

ADMINISTRATION

§ 2.215.210

Chapter 2.215

Campaign Reform Act

ARTICLE 1. TITLE, FINDINGS AND PURPOSE

Sec. 2.215.110. Title.

This act may be cited as the San Buenaventura Campaign Reform Act.
(Code 1971, § 9.100.010)

Sec. 2.215.120. Findings and declarations.

In enacting this act, the following findings and declarations are adopted:

1. Monetary contributions to political campaigns are a legitimate form of participation in the political process, but the financial strength of certain individuals or organizations should not permit the exercise of a disproportionate or controlling influence on the election of candidates.
2. The rapidly increasing costs of political campaigns have forced many candidates to raise larger and larger amounts of money from individuals and interest groups with a specific financial stake in matters before the city council. This has caused a public perception that votes are being improperly influenced by monetary contributions. This perception is undermining the credibility and integrity of the governmental process.
3. Candidates are raising less money in small contributions and more money in large individual and organizational contributions. This has created the public impression that the small contributor has an insignificant role to play in political campaigns.
4. The integrity of the governmental process, the competitiveness of campaigns and public confidence in local officials are all diminishing.
5. The public's right to have timely, accurate and reasonably complete information about

who is financing a candidate's campaign is an important part of the democratic process.

(Code 1971, § 9.100.020)

Sec. 2.215.130. Purpose.

It is the purpose of this act:

1. To ensure that individuals and interest groups in San Buenaventura have a fair and equal opportunity to participate in municipal elective and governmental processes.
 2. To reduce the influence of large contributors with a specific financial stake in matters before the city council, thus countering the perception that decisions are influenced more by the size of contributions than the best interests of the people of the city.
 3. To limit overall expenditures in campaigns, thereby reducing the pressure on candidates to raise large campaign war chests for defensive purposes, beyond the amount necessary to communicate reasonably with the voters.
 4. To increase the value to candidates of smaller contributions.
 5. To eliminate fund-raising by candidates except during an election cycle.
 6. To improve the disclosure of contribution sources in reasonable and effective ways.
 7. To help restore public trust in local governmental institutions.
- (Code 1971, § 9.100.030)

ARTICLE 2. DEFINITIONS;
INTERPRETATIONS

Sec. 2.215.210. Definitions.

For purpose of this chapter, the following words and phrases shall have the meanings set forth as follows unless the contrary is stated or clearly appears from the content:

Election cycle means that period commencing with January 1 of an odd number year and ending

2.215.210

SAN BUENAVENTURA CODE

on April 15 of the following year. However, in the event of a special election called for the purpose of filling a vacancy in the city council, election cycle means the period commencing with the date the city council adopts a resolution calling the special election, and a date 180 days following the date of the special election.

Person means any individual, organization or political action committee whose contributions or expenditure activities are financed, maintained or controlled by any corporation, labor organization, association, political party or any other person or committee, including any parent, subsidiary, branch, division, department or local unit of the corporation, labor organization, association, political party or any other person, or by any group of such persons.

Two or more entities shall be deemed one person when any of the following circumstances apply:

1. The entities share the majority of members of their boards of directors; or
2. The entities share two or more officers; or
3. The entities are owned or controlled by the same majority shareholder or shareholders; or
4. The entities are in a parent-subsidiary relationship.
5. An individual and any general partnership in which the individual is a general partner, or an individual and any corporation in which the individual owns a controlling interest, shall be deemed one person.

Political action committee means any individual other than a candidate for office, and any organization or other combination of individuals of persons who receives a contribution during an election cycle of \$25.00 or more, and who either (i) makes a contribution to a candidate for office during an election cycle that totals \$25.00 or more, or (ii) makes independent expenditures in support of or in opposition to a candidate during an election cycle that totals \$25.00 or more.

Qualified campaign expenditure means any of the following:

1. Any expenditure made by a candidate for city council, by a committee controlled by such a candidate, or by a committee that supports or opposes a candidate for city office, for the purpose of influencing or attempting to influence the actions of the voters for or against the election of any city council candidate.
2. A non-monetary contribution provided at the request of or with the approval of the candidate, officeholder, committee controlled by the candidate or officeholder or a committee that supports or opposes a candidate for a city office.
3. That portion of the total cost of a slate mailing or mailing of other campaign literature produced or authorized by more than one candidate which is the greater of the cost actually paid or incurred by the committee or controlled committee of the candidate or the proportionate share of the total cost attributable to each such candidate. The number of candidates sharing costs and the emphasis on or space devoted to each such candidate shall be considered in determining the cost attributable to each such candidate.
4. "Qualified campaign expenditure" does not include any payment if it is clear from the surrounding circumstances that it was not made in any part for political purposes.

(Code 1971, § 9.105.010; Ord. No. 2004-023, § 1, 12-13-04)

Sec. 2.215.220. Interpretation.

Unless a term is specifically defined in this act or the contrary is stated or clearly appears from the context, the definitions set forth in California Government Code, Sections 82000 et. seq., shall govern the interpretation of this act.
(Code 1971, § 9.105.020)

ADMINISTRATION

§ 2.215.320

**ARTICLE 3. CONTRIBUTION
LIMITATIONS****Sec. 2.215.310. Limitations on contributions
to candidates.**

A. During an election cycle, no person shall make to any candidate for election to the city council, or the controlled committee of such a candidate, and no such candidate or the candidate's controlled committee shall accept from any such person, a contribution or contributions totaling more than \$100.00 for the election for city council except as otherwise provided for by this section.

B. For candidates who adopt the expenditure ceilings as defined in article 4. of this act, no person shall make to any candidate for election to the city council or the controlled committee of such a candidate, and no such candidate or the candidate's controlled committee shall accept from any such person, a contribution or contributions totaling more than \$200.00 for any person for each election for city council.

(Code 1971, § 9.110.010; Ord. No. 2004-023, § 2, 12-13-04)

**Sec. 2.215.315. Limitations on independent
expenditure committees.**

A. During an election cycle, no person shall make to any committee which supports or opposes a candidate for city council, and no such committee shall accept from any person a contribution or contributions totaling more than \$100.00 for the election for city council except as otherwise provided by this section.

B. During an election cycle, a committee making or intending to make expenditures in support of or in opposition to a council candidate may receive contributions or other funds from any committee member or other person totaling more than \$100.00, and may use up to \$100.00 of all such contributions or other funds received from the committee member or other person for independent expenditures in support of or in opposition to a city council candidate, provided that:

- (1) The committee member or other person consents in writing to the use of a portion

of his or her contributions or other funds to support or oppose political candidates or for other political purposes;

- (2) A portion of such committee member or other person's contributions or other funds not exceeding a total of \$100.00 is deposited in a separate campaign banking account maintained by the committee, and thereafter used during the election cycle for expenditures in support of or in opposition to candidates seeking election to the office of city council or for other political purposes; and

- (3) If such committee member or other person's contributing or other funds are commingled in the committee's campaign banking account with funds that are to be used for political purposes other than supporting or opposing candidates seeking election to the office of city council:

- (a) The committee maintains a continuous written accounting of that portion of the funds maintained in the committee's banking account that are deposited and expended for the purpose of supporting or opposing a city council candidate; and

- (b) The committee files a current copy of the written accounting with any campaign disclosure statement that is required to be filed with the City Clerk either pursuant to the State Political Reform Act or this Chapter.

(Ord. No. 2004-023, § 3, 12-13-04)

**Sec. 2.215.320. Prohibition on nonelection
cycle contributions.**

No candidate or officeholder or the controlled committee of such person shall accept any contribution except during an election cycle in which the candidate or officeholder is listed on the ballot or is a write-in candidate for the office for which the contribution is made.

(Code 1971, § 9.110.020)

215.330

SAN BUENAVENTURA CODE

Sec. 2.215.330. Return of contributions.

A contribution shall not be considered to be received if it is not negotiated, deposited, or utilized and is returned to the donor within 30 days of receipt.

(Code 1971, § 9.110.040)

Sec. 2.215.340. Loans.

A. A loan shall be considered a contribution from the maker and the guarantor of the loan and shall be subject to the contribution limitations of this act.

B. Every loan to a candidate or the candidate's controlled committee shall be by written agreement which shall be filed with the candidate's or committee's campaign statement on which the loan is first reported.

C. The proceeds of a loan made to a candidate a commercial lending institution in the regular course of business and on the same terms available to members of the public and which is secured or guaranteed shall not be subject to the contributions limitations of this chapter.

D. Extensions of credit, other than loans pursuant to subsection C. of this section, for a period of more than 30 days are subject to the contribution limitations of this chapter.

E. Notwithstanding any other provision of this act, a candidate for city council shall not loan or otherwise transfer to the candidate's campaign, funds, or other thing of value, in excess of \$10,000.00. Nothing shall be construed to restrict a candidate from contributing the candidate's own funds or assets to the candidate's campaign. (Code 1971, § 9.110.050)

Sec. 2.215.350. Family contributions.

A. Contributions by a husband and wife shall be treated as separate contributions and shall not be aggregated.

B. Contributions by children under 18 years of age shall be treated as contributions by their parents and attributed proportionately to each parent, one-half to each parent or the total amount to a single custodial parent. (Code 1971, § 9.110.060)

Sec. 2.215.360. Treatment of money received as contributions, income or gifts.

Any funds received by any candidate running for election to the city council, or any committee controlled by such candidate, shall be considered a campaign contribution, income or a gift. All campaign contributions received by such persons shall be subject to the provisions of this act, unless such campaign contributions are used exclusively for elections other than city council elections. All income and gifts shall be subject to the reporting and disqualification provisions of the Political Reform Act, Government Code Sections 87100 et seq.

(Code 1971, § 9.110.070; Ord. No. 2004-023, § 4, 12-13-04)

Sec. 2.215.370. One campaign committee and one campaign banking account per candidate.

Except as may be otherwise provided by state law, a candidate shall have no more than one campaign committee and one campaign banking account in which all campaign contributions shall be deposited and from which all campaign expenditures shall be made.

(Code 1971, § 9.110.080; Ord. No. 2004-023, § 5, 12-13-04)

ARTICLE 4. EXPENDITURE CEILINGS AND CONTRIBUTION LIMITS**Sec. 2.215.410. Expenditure ceilings.**

A. All candidates for city council who adopt campaign expenditure ceilings as defined below are permitted the higher contribution limit as defined in article 3.

B. No candidate for office who files a statement of acceptance of expenditure limits, nor any controlled committee of such a candidate, shall make qualified campaign expenditures above the following amounts and subject to the following restrictions:

1. Except as otherwise provided herein, a candidate for city council, a controlled committee of such candidate, may not

ADMINISTRATION

§ 2.215.640

spend more than \$20,000.00 in the election to be eligible for the higher contribution limits.

2. The expenditure ceiling will be adjusted by the city clerk as described in article 8. of this act.
(Code 1971, § 9.120.010)

Sec. 2.215.420. Time periods for expenditures.

For purposes of the expenditure ceilings and contribution limitations, qualified campaign expenditures, actual or accrued, and contributions made at any time up to the date of election, shall be considered expenditures or contributions for that election.
(Code 1971, § 9.120.020)

ARTICLE 5. ACCEPTANCE OF EXPENDITURE CEILINGS

Sec. 2.215.510. Candidate acceptance or rejection of expenditure ceilings.

A. Each candidate for office, at the time of filing the candidate's nomination papers, shall file a statement accepting or rejecting the expenditure ceilings in article 4.

B. If a candidate declines to accept the expenditure ceilings in article 4., the candidate shall be nonetheless subject to the contribution limitations in article 3.

C. A candidate who agrees to accept the expenditure ceilings in article 4. may not change that decision, except that if any opposing candidate files a statement of rejection, then the candidate may rescind the candidate's acceptance within ten calendar days of the last date for filing nomination papers provided that the candidate has not accepted any contributions in amounts greater than the limitations set forth in article 3., subsection 2.215.310.A.
(Code 1971, § 9.130.010)

ARTICLE 6. INDEPENDENT EXPENDITURES

Sec. 2.215.610. Contribution limitations.

Any person who makes independent expenditures supporting or opposing a candidate shall not accept any contribution from another person in excess of the amounts set forth in article 3., subsection 2.215.310.B. of this act. Nothing shall be construed to restrict a person's right to make independent expenditures of their own funds in support or opposition to a city council candidate.
(Code 1971, § 9.140.010)

Sec. 2.215.620. Coordinated campaigns.

No candidate or committee controlled by such a candidate shall coordinate their campaign with any independent expenditure made by another person. No information about planned for, or paid for, campaign expenditures may be shared between a candidate or a committee controlled by such a candidate and a person making an independent expenditure in support of or opposition to, any city council candidates.
(Code 1971, § 9.140.020)

Sec. 2.215.630. Reproduction of materials.

Any person who reproduces, broadcasts or distributes any material which is drafted, printed, prepared or previously broadcast by a candidate or a committee controlled by such a candidate, shall report such activity and its value as a non-monetary contribution to such candidate or committee.
(Code 1971, § 9.140.030)

Sec. 2.215.640. Notice of independent expenditures.

Any person who makes independent expenditures of more than \$250.00 in support of or in opposition to any candidate shall notify the city clerk in writing within two working days of the expenditure.
(Code 1971, § 9.140.040; Ord. No. 2004-023, § 6, 12-13-04)

2.215.710

SAN BUENAVENTURA CODE

ARTICLE 7. ADDITIONAL DISCLOSURE REQUIREMENTS**Sec. 2.215.710. Additional pre-election campaign statement.**

In addition to the campaign statement required to be filed pursuant to the Political Reform Act, commencing with Government Code Section 81000, candidates, their controlled committees and independent expenditure committees that have expended funds to support or oppose candidates for election to the city council, shall file a pre-election statement on the Friday before each election. This statement shall have a closing date of the Wednesday immediately preceding the election date, and shall be deemed to be filed only if received by the city clerk prior to 5:00 P.M. on the Friday immediately preceding the election date.

The statement may be filed with the city clerk by personal delivery, mail, or a telephoned facsimile.

(Code 1971, § 9.150.010; Ord. No. 2004-023, § 7, 2-13-04)

Sec. 2.215.720. Campaign statements filed by political action committees.

Every political action committee shall file campaign statements with the city clerk at the time required by the Political Reform Act, as set forth in Government Code Section 84000 et seq., and containing all of the information required either by Political Reform Act or the provisions of this article.

(Code 1971, § 9.150.015)

Sec. 2.215.730. Disclosure of occupation and employer.

No contribution of \$25.00 or more shall be deposited into a campaign checking account unless the name, address, occupation and employer of the contributor is on file in the records of the recipient of the contribution. All campaign statements filed with the city clerk will list the names, occupations and employer of all contributors of \$25.00 or more.

(Code 1971, § 9.150.020)

ARTICLE 8. AGENCY RESPONSIBILITY**Sec. 2.215.810. Duties of the city clerk.**

The city clerk shall also:

1. Adjust the expenditure ceilings and contribution limitations on December 1 of the even-numbered years to reflect any increase or decrease in the Consumer Price Index as provided by this act. Such adjustments shall be rounded off to the nearest \$25.00 for contributions and the nearest \$1,000.00 for expenditures. At the first regular meeting of the city council following December 1 of the even-numbered years, the city clerk shall make a written report to the city council setting forth the amount of such adjusted expenditure ceiling and contribution limitations.
2. Prescribe all necessary forms for filing statements and information.
3. Prepare and release studies on the impact of this act.
4. Prepare for public review a report within five working days of each filing deadline that identifies:
 - (a) A list of all candidates and organizations who are known to the city clerk to be required to file statements.
 - (b) Candidates and organizations that have not filed required statements on time.
 - (c) Candidates and organizations that have not listed the occupations and employers of all donors over \$25.00.
 - (d) Any significant irregularities the city clerk is aware of in a candidate or organization's filing statement.
5. One month prior to the election cycle, the city clerk shall, ascertain the number of registered voters in the city. Thereafter, and for the ensuing election cycle, where the number of registered voters exceeds the number ascertained for the first election covered by this chapter, the expenditure limitation of \$20,000.00 shall be increased \$1.00 for each registered voter in

ADMINISTRATION

§ 2.215.1020

excess of the number ascertained for the first election covered by this act. Such adjustment shall be rounded to the nearest \$1,000.00.

(Code 1971, § 9.160.010; Ord. No. 2004-023, § 8, 12-13-04)

Sec. 2.215.820. Inflation/deflation.

A. Any amount subject to a limitation or ceiling, or established pursuant to formula set forth in articles 3, 4 and 5 of this act, shall be automatically adjusted on December 1, 1996 and on December 1 of each even-numbered year thereafter, upward or downward, equivalent to the most recent change in the annual average of the Consumer Price Index as published by the United States Department of Labor for the Los Angeles—Metropolitan area.

B. For purposes of calculating the annual inflator/deflator factor under this section, the base year shall be that year ending with the quarter ending June 30, 1996. Rates shall first be adjusted on December 1, 1996, and every two years thereafter, based on the annually calculated change from the base year.

(Code 1971, § 9.160.020)

ARTICLE 9. DISPOSAL OF SURPLUS FUNDS

Sec. 2.215.910. Disposition of unexpended campaign funds.

Any funds remaining to a candidate, or any controlled committee of such candidate, at the end of the election cycle during which such funds have been raised shall be disposed of in the manner provided for by the Political Reform Act of 1974, as adopted in section 81000 et seq. of the California Government Code, together with all implementing regulations now or hereafter promulgated by the Fair Political Practice Commission.

(Code 1971, § 9.180.010; Ord. No. 2004-023, § 9, 12-13-04)

Sec. 2.215.920. Reserved.

Editor's note—Ord. No. 2004-023, § 10, adopted December 13, 2004, repealed § 2.215.920 which pertained to the retention of five thousand dollars by office holders and derived from Code 1971, § 9.180.020.

Sec. 2.215.930. Reserved.

Editor's note—Ord. No. 2004-023, § 11, adopted December 13, 2004, repealed § 2.215.930 which pertained to the disposal of surplus funds and derived from Code 1971, § 9.180.030.

ARTICLE 10. ENFORCEMENT

Sec. 2.215.1010. Criminal actions.

A. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this act, shall be guilty of a misdemeanor. Any person convicted of such a misdemeanor, unless provision is otherwise made herein, shall be punishable by a fine of not more than \$500.00, or by imprisonment in the county jail for a period not exceeding six months or by both such fine and imprisonment.

B. As an alternative to the penalty provided above, violation of or failure to comply with any provision of or condition lawfully imposed under this act, may be deemed to constitute an infraction as provided in Section 17 of the California Penal Code, and penalties for such infractions shall be as set forth in Subdivision 19e of the Penal Code.

C. Any person who causes any other person to violate any provision of this act, or who aids or abets any other person in the violation of any provision of this act, shall be equally subject to the provisions of this section.

(Code 1971, § 9.190.010)

Sec. 2.215.1020. Civil action.

A. Any person who makes an unlawful contribution or expenditure in violation of this act shall be liable in a civil action brought by the city attorney or, in the case of a conflict of interest on the part of the city attorney, an attorney retained by the city on the city attorney's recommendation, or by or on behalf of a person residing within the city, for an amount not more than three times the amount of the unlawful contribution or expenditure. Any person who violates any other provision of this Act shall be liable in a civil action brought as set forth herein for an amount not more than \$5,000.00.

2.215.1020

SAN BUENAVENTURA CODE

B. If two or more persons are responsible for any violation, they shall be jointly and severally liable.

C. Any person, before filing a civil action pursuant to this subdivision, shall first file with the city attorney a written request for the city attorney to commence action. The request shall contain a statement of the grounds for believing the 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. (In the case of a conflict of interest on the part of the city attorney, independent counsel shall be retained to formulate this response.) If the city attorney or, when applicable, independent counsel indicates in the affirmative and files a suit within 40 days thereafter, no other action may be brought unless the action brought by the city attorney or independent counsel is dismissed without prejudice.

D. In determining the amount of liability, the court may take into account the seriousness of the violation and the degree of culpability of the defendant. If a judgment is entered against the defendant or defendants in an action, the entire amount shall be paid into the general fund of the city.

E. No civil action alleging a violation of any provision of this act shall be filed more than one year after the date the violation occurred. (Code 1971, § 9.190.020; Ord. No. 2004-023, § 12, 12-13-04)

Sec. 2.215.1030. Injunctive relief.

The city or any person residing in the city may sue for injunctive relief to enjoin violations or to compel compliance with the provisions of this act. (Code 1971, § 9.190.030; Ord. No. 2004-023, § 13, 12-13-04)

Sec. 2.215.1040. Cost of litigation.

The court may award to a plaintiff, or a defendant, other than the city, who prevails in any action authorized by this act, the costs of litigation, including reasonable attorneys' fees. (Code 1971, § 9.190.040; Ord. No. 2004-023, § 14, 12-13-04)

Sec. 2.215.1050. Disqualification.

In addition to any other penalties prescribed by law, if an official receives a contribution violative of this act, the official shall not be permitted to make, participate in making or in any way attempt to use the official's official position to influence any governmental decision in which the contributor has a financial interest. The provisions of Government Code Sections 87100 et seq. and the regulations of the fair political practices commission shall apply to interpretations of this section.

(Code 1971, § 9.190.050)

ARTICLE 11. MISCELLANEOUS PROVISIONS**Sec. 2.215.1110. Applicability of other laws.**

Nothing in this act shall exempt any person from applicable provisions of any other law. (Code 1971, § 9.200.010)

Sec. 2.215.1120. Effective date.

This act shall take effect January 1, 1996. (Code 1971, § 9.200.020)

Sec. 2.215.1130. Severability.

If any section, subsection, subdivision, sentence, sum, percentage, clause or phrase of this act is for any reason held to be unconstitutional, invalid or void, such decision shall not affect the validity of the remaining portions of this act. The city hereby declares that it would have passed this act, and every section, subsection, subdivision, sentence, sum, percentage, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, sums, percentages, clauses or phrases thereof is declared unconstitutional, invalid or void.

(Code 1971, § 9.200.030)

Sec. 2.215.1140. Amendments.

A. This act may be amended or repealed at any time by an ordinance approved by the electors of the City of San Buenaventura.

ADMINISTRATION

§ 2.215.1140

B. Except for the contribution limits and expenditure limits, this act may be amended from time to time by ordinance adopted by five affirmative votes of the members of the city council upon a finding by the council that such amendment is consistent with and in furtherance of the purposes of this chapter [act].
(Code 1971, § 9.200.040)