

**Chapter 1.84
CAMPAIGN REGULATIONS**

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1.84.010 Scope of chapter.

A. This chapter is intended to place realistic and enforceable limits on political campaigns conducted within the City, as well as to supplement the requirements of State law with regard to the reporting of campaign contributions and expenditures, for the purpose of preventing the exercise by campaign contributors of potential undue or improper influence over elected officials and to inform the public of the sources and objects of campaign contributions and expenditures. The City Council finds that municipal elections are municipal affairs; the regulation of campaign contributions and expenditures in municipal elections is not preempted by general State law; and such activity is the proper subject of municipal regulation under the authority granted to cities by Article XI, Section 7 of the California Constitution and State Government Code Section 81013. This chapter is to be interpreted in a manner consistent with constitutional requirements. Should any provision of this chapter be determined to be invalid for any reason, the remainder shall be severed therefrom and shall remain in full force and effect.

B. Definitions. For the purpose of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this subsection:

“Campaign statement” means an itemized report which is prepared on a form provided by the City Clerk and which provides the information required by this chapter.

“Candidate” means an individual who is listed on the ballot or who has qualified to have write-in votes on his or her behalf counted by election officials for nomination for or election to the position of Mayor or on the City Council, or who receives a contribution or makes an expenditure or gives his or her consent for any other person to receive a contribution or make an expenditure with the intention of bringing about his or her nomination or election to the position

of Mayor or City Council, whether or not the specific elective office for which he or she will seek nomination or election is known at the time the contribution is received or the expenditure is made and whether or not he or she has announced his or her candidacy or filed a declaration of candidacy at such time. "Candidate" also includes any Mayor or Councilmember who is the subject of a recall election.

"Closing date" means the date which any report or statement filed under this chapter is required to be complete.

"Committee," including controlled and independent committees, means any person who directly or indirectly receives contributions or makes expenditures or contributions for the purpose of influencing or attempting to influence the action of voters:

For or against the nomination or election of one or more candidates for City elective office;
or

For or against the qualification or passage of a City measure.

"Contribution" shall have the meaning set forth in Government Code Section 82015, as amended from time to time.

"Controlled committee" means a committee which is controlled directly or indirectly by a candidate or which acts jointly with or in coordination with a candidate or another controlled committee in connection with the making of expenditures. A candidate controls a committee if such candidate, his or her agent or any other committee such candidate controls has significant influence on the actions or decisions of the committee or if such committee coordinates its expenditures with the expenditures of a candidate or committee controlled by a candidate, whether or not such candidate is personally aware of such coordination.

"Election" means any City general, special, initiative, referendum or recall election.

"Electronic filing" means use of a system that provides for the online or electronic transfer of data using telecommunications technology that ensures the integrity of the data transmitted and that creates safeguards against efforts to tamper with or subvert the data.

"Entity" means any corporation, company, association, or other organization other than an individual or a political party.

"Expenditure" shall have the meaning set forth in Government Code Section 82025, as amended from time to time.

"Fundraiser event" means any political event organized for the purpose of raising funds to be used in the support of or opposition to any candidate or measure.

"Independent committee" means any committee which receives contributions or makes expenditures for the purpose of influencing or attempting to influence a City election which is neither controlled by a candidate nor coordinates its expenditures with the expenditures of a candidate or a committee controlled by a candidate.

“Individual” means a sole human being.

“Measure” means any proposition submitted to a popular vote, only at a City election.

“Person” means an individual, proprietorship, firm, partnership, joint venture, syndicate, business trust, company corporation, association or committee (including both controlled and independent committees), labor union, and any other organization or group of persons acting in concert.

“Political party” means any organization qualified to participate in any primary election in the State of California as set forth in California Elections Code Section 5100, or such law as may replace Section 5100.

C. For purposes of this chapter, a person or combination of persons becomes a “committee” subject to the regulations of this chapter when such person or combination of persons:

1. Receives, for a City election, campaign contributions totaling \$200.00 or more in a calendar year; or
2. Expends for a City election a total of \$200.00 or more in a calendar year.

D. Unless otherwise provided herein, the provisions, definitions and interpretations of the Political Reform Act of 1974, as amended, are to be relied upon in administering this chapter. (Gov. Code § 8100 et seq.)

E. The requirements of this chapter are in addition to, and shall not be administered or interpreted to be in conflict with, the requirements of the Political Reform Act of 1974. (Ord. 2073 § 2, 2018; Ord. 2066 § 2, 2017; Ord. 1828)

1.84.020 Campaign statements.

A. Each candidate, each treasurer of a committee supporting or opposing a candidate, and each treasurer of a committee supporting or opposing a measure shall prepare an itemized statement of campaign contributions received and campaign expenditures made. The statutory provisions of the Political Reform Act of 1974 (Proposition 9) and the Elections Code Section 11500 et seq. shall be complied with as well as the reporting of campaign contributions and expenditures indicated in the following subsections:

1. Each contribution received with a value of \$5.00 or more must be itemized listing the value of the contribution with the contributor’s name, street address, occupation and the name of employer, if any, or principal place of business if self-employed;
2. Each expenditure of a value of \$5.00 or more must be itemized listing the full name and address of the person to whom the expenditure is made and a brief description of the consideration or service received; and
3. Successful candidates and committees who support successful candidates must file their campaign statements before the candidate takes office. No certificate of election shall

be issued nor shall an elected candidate assume office unless all campaign statements are filed in the Office of the City Clerk.

B. Campaign statement forms shall be provided by the City Clerk and campaign statements shall be filed with the City Clerk in accordance with the deadlines established by the Political Reform Act of 1974.

C. The City Clerk shall ensure that all campaign statements, filed with the City in accordance with this chapter, are retained and available for public review at City Hall, in accordance with law. Also, the City Clerk shall ensure that copies of the campaign statements are available for public review at the City Library by the close of business on the day following the filing of the statement with the City Clerk; and shall remain there for no less than six months following the related election.

D. 1. Any elected officer, candidate, committee, or other person required to file statements, reports or other documents ("statements") as required by Chapter 4 of the Political Reform Act (California Government Code Section 84100 et seq.) ("filers") may file such statements using the City Clerk's online system according to procedures established by the City Clerk (the "procedures"). This online filing requirement shall become mandatory beginning April 1, 2018.

2. The City Clerk shall have the authority to establish and amend the procedures, as necessary, to accomplish the following:

a. Ensure that the online system complies with the requirements set forth in Section 84615 of the California Government Code, as may be amended from time to time;

b. Meet the purpose and intent of this section and comply with other applicable law; and

c. Ensure the integrity of the data transmitted and include safeguards against efforts to tamper with, manipulate, alter, or subvert the data.

3. Online filings made under this chapter will only be accepted if made in the standardized format that is developed by the California Secretary of State pursuant to Section 84602(a) (2) of the California Government Code, as may be amended from time to time, and that is compatible with the Secretary of State's system for receiving an online or electronic filing. (Ord. 2073 § 3, 2018)

1.84.030 Form of monetary contribution.

A. It is unlawful to make or receive a monetary campaign contribution in any amount unless the contribution is by check or credit card.

B. Every person required to file a campaign statement in accordance with this chapter shall:

1. Make a photocopy of each check or credit card receipt by which a reportable contribution is made and obtain documentation showing the contributor's name, address, and occupation;

2. Retain each such photocopy or documentation for one year after the date of the related election; and

3. Make the photocopy or documentation available for inspection upon the reasonable request by the City's special counsel. (Ord. 2066 § 3, 2017)

1.84.040 Limitation on amount of contribution.

A. No individual or entity shall make one or more contributions, with a total value of more than \$200.00, per election, to:

1. The same candidate for City Council;

2. The same candidate for Mayor; or

3. The same controlled committee of a candidate for City Council or Mayor.

B. This section does not:

1. Apply to a candidate's contribution of his or her personal funds to his or her own campaign contribution account.

2. Prohibit a controlled committee or political party from conveying to a candidate any moneys legally received as contributions.

C. Spouses are two separate individuals for purposes of the contribution limitations of this section.

D. The contribution limitation of this section is not a limitation upon expenditures and shall not limit the expenditures by any candidate, person or committee.

E. Joint Funding.

1. Joint funding of campaign expenditures by two or more committees shall not be deemed to be a contribution by any such committee to any candidate; provided, that each such committee contributes equal amounts to each such expenditure.

2. Any such joint expenditure shall cause any theretofore independent committee participating therein to be deemed a controlled committee of any and all candidates for whose benefit such joint expenditure is made.

3. Any independent committee, which becomes a controlled committee by reason of subsection (E)(2) of this section, shall be deemed a controlled committee for purposes of the contribution limitation of this section to the committee, effective retroactive to the date upon which the first contribution to such committee was received by such committee.

F. Subject to subsections (E)(2) and (3) of this section, the contribution limitation of this section shall not apply to any independent committee:

1. Composed solely of one individual;

2. Organized principally for a purpose other than participating in or influencing an election or elections;
3. Organized for the purpose of supporting or opposing the qualification for the ballot or the adoption of one or more City measures; or
4. Which receives contributions to be expended in the elections of more than one city.
(Ord. 2066 § 4, 2017)

1.84.050 Limitation on who can contribute.

A. No person or entity, other than an individual or political party, shall make a contribution to:

1. A candidate for City Council or Mayor;
2. A controlled committee of a candidate for City Council or Mayor.

B. No Contributions by City Contractors.

1. No person who contracts with the City, either for the rendition of personal services or for the furnishing of any material, supplies, or equipment to the City, or for selling any land or building to the City, shall make any contributions to a City Council candidate or a committee supporting or opposing a City Council candidate.
2. The prohibition of subsection (B)(1) of this section shall exist at all times between the commencement of negotiations for and during the completion of the performance under, or the termination of negotiations for such a contract or the furnishing of materials, supplies, equipment, land or building, whichever occurs later.

C. No contributor shall make a contribution anonymously or under an assumed name, or on behalf of another person, whether as agent, intermediary or otherwise. (Ord. 2066 § 5, 2017)

1.84.060 Prohibitions.

- A. It is unlawful for any contributor to make, knowingly or willfully, a contribution which is prohibited by this chapter.
- B. It is unlawful for any candidate, agent for a candidate, committee, or agent for a committee to solicit, knowingly or willfully, a contribution which is prohibited by this chapter.
- C. It shall be unlawful for any candidate, agent for a candidate, committee, or agent for a committee to accept, knowingly or willfully, a campaign contribution which is prohibited by this chapter.
- D. It is unlawful for any person to aid, abet, advise or participate in, knowingly or willfully, a violation of this chapter.
- E. No committee shall make any expenditures to influence or attempt to influence the voters in a City election if such committee has not complied with the contribution limitations imposed by this

chapter upon such committee's receipt of funds.

1.84.070 Appointment of special counsel.

A. At least 90 days prior to a City election, the City Council shall appoint a special counsel for that election and such additional special counsel as may be required, on such terms and conditions as the City Council deems appropriate.

B. The special counsel shall be the District Attorney, the Attorney General, or such other qualified and independent special counsel or combination of the foregoing as may be appointed by the City Council.

1.84.080 Enforcement.

A. Review and Investigation of Complaints.

1. The City's review and investigation of complaints of alleged violations of this chapter shall be commenced and carried out only by an appointed special counsel.

2. If the special counsel determines that there is a reason to believe that a violation of this chapter has occurred, special counsel shall conduct an investigation as it deems necessary for the enforcement of this chapter.

3. The special counsel shall have such investigative powers as are necessary for the performance of duties described in this chapter and may demand and shall be furnished records of campaign contributions and expenditures of any person or committee subject to this chapter. In the event that production of such records is refused, the special counsel may commence civil litigation to complete such production.

B. Persons residing in the City who believe that a violation of this chapter has occurred may file a written complaint for review by the special counsel. If the complaint presents probable cause to believe that a violation has occurred, the special counsel will initiate an investigation of such violation.

C. Action to Enforce. If the special counsel determines that there is good reason to believe that a violation of this chapter has occurred, special counsel may commence such administrative, civil, or criminal legal action as it deems necessary for the enforcement of this chapter.

D. Review, investigation, enforcement, litigation, and prosecution under this chapter shall be commenced and carried out only by an appointed special counsel.

E. Activity by special counsel in accordance with this chapter shall not be subject to review or control by the City Council or City Attorney.

F. The City Attorney shall not review, investigate, prosecute or otherwise deal with any alleged violation of this chapter, but shall defend the constitutionality and legality of this chapter in any civil proceeding in which the City or the City Council is a party.

G. Any action alleging a violation of this chapter must be commenced no later than four months after the mandatory filing date for semi-annual statements which cover the period during which

the violation is alleged to have occurred, but in no case later than six months from the date of the related election.

1.84.090 Penalties.

A. Any person who knowingly or willfully violates any provision of this chapter is guilty of a misdemeanor.

B. Any person who violates a provision of this chapter shall be liable in a civil action for damages in the amount of three times the amount not properly reported or unlawfully contributed, solicited, or accepted, not to exceed \$1,000. Upon collection, said sum shall be deposited into the general fund of the City, earmarked to be used for the purpose of defraying the costs of municipal elections.