



IMMEDIATE CHANGES TO SAN DIEGO CAMPAIGN RULES

On May 18, 2010, in connection with the *Thalheimer v. City of San Diego* lawsuit, the United States Court of Appeals for the Ninth Circuit granted plaintiffs' motion to lift a stay of the district court's order pertaining to the ability of a political party committee to make contributions directly to a City candidate. The immediate impact of the court's ruling is as follows:

Contributions from Political Party Committees

- ❖ The City of San Diego's campaign laws contain a provision that allows only individuals to make contributions to candidates, and only in amounts that do not exceed \$500 per election.
- ❖ On April 27, 2010, in response to direction from the district court, the City Council voted to amend the City's campaign laws to allow political party committees to make contributions to City candidates, up to a \$1,000 limit. This amendment has not yet gone into effect.
- ❖ In the meantime, the May 18, 2010, court ruling immediately prevents the City of San Diego from enforcing its restriction against candidates accepting contributions from political party committees.
- ❖ Until the City's \$1,000 limit goes into effect, the appellate court has essentially ruled that the City of San Diego may not prevent a political party committee from making unlimited contributions to City candidates.

Contributions to Political Party Committees

- ❖ Notwithstanding the above, neither the district court nor the appellate court has enjoined the City from enforcing limitations and prohibitions on contributions to committees that make contributions to City candidates.
- ❖ Therefore, although a political party committee may make unlimited contributions to a City candidate, it may do so only by using funds received from individuals in amounts up to \$500.
- ❖ A political party committee may not, therefore, use more than \$500 of an individual's donations to the committee for the purpose of making a contribution to a City candidate, nor may a political party committee use donations from any non-individual entity to make a contribution to a City candidate.
- ❖ In other words, a political party committee may not serve as a "pass-through" for unlimited individual contributions or organizational contributions that would serve to effectively circumvent the limits and source prohibitions that are currently in place for contributions to candidates.

If you have questions regarding the effective date of the \$1,000 limit on contributions from political party committees to City candidates, please contact the City Attorney's Office.