

ORDINANCE NO. 3429

**SAN LUIS OBISPO COUNTY ORDINANCE ESTABLISHING CAMPAIGN FINANCE
CONTRIBUTION LIMITS**

WHEREAS, the California Political Reform Act of 1974 (Gov. Code § 81000 et seq.) ("Political Reform Act") was amended by the voters in 1988, to impose contribution limitations for statewide offices, and authorized local jurisdictions to enact contribution limits or other prohibitions; and

WHEREAS, in 2019, the Legislature amended the Political Reform Act to impose contribution limitations on local elective offices in jurisdictions that have not enacted their own contribution limits; and

WHEREAS, the Board of Supervisors ("Board") of San Luis Obispo County ("County") believes it is in the public's and the County's interest to encourage public confidence in the political process by limiting the source and amount of contributions that may be made to candidates and committees controlled by candidates for county elective offices; and

WHEREAS, it is the intent of the Board that this Ordinance limiting contributions comply with the free speech clauses of the United States and California Constitutions and the decisional law by the federal and state courts.

The Board of Supervisors of the County of San Luis Obispo ordains as follows:

SECTION I. Chapter 30.02 is hereby added to the San Luis Obispo County Code as follows:

30.02.010 – Purpose.

The purpose of this Chapter 30.02 is to encourage public confidence in the political process and to prevent corruption and the appearance of corruption by limiting the source and amount of contributions that may be made to candidates and committees controlled by candidates for county elective offices.

30.02.020 – Definitions.

Except as more specifically provided herein, the definitions set forth in the Political Reform Act of 1974 (Government Code sections 81000 et seq., as amended) shall govern interpretation of this Chapter 30.02 and are hereby incorporated herein by this reference.

“County Election” shall mean any primary, general, or special election, including a recall election, held within the County of San Luis Obispo for elective County office or on a County measure. Each primary, general, or special election is a separate election for purposes of this chapter.

“Elective county office” shall mean a member of the Board of Supervisors; County Assessor; County Clerk-Recorder; District Attorney; Sheriff-Coroner; Assessor; and Auditor-Controller-Treasurer-Tax Collector-Public Administrator.

“Person” means an individual, proprietorship, firm, partnership, joint venture, syndicate, business trust, company, corporation, limited liability company, association, committee, and any other organization or group of persons acting in concert. The definition of “person” includes any labor union group, political action committee, political party committee, general purpose committee, primarily formed committee, and sponsored committee.

30.02.030 – County Campaign Contribution Limits.

- (a) A person shall not make to a candidate for elective county office, or a committee controlled by that candidate, and a candidate for elective county office, or a committee controlled by that candidate, shall not accept from a person, a contribution totaling more than twenty five thousand dollars \$25,000 for a single election.
- (b) The Board of Supervisors may, by resolution, adjust the contribution limit set forth in Section 30.02.030(a) from time to time.
- (c) Contributions will be aggregate pursuant to Government Code section 82015.5.

30.02.040 – Contribution Limits to Other Candidates.

A candidate for elective county office or a committee controlled by that candidate shall not make any contribution to any other candidate for elective county office in excess of the limits set forth in Section 30.02.030.

30.02.050 – Limits on Transfers of Contributions.

A candidate for elective county office may transfer campaign funds from one controlled committee to a controlled committee for elective county office of the same candidate. Contributions transferred shall be attributed to specific contributors using a “last in, first out” or “first in, first out” accounting method,

and these attributed contributions when aggregated with all other contributions from the same contributor shall not exceed the limits set forth in Section 30.02.030.

30.02.060 – Limitations on Campaign Loans.

(a) The provisions of this Section 30.02.060 regarding loans apply to extensions of credit, but do not apply to loans made to a candidate for elective county office by a commercial lending institution in the lender's regular course of business on terms available to members of the general public for which the candidate is personally liable.

(b) Notwithstanding subdivision (a), a candidate for elective county office shall not personally loan to the candidate's campaign, including the proceeds of a loan obtained by the candidate from a commercial lending institution, an amount, the outstanding balance of which exceeds two hundred thousand dollars (\$200,000). A candidate for elective county office shall not charge interest on any loan the candidate made to the candidate's campaign.

30.02.070 – Contributions After Election.

A contribution for an election may be accepted by a candidate for elective county office after the date of the election only to the extent that the contribution does not exceed net debts outstanding from the election, and the contribution does not otherwise exceed the applicable contribution limit for that election in accordance with Section 30.02.030.

30.02.080 – Limits on Carry-Over of Contributions.

Notwithstanding Section 30.02.050, a candidate for elective county office may carry over contributions raised in connection with one election for elective county office to pay campaign expenditures incurred in connection with a subsequent election for the same elective county office.

30.02.090 – Contributions Before an Election.

A candidate for elective county office may raise contributions for a general election before the primary election, and for a special general election before a special primary election, for the same elective county office if the candidate sets aside these contributions and uses these contributions for the general election or special general election. If the candidate for elective county office is defeated in the primary election or special primary election, or otherwise withdraws from the general election or special general election, the general

election or special general election funds shall be refunded to the contributors on a pro rata basis less any expenses associated with the raising and administration of general election or special general election contributions. Candidates for elective county office may establish separate campaign contribution accounts for the primary and general elections or special primary and special general elections.

30.02.100 – Recall committees.

- (a) An officer of any elective county office may establish a committee to oppose the qualification of a recall measure and the recall election for that officer's elective county office. This committee may be established when the officer of the elected county office receives a notice of intent to recall pursuant to Elections Code section 11021. An elected county officer may accept campaign contributions to oppose the qualification of a recall measure, and if the qualification is successful, the recall election subject to the campaign contribution limits set forth in Section 30.02.030 and the loan limitations of Section 30.02.060.
- (b) After the failure of a recall petition or after the recall election, the committee formed by the elected county officer shall wind down its activities and dissolve. Any remaining funds shall be treated as surplus funds and expended within thirty (30) days after the failure of the recall petition or after the recall election for a purpose specified in Government Code section 89519(b).

30.02.110 – Enforcement.

The contribution limit provisions of this Chapter shall be enforced by the District Attorney as civil prosecutor pursuant to Government Code section 91001. If a complaint concerns alleged violations of this Ordinance by the District Attorney, the District Attorney shall recuse himself from participating in the investigation of the complaint and the matter may be referred to the Fair Political Practices Commission. For the purpose of effecting such an investigative or prosecutive referral, the County may enter into an agreement with the Fair Political Practices Commission pursuant to Government Code section 83123.6.

SECTION II: If any section, subsection, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, clause, phrase or portion thereof

irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

SECTION III: This ordinance shall take effect and be in full force and effect thirty (30) days after its passage and before the expiration of fifteen (15) days after passage of this ordinance, it shall be published once with the names of the members of the Board of Supervisors voting for and against the ordinance in a newspaper of general circulation published in the County of San Luis Obispo, State of California.

SECTION IV: Adoption of this ordinance is not subject to environmental review under the California Environmental Quality Act because it is not a project as defined in CEQA Guidelines section 15378.

SECTION V: In accordance with Government Code Section 25131, after reading the title of this Ordinance, further reading of the Ordinance in full is waived.

INTRODUCED at a regular meeting of the Board of Supervisors held on the 10th day of November, 2020 and PASSED and ADOPTED by the Board of Supervisors of the County of San Luis Obispo, State of California, on the 20th day of November, 2020, by the following roll call to vote, to wit:

AYES: Supervisors John Peschong, Debbie Arnold and Chairperson Lynn Compton

NOES: Supervisor Bruce S. Gibson

ABSENT: None

ABSTAINING: None

Lynn Compton
Chairperson of the Board of Supervisors,
County of San Luis Obispo, State of
California

ATTEST:

WADE HORTON
County Clerk of the Board and Ex-Officio
Clerk of the Board of Supervisors, County of
San Luis Obispo, State of California

By: T'Ana Christiansen
Deputy Clerk

APPROVED AS TO FORM AND LEGAL EFFECT:

Rita L. Neal
County Counsel

By: /s/ Jon Ansolabehere
Chief Deputy County Counsel

Dated: _____

STATE OF CALIFORNIA) ss.
COUNTY OF SAN LUIS OBISPO)

I, **WADE HORTON**, Ex-Officio Clerk of the Board of Supervisors thereof, do hereby certify the foregoing to be a full, true and correct copy of an order entered in the minutes of said Board of Supervisors, and now remaining of record in my office.

Witness, my hand and seal of said Board of Supervisors on February 26, 2021.

WADE HORTON,
Ex-Officio Clerk of the Board of Supervisors

By: 
Deputy Clerk