth in this section.

(a) Appointment.

The Council may fill a vacancy by appointing a person to hold the office for the portion of the unexpired term remaining through the next June 30 of an odd-numbered year. If any portion of the term remains after that date, the Council shall also call a special election or elections to fill the remainder of the term, and shall consolidate the election with the primary nominating election and general municipal election next following the appointment. If a vacancy is filled by appointment after the first date fixed by law for filing a Declaration of Intention to become a candidate at the next primary nominating election, the person appointed shall hold the office for the remainder of the unexpired term.

(b) Special Election.

Instead of filling a vacancy by appointment, the Council may call a special election, and special runoff election, if necessary, by ordinance for the purpose of filling the vacancy for the remainder of the unexpired term. The Council shall provide in the ordinance for the consolidation of the election with any other election and for the procedure for nominating candidates, including the amount of the filing fee, if any, to be paid by candidates and other matters pertaining to the election. In the case of a tie vote, the Council shall decide which candidate receiving an equal number of votes is elected to fill the vacancy.

(c) Recall.

Any person appointed or elected to fill a vacancy may be removed from office by the recall in the same manner as if he or she had been elected to office.

SEC. 410. FILLING VACANCIES IN THE OFFICE OF MEMBERS OF THE BOARD OF EDUCATION.

Vacancies in the office of Members of the Board of Education shall be filled by either appointment or election in the manner set forth in this section.

(a) Appointment.

The Board of Education may fill a vacancy by appointing a person to hold the office for the portion of the unexpired term remaining through the next June 30 of an odd-numbered year. If any portion of the term remains after that date, the Board shall also contract with the City of Los Angeles for the calling and conducting of a special election or elections to fill the remainder of the term, and the Council shall consolidate the election with the primary nominating election and general municipal election next following the appointment. If a vacancy is filled by appointment after the first date fixed by law for filing a Declaration of Intention to become a candidate at the next primary nominating election, the person appointed shall hold the office for the remainder of the unexpired term.

(b) Special Election.

Instead of filling a vacancy by appointment, the Board of Education may contract with the City of Los Angeles for the calling and conducting of a special election or elections for the purpose of filling the vacancy for the remainder of the unexpired term. The contract shall be subject to approval by the City Council, and shall contain a provision that the Los Angeles Unified School District shall pay for all costs incurred in conducting the special election or elections. Unless otherwise specified in the contract, within 30 days of the Council's approval of the contract, the Council shall adopt a resolution calling a special election, and special runoff election, if necessary, for the purpose of filling the vacancy and provide in that ordinance the time for holding the election, whether consolidation with any other scheduled election will be sought; the procedures for nominating candidates, including the amount of the filing fee, if any, to be paid by candidates; and other matters pertaining to the election.

(c) Recall.

Any person appointed or elected to fill a vacancy may be removed from office by the recall in the same manner as if he or she had otherwise been elected to office.

SEC. 411. SUBSTANTIAL COMPLIANCE WITH ELECTION REQUIREMENTS.

Substantial compliance with the provisions of this article shall be sufficient for the holding of any election, and for the approval or rejection of any ordinance, order or resolution submitted to a vote of the electors of the City.

SEC. 412. CITY ELECTION CODE; AMENDMENTS.

All elections, unless otherwise provided in the Charter, shall be conducted and held in accordance with the provisions of the City Election Code. No amendment to the City Election Code shall affect any election, petition, or other election-related proceeding occurring within six months following the publication of the ordinance effecting the amendment.

***PRIMARY NOMINATING AND
GENERAL MUNICIPAL ELECTIONS***

SEC. 420. CANDIDATE'S FILING FEE.

The Council may by ordinance provide for a filing fee to be paid to the City Clerk by each candidate for elected office, provided that the ordinance also allows the requirement to be satisfied by a substitute means other than fee payment.

SEC. 421. DECLARATION OF INTENTION.

(a) Form and Timing.

Each candidate for nomination to any elected office shall sign and file with the City Clerk a sworn Declaration of Intention to become a candidate for the office designated in the Declaration. The Declaration of Intention must be made on a form furnished by the City Clerk, and shall include an affidavit by the candidate that he or she possesses all necessary legal qualifications to be a candidate for the designated office. The Declaration of Intention shall be filed not earlier than 90 days, nor later than 85 days prior to the primary nominating election.

(b) Restrictions; Withdrawal.

A candidate may not file a Declaration of Intention to become a candidate for more than one office at the same primary nominating election. Prior to the issuance of a Nominating Petition, a candidate may withdraw the Declaration of Intention to become a candidate for the office designated therein by filing a written statement with the City Clerk. In that case, a candidate may file a new Declaration of Intention to become a candidate for another office not later than 85 days prior to the primary nominating election.

(c) Statement of Economic Interests.

Each candidate for Mayor, City Attorney, Controller and member of the City Council shall file a Statement of Economic Interests that itemizes investments, interests in real property and income, except for gifts, received in the previous 12 month period. The Statement shall be filed with the City Ethics Commission no later than the final filing date for filing the Declaration of Intention. A Declaration of Intention shall not be valid unless a Statement of Economic Interests has been submitted by the final filing date for the Declaration of Intention.

SEC. 422. NOMINATING PETITION.**(a) Form and Requirements.**

The City Clerk shall prepare and furnish a Nominating Petition to each candidate who has filed a valid Declaration of Intention. The Nominating Petition shall specify the name of the office and the name of the candidate to be nominated, and shall otherwise comply with the requirements of the City Election Code. In order to qualify a candidate for placement on the primary nominating ballot, the Nominating Petition shall be signed by at least 500 registered voters of the City, in the case of nomination to an office elected at large, or of the Council district or Board district in the case of nomination to the City Council or Board of Education. Only signatures of registered voters living within the Council district or Board district, as the case may be, shall be counted in determining the sufficiency of those petitions. Voters may sign more than one petition for a candidate for the same office. A petition presented to the City Clerk shall not be valid if it contains blanks for more than one thousand signatures.

(b) Filing and Certification.

Nominating Petitions shall be filed with the City Clerk not more than 80 days and not less than 65 days prior to the primary nominating election. No Nominating Petition shall be filed with the City Clerk until any filing fee requirement has been satisfied. The City Clerk shall examine the Nominating Petition, and determine whether it contains the requisite number of signatures of qualified registered voters, in accordance with procedures contained in the City Election Code. When the City Clerk has completed the examination of the petition, the Clerk shall prepare a dated certificate showing the result of the examination.

(c) Supplementing the Petition.

The City Election Code shall govern the process by which and circumstances under which an insufficient Nominating Petition may be supplemented. However, no supplement to a Petition shall be allowed after the expiration of the time for filing the Nominating Petition set forth in the Charter, and no signature may be withdrawn from a Nominating Petition after its presentation to the Clerk.

SEC. 423. WITHDRAWAL OF NOMINATING PETITION.

Within three days after the expiration of the time for filing a Nominating Petition, any person for the nomination of whom a petition has been filed, may cause his or her name to be withdrawn from nomination by filing a request in writing with the City Clerk. No name so withdrawn shall be printed on the primary nominating election ballot. If after a withdrawal, or by the death or other disqualification of any person for the nomination of whom a petition has been filed, only one candidate remains for any given office, then other nominations for that office may be made by filing petitions within ten days after the expiration of the time for the filing of Nominating Petitions, but no supplement to any Petition shall be allowed.

SEC. 424. PRIMARY NOMINATING ELECTION BALLOT.**(a) Order of Placement.**

The names of candidates who have qualified for placement on the ballot, except candidates who have withdrawn or died or otherwise been disqualified, together with any measures or propositions as ordered by the Council or otherwise required by law, shall appear on the ballot. The offices to be filled shall be arranged on the ballot as follows:

Mayor, City Attorney, Controller, member of the Council, member of the Board of Education, followed by any other offices to be filled in the order determined by the Council. Measures and propositions shall appear on the ballot in the order determined by the Council.

(b) Nonpartisan Ballot There

shall be nothing on any ballot indicative of the party affiliation, source of candidacy or support of any candidate.

(c) Write-in Candidates.

Each ballot shall provide an opportunity for voters to write-in, for each office on the ballot, the name of any person whose name does not appear on the ballot and for whom the voter wishes to vote.

SEC. 425. RESULTS OF PRIMARY NOMINATING ELECTION.

(a) In the event that any candidate receives a majority of the votes cast for an office at the primary nominating election, that candidate shall be elected to the office.

(b) In the event no candidate receives a majority of the votes cast for an office, the two candidates receiving the highest number of votes for the office shall be the candidates, and the only candidates, for that office whose names shall appear on the ballots to be used at the general municipal election.

(c) In the event that two or more persons receive an equal number of votes as candidates for an office at the primary nominating election, so that the result of the election does not determine which of the persons are entitled to be nominated as candidates, the Council shall draw lots to determine which of the persons shall be the candidate or candidates for the office. The lots shall be drawn at the next regular Council meeting occurring later than five days after the declaration of the result of the election, in the manner the Council prescribes. However, if a recount of the ballots with respect to the office in question is timely requested, lots shall not be drawn until and unless the recount also fails to result in a determination of which persons are entitled to be nominated as candidates for the office.

SEC. 426. GENERAL ELECTION BALLOT

The ballot for any general election shall be in the same general form as for the primary nominating election, so far as applicable, and without any indication as to the party affiliation, source of candidacy or support of any candidate.

SEC. 427. DEATH OR DISQUALIFICATION OF CANDIDATE.

In the event of the death, resignation or other disqualification of any candidate nominated at a primary nominating election, the person who received the next highest number of votes for that office at the primary nominating election shall be deemed a candidate and, if practicable, his or her name shall be printed on the ballot to be used at the general municipal election.

RECALL

SEC. 430. SUBJECT OF RECALL.

Any incumbent of an elected office, whether elected by vote of the people or appointed to fill a vacancy, may be removed from office by the registered voters of the City of Los Angeles, or the registered voters of the School District in the case of removal of a member of the Board of Education. The removal of the incumbent shall be known as the recall.

SEC. 431. RECALL PETITION.

A recall petition shall comply with the provisions of the Charter and the City Election Code. The following shall apply to all recall petitions:

(a) To qualify for presentation to the City Council, a recall petition shall be signed by registered voters equal in number to at least 15% of the registered voters eligible to vote for the office, the incumbent of which is sought to be removed. The 15% shall be computed upon the number of registered voters on the date of filing with the City Clerk of the Notice of Intention to circulate the petition described in Subsection (b) of this section. If the recall petition concerns removal of a member of Council, or member of the Board of Education, the 15% shall be computed upon the total number of registered voters within the Council district or Board district from which the Council member, or member of the Board of Education was elected. Only signatures of registered voters living within the Council district or Board district, as the case may be, shall be counted in computing the 15%, and only voters residing within the district shall be entitled to vote at the election. All names signed to a petition must have been secured within the time period described in Subsection (d), and any signature affixed outside of this time period shall not be counted in determining the sufficiency of the petition.

(b) Before submitting a recall petition for signatures, its proponents shall publish a Notice of Intention and a Statement of Reasons (Statement) for the proposed recall. No such notice shall be effective if published:

- (1) before the officer has held his or her current term of office for three months, or
- (2) within six months of the expiration of the current term of office, or

- (3) within six months after a recall election at which the officer was retained in office. The Statement shall be served on the officer to be recalled and on the City Clerk, and shall otherwise comply with requirements of the City Election Code. The sufficiency of the Statement shall not be subject to review by the Council; however, the petition, when circulated, shall have attached to it an affidavit of one or more of the proponents that all of the facts contained in the Statement are true.

(c) The officer whose recall is sought, or anyone acting upon his or her behalf, may publish an Answer to the Statement (Answer) in accordance with the requirements of the City Election Code. If an Answer is published, it shall be served on the proponent of the recall and on the City Clerk, and shall otherwise comply with requirements of the City Election Code. The Statement and Answer are intended solely for the information of the voters and no insufficiency in their form or substance shall affect in any manner the validity of the proceedings taken under the Charter.

(d) Within the time after the publication and service of the Statement as provided in the City Election Code, the petition demanding the recall of the officer may be circulated for signatures. The petition shall contain a copy of the Statement and any Answer, and shall otherwise be in a form prescribed by the City Election Code. Signatures shall be secured and the petition filed within 120 days from the first day to circulate.

(e) Except as otherwise provided, the provisions of this article relating to the form and to the mode of signing initiative petitions, and to the filing, examining, certifying, supplementing, presenting to the Council and the retaining thereof, shall apply to any petition filed with the City Clerk under this section. The sufficiency or insufficiency of any recall petition shall not be subject to review by the Council.

SEC. 432. ACTION BY COUNCIL ON RECALL PETITION.

When a recall petition is presented to the Council by the City Clerk, the Council shall within 20 days, by order or ordinance, call for the holding of a special election, and if necessary a special runoff election, for the purpose of submitting to the voters of the City at large, of the Council district, or of the Board district, as the case may be, the question of whether the officer shall be recalled, and if recalled, for the election of his or her successor. The special election shall be held not less than 60 days nor more than 110 days after the date of Council action on the petition; provided, however, that if any other election for any purpose at which all the qualified voters of the City, of the Council District, or of the Board District, as the case may be, are entitled to vote, is to occur during that time period, the Council shall order the holding of the recall election and the consolidation thereof with such other election.

SEC. 433. SUPPORTING AND OPPOSING ARGUMENTS.

Any incumbent of an office whose removal is sought may file with the City Clerk an Argument Opposing the Recall, justifying the incumbent's course in office. The person filing the recall petition, or the person or organization on whose behalf a recall petition was filed, shall have the right to present to the City Clerk an Argument Supporting the Recall. These Arguments shall comply with the requirements of the City Election Code with respect to form and time for filing. The costs of printing the Arguments supporting and opposing the recall in the voter information pamphlet shall be paid by the City.

SEC. 434. PROHIBITION ON RE-APPOINTMENT.

No person who has been removed from an elected office by the recall, or who has resigned from office while recall proceedings were pending, shall be appointed to any office under the Charter for two years after that removal or resignation.

SEC. 435. RECALL BALLOT.

In addition to the question of whether the incumbent shall be removed from office, each recall ballot shall also list the names of all persons who have been nominated as candidates to succeed the person whose removal is sought. No vote cast for any candidate shall be counted unless the voter also voted on the question of recall of the incumbent. The name of the incumbent shall not appear on the ballot as a candidate for the office. If a majority of the registered voters voting on the matter vote in favor of the recall, then the incumbent shall be removed from office effective on the date the successor qualifies.

SEC. 436. NOMINATION OF CANDIDATES TO REPLACE RECALLED OFFICER.

Any candidate to be voted for at a recall election, other than the incumbent sought to be removed, may be nominated by petition, which petition shall conform to the provisions of the Charter, so far as applicable, relating to nominating petitions at primary nominating elections. Nominating petitions may be circulated upon the City Clerk's certificate of sufficiency of the recall petition. Each nominating petition must be filed with the City Clerk within the time established in the ordinance calling the special election. The City Clerk shall ascertain whether or not the petition is signed by the requisite number of registered voters of the City, Council district, or Board district, as the case may be, in accordance with the requirements of the Charter and the City Election Code. The City Election Code shall govern the circumstances under which and process by which insufficient petitions may be supplemented.

SEC. 437. ELECTION OF CANDIDATE TO SUCCEED RECALLED OFFICER.

If the vote at any recall election shall recall an officer of the City of Los Angeles, or a member of the Board of Education, then the candidate who receives a majority of the votes cast for candidates to succeed the officer removed shall be declared elected for the remainder of the term. If no candidate receives a majority of the votes cast, the two candidates receiving the highest number of votes at the recall election shall be candidates at a special runoff election, and whichever candidate receives the majority vote at that election shall be elected to succeed the recalled officer.

SEC. 438. REMOVAL OF APPOINTED OFFICERS.

In addition to any other process for removal provided by law, the incumbent of any appointed office provided for in the Charter or created by ordinance under the authority thereof may be removed at any time after the expiration of three months from appointment by the registered voters of the City. The procedure to effect the removal of the incumbent of an appointive office shall be the same as that for the removal of the incumbent of an elected office by the recall, with the following exceptions:

(a) The petition for the removal of the incumbent of an appointed office shall be signed by registered voters equal in number to at least 20% of the entire vote cast for the office of Mayor at the last preceding general municipal election, or primary nominating election, at which a Mayor was elected.

(b) If a majority of the registered voters voting on the question vote in favor of the removal of the appointed officer, the officer shall be removed from office upon the declaration of the result of the election by the Council, and the office shall thereupon become vacant. The vacancy shall be filled by the appointing power in the same manner as other vacancies, but any appointed officer so removed shall not be eligible to any appointed or elected office under the Charter until the expiration of two years after removal.

SEC. 439. RESIGNATION OR VACANCY PENDING REMOVAL.

In the event that any appointed officer whose removal is sought resigns at any time after the filing of a removal petition with the City Clerk, or a vacancy from any other cause occurs in that office, at any time prior to two days before the election, the election shall be held, but the incumbent shall not be eligible to any appointed or elected office under the Charter until the expiration of two years from the date of resignation or removal.

SEC. 440. REMOVAL OF THE CITY CLERK.

In the event that the City Clerk is the officer whose removal is sought by petition, all powers and duties prescribed in this article for the City Clerk shall be performed by the City Attorney and not by the City Clerk.

INITIATIVE**SEC. 450. SUBJECT OF INITIATIVE.**

(a) Any proposed ordinance which the Council itself might adopt may be submitted to the Council by a petition filed with the City Clerk, requesting that the ordinance be adopted by the Council or be submitted to a vote of the electors of the City. Any proposed ordinance amending or repealing an ordinance previously adopted by a vote of the electors may be submitted to the Council by a petition filed with the City Clerk requesting that the ordinance be submitted to a vote of the electors of the City.

(b) Petitions to amend the Charter shall be governed by provisions of the California Constitution and applicable provisions of state law concerning Charter amendments.

SEC. 451. INITIATIVE PETITION.

Any petition submitting a proposed ordinance to the Council as provided in this article shall comply with the provisions of the Charter and the City Election Code. The following shall apply to all initiative petitions:

(a) Prior to the circulation of any initiative petition, the proponents of the petition shall submit a draft of the petition to the City Clerk, setting forth the proposed ordinance in full. In accordance with procedures contained in the City Election Code, the City Attorney shall prepare an official title and summary of the petition provisions of the proposed ordinance. The official title and summary shall be incorporated into and appear on all copies of the initiative petition circulated for signatures and filed with the City Clerk.

(b) All names signed to a petition must have been secured not more than 120 days prior to the date of filing. Any signature affixed outside of this time period shall not be counted in determining the sufficiency of the petition. To qualify for presentation to the Council, an initiative petition shall be signed by registered voters of the City in a number equal to 15% of the total number of votes cast for all candidates for the office of Mayor at the last general municipal election, or primary nominating election, at which a Mayor was elected prior to the filing of the petition. In order to be accepted for filing with the City Clerk, the petition must on its face purport to have the requisite number of signatures appended to it.

(c) The City Clerk shall examine the petition and determine whether it contains the requisite number of signatures of registered voters, in accordance with procedures contained in the City Election Code. When the City Clerk has completed the examination of the petition, the Clerk shall prepare a dated certificate showing the result of the examination, and shall notify the sponsors of the petition of either the sufficiency or insufficiency of the petition without delay.

(d) The City Election Code shall govern the process by which and circumstances under which an insufficient petition may be supplemented, the process by which a certificate of insufficiency may be contested, and the process by which and circumstances under which the signer of a petition may withdraw his or her name.

(e) If, by the certificate of the City Clerk, the petition is shown to be sufficient, the City Clerk shall present the petition to the Council without delay. The sufficiency or insufficiency of the petition shall not be subject to review by the Council.

(f) No amendments, changes, alterations or corrections of any kind, clerical or otherwise, shall be permitted to be made in any petition after it has been filed with and approved by the City Clerk.

SEC. 452. ACTION BY COUNCIL ON INITIATIVE PETITION REQUESTING ADOPTION OF ORDINANCE.

When an initiative petition requesting the adoption by the Council of a proposed ordinance is presented to the Council by the City Clerk, the Council must take one of the following actions within 20 days after the presentation:

(a) adopt the proposed ordinance, without alteration;

(b) call a special election to be held not earlier than 110 days nor more than 140 days after Council action on the petition to submit the proposed ordinance, without alteration, to a vote of the electors of the City; and

(c) determine to submit the proposed ordinance, without alteration, to a vote of the electors of the City at the earlier of the following two elections that occurs more than 110 days from the date of Council action on the petition:

- (1) the next regular City election; or
- (2) a special election consolidated with the next election conducted by the County of Los Angeles occurring wholly or partially within the same area, provided that the voters eligible to vote in the County-conducted election comprise 100% of all the voters eligible to vote on the measure.

Any ordinance proposed by initiative petition, adopted by the Council and approved by the Mayor, or adopted over the Mayor's veto, shall be subject to a referendary vote as provided in Section 460 in the same manner as other ordinances adopted by the Council.

SEC. 453. ACTION BY COUNCIL ON INITIATIVE PETITION REQUESTING AMENDMENT OR REPEAL OF ORDINANCE.

When an initiative petition requesting the submission of a proposed ordinance amending or repealing an ordinance previously adopted by a vote of the electors is presented to the Council by the City Clerk, the Council must submit the proposed ordinance to a vote of the electors of the City at the next election for any purpose at which all the qualified voters of the City are entitled to vote, that shall be held at any time after 90 days from the date of the certification of the petition to the Council by the City Clerk.

SEC. 454. SUPPORTING AND OPPOSING ARGUMENTS.

Any person or persons filing an initiative petition or the person or organization on whose behalf the petition is filed, shall have the right to file with the City Clerk, within the time specified by ordinance, an argument favoring the proposed ordinance. The Council shall have the right to present, or permit to be presented and filed with the City Clerk within the same limit of time, an argument opposing the ordinance. Arguments supporting and opposing the ordinance proposed by initiative shall be submitted in accordance with the requirements of the City Election Code. All arguments submitted in connection with any particular measure shall be printed in the voter information pamphlet. The costs of printing supporting and opposing arguments shall be paid by the City.

SEC. 455. ADOPTION OF ORDINANCES BY INITIATIVE.

If a majority, or other percentage as required by law, of the voters voting on any ordinance proposed by initiative petition vote in favor, the ordinance shall become an ordinance of the City upon the declaration by the Council of the result of the election.

REFERENDUM

SEC. 460. SUBJECT OF REFERENDUM.

Any ordinance adopted by the Council, except an ordinance taking effect upon its publication or passage as provided in Section 252, is subject to a referendary petition as set forth in this article.

In addition, the Council is authorized to submit to a vote of the registered voters of the City, at any election for any purpose at which all the registered voters of the City are entitled to vote, any proposed ordinance, order or resolution, that the Council itself might adopt.

SEC. 461. REFERENDARY PETITION.

Any referendary petition shall comply with the provisions of the Charter and the City Election Code. The following shall apply to all referendary petitions:

(a) The referendary petition circulated for signature shall contain the full text of the subject ordinance. All names signed to a petition must have been secured within 30 days after publication of the ordinance. Any signature affixed outside of this time period shall not be counted in determining the sufficiency of the petition. To qualify for presentation to the Council, a referendary petition must be signed by registered voters of the City in an amount equal to 10% of the total number of votes cast for all candidates for the office of Mayor at the last general municipal election, or primary nominating election at which a Mayor was elected prior to the filing of the petition.

(b) The provisions of the Charter and the City Election Code relating to filing, examination, certification, supplementation and amendment of initiative petitions, the processing of supporting and opposing arguments, and the presentation of initiative petitions to the Council by the City Clerk, shall apply to referendary petitions.

(c) If a referendary petition is filed, and the City Clerk certifies that the petition is sufficient, the subject ordinance, order or resolution shall not take effect until adoption by a vote of the electors and declaration by the Council of the result of the election. If the City Clerk certifies that the petition is insufficient, the ordinance shall take effect upon the date of the certificate, but in no event earlier than 30 days from publication of the ordinance.

(d) If more than one petition is filed with respect to the same ordinance, all signatures on all those petitions shall be counted in determining the sufficiency of the petition, as though all the names had been appended to a single petition.

SEC. 462. ACTION BY CITY COUNCIL ON REFERENDARY PETITION.

When a referendary petition is presented to the City Council by the City Clerk, the Council must take one of the following actions within 20 days of the presentation:

- (a) repeal the ordinance;
- (b) call a special election to be held not earlier than 110 days nor more than 140 days after action by the Council on the petition to submit the ordinance to a referendary vote; or
- (c) determine to submit the ordinance to a vote of the qualified electors of the City for approval or rejection at the next regular City election to be held more than 110 days from date of certification of such petition.

SEC. 463. CONFLICT BETWEEN MEASURES.

If the provisions of two or more ordinances, orders or resolutions adopted at the same election by vote of the qualified electors of the City conflict, then the ordinance, order or resolution receiving the highest affirmative vote shall prevail.

SEC. 464. AMENDMENT AND REPEAL OF ORDINANCES ADOPTED BY INITIATIVE AND REFERENDUM.

(a) **Initiative.**

Any ordinance adopted by a vote of the electors of the City pursuant to an initiative petition cannot be amended or repealed, except by an ordinance proposed either by petition or by the Council at its own instance and adopted by a vote of the electors, or by an amendment of the Charter superceding the ordinance.

(b) **Referendum.**

Any ordinance, order or resolution adopted by referendum shall be subject to amendment or repeal as provided in Subsection (a). In addition, any ordinance, order or resolution shall be subject to amendment or repeal by the Council at any time, but amendment or repeal shall not be made within six months after adoption, except by unanimous vote of the Council, and the amendment or repeal shall be subject to a referendary vote as provided in this article.

CAMPAIGN FINANCE

SEC. 470. LIMITATIONS ON CAMPAIGN CONTRIBUTIONS IN CITY ELECTIONS.

(a) Purpose.

The purpose of this section is to encourage a broader participation in the political process by placing limits on the amount any person may contribute or otherwise cause to be available to candidates for election to the offices of Mayor, City Attorney, Controller and City Council of the City of Los Angeles and by regulating the disposition of unexpended contributions received by or on behalf of such candidates.

This section is intended to supplement the Political Reform Act of 1974.

(b) Definitions.

- (1) The definitions set forth in the Political Reform Act of 1974 as amended (Government Code Sections 82000 through 82055) shall govern the interpretation of this section, unless otherwise specified herein.
- (2) The term elected City office, as used herein, shall mean the offices of Mayor, City Attorney, Controller and member of the City Council.
- (3) The term election shall include a primary nominating election, a general municipal election, a special election and a recall election.

(c) Campaign Contribution Limitations.

- (1) No intended candidate for any elected City office, and no committee acting on behalf of such candidate, shall solicit or accept, or cause to be solicited or accepted, any contribution for use in any election for such office unless and until such candidate shall have filed a Declaration of Intent to Solicit and Receive Contributions in connection with candidacy for a specific elected City office. That declaration shall be filed with the City Ethics Commission on a form prescribed by the City Ethics Commission. Once the election takes place, the declaration is thereafter void. No person may file such declaration for more than one elected City office nor have more than one such declaration on file at the same time. A candidate may, however, file a form canceling one declaration and may thereafter file a new declaration.

- (2) The candidate and the treasurers of the candidate's controlled committees shall file with the City Ethics Commission on a form prescribed by the City Ethics Commission a statement under oath that the candidate and the treasurers have read and understood Section 470. This statement shall be filed concurrent with the filing of the Declaration of Intent to Solicit and Receive Contributions.
- (3) No person shall contribute a total of more than five hundred dollars (\$500) to any candidate for City Council and to his or her controlled committee for a single election. A candidate for City Council and his or her controlled committee shall not accept any contribution or contributions totaling more than five hundred dollars (\$500) from any person for a single election. Nothing in this section is intended to limit the amount a candidate may contribute to his or her campaign for City Council from his or her personal funds.
- (4) No person shall contribute a total of more than one thousand dollars (\$1,000) to any candidate for Mayor, City Attorney or Controller and to his or her controlled committee for a single election. A candidate for Mayor, City Attorney or Controller, and or his or her controlled committee, shall not accept any contribution or contributions totaling more than one thousand dollars (\$1,000) from any person for a single election. Nothing in this section is intended to limit the amount a candidate can contribute to his or her candidacy for Mayor, City Attorney or Controller from his or her personal funds.
- (5) No person shall make to any committee (other than the candidate's controlled committee) which supports or opposes any candidate for Mayor, City Attorney, Controller or City Council, and no such committee shall accept from any such person, a contribution or contributions totaling more than five hundred dollars (\$500) in any calendar year.
- (6) No person shall make a contribution in connection with a single election for an elected City office which would cause the aggregate amount of such contributions by that person to exceed a sum equal to five hundred dollars (\$500) multiplied by the number of City Council offices appearing on the ballot at that election plus one thousand dollars (\$1,000) multiplied by the number of City-wide offices ap-

pearing on the ballot at that election, but in no case less than one thousand dollars (\$1,000), in connection with all candidates in that election seeking election to all elected City offices; provided, however, that a candidate shall not be limited by this Subsection (6) in the amount he or she may contribute or expend in connection with his or her own campaign, subject to the provisions of Subsection (c)(10) of this section.

(7) **Contributions From Persons Other than Individuals.**

- (A) No candidate for City Council, together with the controlled committee of such candidate, shall accept more than a total of one hundred fifty thousand dollars (\$150,000) in contributions from persons, other than individuals, in connection with any election.
- (B) No candidate for City Attorney or Controller, together with the controlled committee of such candidate, shall accept more than a total of four hundred thousand dollars (\$400,000) in contributions from persons, other than individuals, in connection with any election.
- (C) No candidate for Mayor, together with the controlled committee of such candidate, shall accept more than a total of nine hundred thousand dollars (\$900,000) in contributions from persons, other than individuals, in connection with any election.
- (D) If a candidate for elected City office declines matching funds and receives contributions or spends an amount exceeding the applicable expenditure ceilings, this subsection shall not apply to any of the candidates for the same office.

- (8) No person shall make, and no person or candidate shall solicit or accept any loan of more than five hundred dollars (\$500) for use in connection with an election for City Council, or of more than one thousand dollars (\$1,000) for use in connection with an election for Mayor, City Attorney or Controller. Further, no person shall make, and no person or candidate shall solicit or accept any loan for use in connection with an election for City office for a period of more than 30 days. Loans to a candidate or to a candidate's

controlled committees shall be counted against the contribution limitations applicable to the candidate. A candidate is not prohibited from obtaining a personal loan of any amount from a licensed financial lending institution in the regular course of business, unless the loan is made for political purposes. This Subsection (8) shall not limit the amount or duration of loans from the candidate to his or her own campaign.

- (9) Any contributions solicited or accepted pursuant to this section shall be expended only in connection with the candidacy for the office specified in the candidate's Declaration of Intent to Solicit and Receive Contributions. Contributions solicited or accepted pursuant to this section for one individual shall not be expended for the candidacy of any other individual seeking City office or in support of or in opposition to any City ballot measure. No candidate, committee controlled by a candidate, or elected City officer shall use contributed funds to make any contribution to any other candidate running for office or to any committee supporting or opposing a candidate for office. Provided, however, a candidate shall not be prohibited from making a contribution from his or her own personal funds to his or her own candidacy, to the candidacy of any other candidate for elected City office or in support of or in opposition to any City ballot measure.
- (10) No candidate shall expend or contribute more than thirty thousand dollars (\$30,000) in personal funds in connection with his or her campaign for elected City office unless and until the following conditions are met.
 - (A) Notice of the candidate's intent to so expend or contribute shall be provided by registered mail to all opponents and to the City Ethics Commission at least 30 days in advance of the election, specifying the amount intended to be expended or contributed.
 - (B) All personal funds to be expended or contributed by the candidate in excess of thirty thousand dollars (\$30,000) shall first be deposited in the candidate's campaign contribution checking account at least 30 days before the election. Each opponent of any candidate who

has complied with the above conditions shall be permitted to solicit and receive, and contributors to each such opponent may make, contributions in excess of the limitations established in Subsections (c)(3) and (4) until such opponent has raised contributions in amounts above such limits equal to the amount of personal funds deposited by the candidate in his or her campaign contribution checking account.

(d) Cash Contributions.

No person shall make, and no candidate or committee shall solicit or accept, any cash contribution in excess of twenty-five dollars (\$25).

(e) Anonymous Contributions.

Total anonymous contributions to a candidate or committee which exceed in the aggregate two hundred dollars (\$200) with respect to a single election shall not be used by the candidate or committee for whom such contributions were intended, but instead, such excess shall be paid promptly to the City Treasurer for deposit in the General Fund of the City.

(f) Adjustment of Limits.

The amounts specified in Subsections (c) and (d) of this section may be modified from time to time by ordinance to reflect changes in the consumer price index for the Los Angeles-Long Beach metropolitan statistical area.

(g) Campaign Contribution Checking Account.

No more than one campaign contribution checking account shall be established by each candidate for elected City office, and by each committee supporting or opposing such candidate. The account shall be established at an office of a bank or savings and loan institution located in the City of Los Angeles. Upon opening such account, the candidate shall file with the City Ethics Commission within ten days of opening the campaign bank account, the name of the bank or savings and loan institution and the account number. Funds shall only be disbursed from such account by checks signed by the candidate, treasurer or designated agent of the treasurer. A candidate, treasurer or designated agent of the treasurer shall deposit into the campaign checking account all contributions received in connection with a City election. A candidate, treasurer or designated agent of the trea-

surer shall pay all campaign expenditures for a City election with monies from this campaign checking account.

If a candidate has other controlled committees and such committees have checking accounts, the candidate shall notify the City Ethics Commission in writing of these committees and the names and addresses of the banks or savings and loan institutions and the account numbers of any such accounts. A candidate shall notify the City Ethics Commission of these committees, the banks or savings and loan institutions, and the account numbers concurrent with the filing of the Declaration of Intent to Solicit and Receive Contributions. If committees are thereafter formed or accounts thereafter opened, then the candidate shall notify the City Ethics Commission on the next regular business day on which the office is open. No contribution shall be commingled with the personal funds of the candidate or any other person.

This subsection shall not prohibit the establishment of savings accounts or certificates of deposit, provided that no campaign expenditures may be made therefrom.

(h) Treasurer.

A candidate having campaign committees for elected City office shall appoint a treasurer of each committee. No expenditure shall be made by or on behalf of a committee without the authorization of the treasurer or that of his or her designated agents. No contribution or expenditure shall be accepted or made by or on behalf of a committee at a time when there is a vacancy in the office of treasurer. It shall be the duty of the candidate and the treasurer to approve and authorize such payments and to retain such authorizations, detailed accounts, records, bills and receipts.

(i) Accountability.

The candidate and the treasurer shall maintain such detailed accounts, records, bills and receipts as are necessary to prepare campaign statements. The candidate and the treasurer shall retain the detailed accounts, records, bills and receipts for the periods specified in the Political Reform Act of 1974 as amended. Every candidate and committee shall make available on demand to any public officer having legal authority to enforce this section, details of checking and financial accounts of each committee controlled by the candidate and all records supporting such details.

(j) Petty Cash Fund.

Subsection (g) notwithstanding, a candidate, campaign treasurer and other designated agents authorized to issue checks on a campaign contribution checking account may disburse to the candidate or committee establishing the checking account an amount not greater than fifty dollars (\$50) per week to be used for petty cash purposes by the candidate or committee.

(k) Assumed Name Contributions.

No contribution shall be made, directly or indirectly, by any person or combination of persons, acting jointly in a name other than the name by which they are identified for legal purposes, nor in the name of another person or combination of persons. No person shall make a contribution in his, her or its name of anything belonging to another person or received from another person on the condition that it be used as a contribution. In the event it is discovered by a candidate or committee treasurer that a contribution has been received in violation of this subsection, the candidate or treasurer shall promptly pay the amount received in violation of this subsection to the City Treasurer for deposit in the General Fund of the City.

(l) Campaign Expenditures - Uncontrolled by Candidate or Committee.

Persons or organizations not subject to the control of a candidate or committee but who make independent expenditures for or against a candidate or committee shall indicate clearly on any material published, displayed or broadcast that it was not authorized by a candidate or a committee controlled by a candidate.

(m) Suppliers of Goods and Services - Disclosure of Records Required.

No person who supplies goods or services or both goods and services to a candidate or committee for use in connection with the campaign for an elected City office shall knowingly refuse to divulge or disclose to the City Ethics Commission or to any public officer having legal authority to enforce this section, the details and the records supporting such details of any expenditures made by the candidate or committee in payment for such goods or services or both.

(n) Duties of City Ethics Commission.

The City Ethics Commission shall administer the provisions of this section. In addition to other duties required under the terms of this section, the City Ethics Commission shall:

- (1) Report apparent violations of this section and applicable state law to the City Attorney.
- (2) Conduct audits and investigations of reports and statements filed by candidates and committees supporting or opposing candidates for City offices as required under both the Political Reform Act of 1974 as amended and this section. The City Ethics Commission shall employ investigators where necessary to fully investigate candidate spending and reporting.
- (3) Enforce or cause to be enforced the provisions of this section pursuant to Section 90002(c) of the Government Code. The City Ethics Commission may subpoena witnesses, compel their attendance and testimony, administer oaths and affirmations, take evidence and require by subpoena the production of any books, papers, records or other items necessary to the audit and investigation of candidates for election to City office.

(o) Enforcement.

- (1) **Criminal Enforcement.** Any person who knowingly or willfully violates any provisions of this section is guilty of a misdemeanor. Any person who causes any other person to violate any provision of this section, or who aids and abets any other person in the violation of any provision of this section, shall be liable under the provisions of this section. Prosecution for violation of any provision of this section must be commenced within two years after the date on which the violation occurred.
- (2) **Civil Enforcement.**
 - (A) Any person who intentionally or negligently violates any provision of this section shall be liable in a civil action brought by the City Attorney or by a person residing within the City. Where no specific civil penalty is provided, a person may be liable for an amount up to two thousand dollars (\$2,000) for each violation.

- (B) Any person who intentionally or negligently makes or receives a contribution, or makes an expenditure, in violation of any provision of this section shall be liable in a civil action brought by the City Attorney or by a person residing within the City for an amount up to three times the amount of the unlawful contribution or expenditure.
 - (C) If two or more persons are responsible for any violation, they shall be jointly and severally liable.
 - (D) Any person, before filing a civil action pursuant to this subsection, must first file with the City Attorney a written request for the City Attorney to commence the action. The request shall contain a statement of the grounds for believing a cause of action exists. The City Attorney shall respond within 40 days after receipt of the request, indicating whether the City Attorney intends to file a civil action. If the City Attorney indicates in the affirmative, and files suit within 40 days thereafter, no other action may be brought unless the action brought by the City Attorney is dismissed without prejudice.
 - (E) Not more than one judgment on the merits with respect to any violation may be obtained under this subsection. Actions brought for the same violation or violations shall have precedence for purposes of trial in the order of the time filed. Such actions shall be dismissed once judgment has been entered or a settlement approved by the court in a previously filed action. The court may dismiss a pending action without prejudice to any other action for failure of the plaintiff to proceed diligently and in good faith. The action may be so dismissed on motion by the City Attorney or any plaintiff in an action based on the same violation.
 - (F) In determining the amount of liability under this subsection, the court may take into account the seriousness of the violation and the degree of culpability of the defendant.
 - (i) No civil action alleging a violation of Subsection (c) of this section, in connection with a contribution or expenditure shall be filed more than four years after an audit could begin as set forth in the Political Reform Act of 1974 as amended.
 - (ii) No civil action alleging a violation of any provisions of this section other than Subsection (c) of this section shall be filed more than four years after the date of the violation.
- (p) Effect of Violation on Outcome of Election.**
- (1) If a candidate is convicted of a misdemeanor violation of any provision of this section, the court shall make a determination as to whether the violation had a material effect on the outcome of the election. If the court finds such a material effect, then:
 - (A) if such conviction becomes final before the date of the election, the votes for such candidate shall not be counted, and the election shall be determined on the basis of the votes cast for the other candidates in that race;
 - (B) if such conviction becomes final after the date of the election, and if such candidate was declared to have been elected, then such candidate shall not assume office, the office shall be deemed vacant and shall be filled as otherwise provided in the Charter;
 - (C) if such conviction becomes final after the candidate has assumed office, then the candidate shall be removed from office, the office shall be deemed vacant and shall be filled as otherwise provided in the Charter; and
 - (D) the person so convicted shall be ineligible to hold any elected City office for a period of five years after the date of such conviction.

- (2) The City Clerk shall not issue any certificate of nomination or election to any candidate until his or her pre-election campaign statements required by the Political Reform Act of 1974, as amended, or if no campaign statement is required, the written declaration permitted under Section 84205 of the Government Code, have been filed in the form and at the place required by the Political Reform Act of 1974.

(q) Verification.

All declarations, reports and statements filed under this section shall be signed and verified by the filer under penalty of perjury. The candidate and any person signing declarations, reports and statements under this provision shall read, know and understand the contents of all such declarations, reports and statements.

(r) Injunction.

The City Attorney on behalf of the people of the City of Los Angeles or any person residing in the City of Los Angeles may sue for injunctive relief to enjoin violations or to compel compliance with the provisions of this section. The Court may award a plaintiff or defendant who prevails his or her costs of litigation, including reasonable attorney's fees; provided, however, that no such award may be granted against the City of Los Angeles.

(s) Severability.

If any provision or portion of this section is for any reason held to be invalid or unconstitutional by the decision of any court, such decision shall not affect the remaining portions of this section.

SEC. 471. PUBLIC MATCHING FUNDS AND CAMPAIGN EXPENDITURE LIMITATIONS.

(a) Findings and Purposes.

- (1) Monetary contributions to political campaigns are a legitimate form of participation in the American political process, but the financial strength of certain individuals or organizations should not permit them to exercise a disproportionate or controlling influence on the election of candidates.
- (2) Therefore, this section is enacted to accomplish the following purposes:
 - (A) To assist serious candidates in raising enough money to communicate their views and positions adequately to the public without excessive expenditures or contributions, thereby promoting public discussion of the important issues involved in political campaigns.
 - (B) To limit overall expenditures in campaigns, thereby reducing the pressure on candidates to raise large campaign funds for defensive purposes, beyond the amount necessary to communicate reasonably with voters.
 - (C) To provide a source of campaign financing in the form of limited public matching funds.
 - (D) To substantially restrict fund-raising in non-election years.
 - (E) To increase the value to candidates of smaller contributions.
 - (F) To reduce the excessive fund-raising advantage of incumbents and thus encourage competition for elective office.
 - (G) To help restore public trust in governmental and electoral institutions.

(b) Matching Funds and Expenditure Limitations Authorization.

The City shall also adopt by ordinance limitations on campaign expenditures by candidates for elected City office who qualify for and accept public matching funds. The City shall adopt by ordinance regulations concerning the use of public funds to partially finance campaigns for elected City office through a system of matching public funds for qualifying campaign contributions. Such ordinances may be amended to further the purposes of this section of the Charter.

(c) **Appropriation of Funds.**

- (1) The City Council shall appropriate two million dollars (\$2,000,000) per fiscal year for public matching funds, subject to the limitations in Subsection 2, below. The Council shall appropriate such funds for each following fiscal year. The amount of such appropriation shall be adjusted for cost of living changes based on the percentage increase or decrease in the Consumer Price Index (for all items other than housing) for the Los Angeles-Long Beach metropolitan statistical area.
- (2) All such funds shall be appropriated into a trust fund established by the Council by ordinance with interest accruing to the fund. The amount in the trust fund shall not exceed eight million dollars (\$8,000,000) in any fiscal year, and the amount otherwise required herein to be

appropriated annually to that fund shall be reduced by the amount estimated as necessary to comply with such limitation. Such amount shall be adjusted for cost of living changes based on the percentage increase or decrease in the Consumer Price Index (for all items other than housing) for the Los Angeles-Long Beach metropolitan statistical area.

- (3) If there are insufficient funds to provide the maximum matching funds available to a candidate in any election, as specified by ordinance, the limitations on total contributions from persons other than individuals imposed by Section 470 shall not apply to any of the candidates for the same office.
- (4) The funds used to make payments for matching funds shall come exclusively from City sources of revenues.