

## Chapter 2.52

### CAMPAIGN CONTRIBUTIONS\*

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\* Prior legislation: Ords. [2298](#), [2334](#), [2391](#), [2434](#), [2581](#), [2654](#), [2661](#), [2769](#), [2849](#) and [2955](#).

#### **2.52.010 Purpose and intent.**

This chapter is intended to supplement the Political Reform Act of 1974 (California Government Code Sections [81000](#), et seq.) (the "PRA"), and the implementing regulations adopted by the Fair Political Practices Commission (the "FPPC") (see California Code of Regulations, Title [2](#), Division 6, Sections [18110](#) through [18997](#)). All local candidates should be aware that they must comply with this chapter, as well as the PRA and the FPPC regulations, when participating in a local election campaign.

Sections 81013 and 85703(a) of the PRA authorize the City Council to adopt contribution limitations and prohibitions applicable to elections for local elective office. In enacting this chapter, the City Council finds and declares that moderate monetary contributions to political campaigns are a legitimate form of participation in the American political process. It is the policy of this City to protect the integrity of the electoral process, and to serve the best interests of the citizens of this City by regulating campaign finance.

Inherent in the high cost of election campaigning is the problem of improper influence, real or potential, exercised by campaign contributors over elected officials. It is the purpose and intent of the City Council in enacting this chapter:

- A. To preserve an orderly political forum in which individuals may express themselves effectively;
- B. To place realistic and enforceable limits on the amounts of money that may be contributed to political campaigns in City elections;
- C. To prevent corruption and avoid the appearance of corruption by regulating campaign contributions to candidates for local elective office;
- D. To provide full and fair enforcement of all the provisions of this chapter; and
- E. To encourage candidate adherence to election regulations by making them easier to understand. (Ord. 3179 § 1, 2011; Ord. 3086 § 1, 2007).

### **2.52.020 Interpretation of this chapter.**

- A. The terms and phrases in this chapter shall have the same definitions given to them in the PRA (see California Government Code Sections [82000](#) through [82054](#)) and the FPPC regulations, unless otherwise specified in this chapter.
- B. The terms of this chapter are applicable to any contribution made to a candidate or candidate-controlled committee whether used by the candidate to finance a current campaign or to pay debts incurred in prior campaigns.
- C. Revisions to this chapter take effect on February 10, 2011, and are applicable to all contributions received by candidates seeking City elective office in any election which takes place after that date. (Ord. 3179 § 1, 2011; Ord. 3086 § 1, 2007).

### **2.52.030 Definitions.**

- A. "Agent" means a person who acts on behalf or at the behest of any other person or accepts a contribution on behalf of a candidate. If an individual acting as an agent is also acting as an employee or member of a law, architectural, engineering or consulting firm, or a similar entity or corporation, both the entity or corporation and the individual are "agents."
- B. "At the behest" means made under the control or at the direction of, in cooperation, consultation, coordination, or concert with, at the request or suggestion of, or with the express prior consent of.
- C. "Campaign contribution account" is that account in which all contributions or loans made to the candidate shall be deposited as required by Government Code Section [85201](#).
- D. "Campaign statement" means the campaign statement required by the PRA (see California Government Code Sections [84200](#), et seq.).

- E. "Candidate" means any individual seeking any City elective office, the candidate's campaign committee, committee(s) controlled by the candidate, and agents of the candidate.
- F. "City elective office" means the offices held by the Mayor, members of the City Council, or the City Attorney. The "same City elective office," as that term is used in this chapter, means the specific seat held by the Mayor, as defined by Charter Section 300(C); the specific seat held by the City Attorney; or, in the case of a City Council member, the specific City Council District seat numbered 1, 2, 3, or 4 held by the City Council member, or the numbered seat to which that City Council member or candidate for such office is reassigned as a result of redistricting. For example, if, during the redistricting process, the district lines are redrawn such that the residence of the City Council member representing and running for District 1 or a candidate running for District 1 becomes located within District 2, 3 or 4, the member's or candidate's District 1 seat, as the case may be, would be considered, for purposes of this chapter, the "same City elective office" as the District 2, 3 or 4 seat so re-assigned.
- G. "Contribution" is defined in a manner identical with the definition found in Government Code Section [82015](#), contained within the Political Reform Act, and any related provisions in the California Code of Regulations.
- H. "Enforcement authority," under this chapter, means that special counsel appointed by the City Attorney pursuant to CVMC [2.52.140](#).
- I. "General election" is that election identified by Charter Section [900](#), which is combined with the state primary election.
- J. "Organization" means a proprietorship, labor union, firm, partnership, joint venture, syndicate, business, trust, company, corporation, association, or committee, including a political action committee. "Organization" does not include political party committees, as that term is defined in California Government Code Section [85205](#).
- K. "Person" means a natural individual.
- L. "Political Reform Act" means the California Political Reform Act of 1974, as amended, found at Government Code Section [81000](#), et seq., and includes regulations adopted by the Fair Political Practices Commission.
- M. "Single election contest" means either a general or special election.
- N. "Special election" is as defined in Charter Section [901](#). (Ord. 3506 § 1, 2021; Ord. 3179 § 1, 2011; Ord. 3086 § 1, 2007).

### **2.52.040 Campaign contribution limits.**

- A. No person, other than a candidate, shall make a contribution in excess of \$360.00 to a candidate for a single election contest. No candidate shall solicit or accept a contribution in excess of \$360.00 from a person for a single election contest. A candidate may receive up to \$360.00 from a person in each of the general and special elections. The contribution limit in this subsection shall be adjusted biannually pursuant to subsection [\(D\)](#) of this section.
- B. No political party committee, as that term is defined in California Government Code Section 85205, shall make a contribution in excess of \$1,240 to a candidate for a single election contest. No candidate shall solicit or accept a

contribution in excess of \$1,240 from a political party committee for a single election contest. A candidate may receive up to \$1,240 from a political party committee in each of the general and special elections. The contribution limit in this subsection shall be adjusted biannually pursuant to subsection [\(D\)](#) of this section.

C. No organization shall make a contribution to any candidate or candidate-controlled campaign committee. This chapter shall not apply to contributions made to a committee that is organized solely for the purpose of supporting or opposing the qualification for the ballot or adoption of one or more City measures. All contributions made by a person whose contribution activity is financed, maintained or controlled by an organization or any other person shall be deemed to be made by that organization or other person. If the contribution is deemed made by an organization, it is prohibited.

D. The contribution limits set forth in this section shall be adjusted every odd-numbered year, starting in 2013. The City Clerk shall adjust the contribution limits to reflect any changes in the Consumer Price Index for the San Diego area for the two-year period ending on December 31st of the previous year. Adjustments shall be rounded to the nearest \$10.00. The City Clerk shall publish a public notice of any adjustments by March 1st of each odd-numbered year, or as soon after as practicable, following the Bureau of Labor Statistics' release of the applicable Consumer Price Index data. The adjustments shall go into effect as soon as the public notice is published but shall apply only to elections held in subsequent years. The adjustments shall not be construed to raise the contribution limits applicable to past elections or to special elections held in the same year that the limits are adjusted.

E. No person shall make a contribution to any candidate and no such candidate shall accept from any person such a contribution sooner than 11 months preceding a single election contest.

F. A contribution for an election may be accepted by a candidate 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.

G. A candidate may not solicit or accept contributions for a special election prior to the holding of the general election for that office.

H. A candidate may carry over contributions raised in connection with one election for City elective office to pay campaign expenditures incurred in connection with a subsequent election for the same City elective office. If, as a result of redistricting, a candidate's residence is assigned to a different district, the candidate may carry over contributions raised prior to City Council approval of the new district map to pay expenditures in connection with campaigning for election to the newly assigned district seat; provided, however, if the election for the newly assigned district seat will be held at the subsequent election cycle, the candidate choosing to carry over contributions raised to fund campaign activities for such subsequent election must discontinue any and all fundraising activities immediately upon City Council approval of the new district map creating re-assignment until fundraising for such subsequent election contest is authorized as provided in subsection [\(E\)](#) of this section.

I. The contribution limitations of this section are not limitations on expenditures and shall not be construed to limit the expenditures by any candidate, person or committee. (Ord. 3506 § 1, 2021; Ord. 3499 § 1, 2021; Ord. 3452 § 1, 2019; Ord. 3399 § 1, 2017; Ord. 3340 § 1, 2015; Ord. 3276 § 1, 2013; Ord. 3262 § 1, 2013; Ord. 3179 § 1, 2011; Ord. 3086 § 1, 2007).

### **2.52.050 Loans.**

A. A candidate shall not personally loan to his or her campaign funds, with the intent to receive repayment of those funds, an aggregate amount in excess of \$5,000 for a single election contest.

B. A loan or extension of credit shall be considered a contribution from the maker of the loan or extender of credit and shall be subject to the contribution limit of \$360.00 per person, pursuant to CVMC [2.52.040](#). The \$360.00 contribution limit does not apply to loans made to a candidate for the purpose of a campaign by himself or herself or 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. (Ord. 3499 § 1, 2021; Ord. 3452 § 1, 2019; Ord. 3399 § 1, 2017; Ord. 3340 § 1, 2015; Ord. 3179 § 1, 2011; Ord. 3086 § 1, 2007).

### **2.52.060 Notice regarding personal funds.**

If a candidate spends or contributes personal funds of more than \$5,000 aggregate, in connection with a campaign for a single election contest, a candidate shall do all of the following:

A. Prior to spending or contributing the personal funds, the candidate shall provide written notice of the candidate's intent to spend or contribute more than \$5,000 of personal funds to the City Clerk and all opponent candidates. The notice shall be delivered personally or sent by registered mail to the last known address of the opponent candidates as shown in the records of the City Clerk and shall specify the amount of personal funds intended to be expended or contributed. The notice shall also provide the date the personal funds shall be deposited into the candidate's campaign contribution account, as required by CVMC [2.52.070](#). Separate notice is also required for every separate deposit of personal funds of any amount that is a contribution from a candidate to his or her campaign once the candidate has spent or contributed more than \$5,000 in personal funds in connection with the campaign for a single election contest.

B. The required notice shall be given no later than 21 days prior to the election, unless the expenditure or contribution occurs during the 21 days preceding the election, in which case the required notice shall be provided 24 hours prior to deposit into the candidate's campaign contribution account. (Ord. 3179 § 1, 2011; Ord. 3086 § 1, 2007).

### **2.52.070 Campaign contribution account.**

The campaign contribution account required by Government Code Section [85201\(a\)](#) shall be established at a financial institution located in San Diego County. (Ord. 3179 § 1, 2011; Ord. 3086 § 1, 2007).

### **2.52.090 Return of prohibited contributions.**

If a contribution is tendered and would be in violation of this chapter, it shall be returned by the candidate to the contributor within 60 days of receipt by the candidate. (Ord. 3179 § 1, 2011; Ord. 3086 § 1, 2007).

### **2.52.100 Written solicitations by candidates.**

Any candidate making a written solicitation for a contribution for his or her campaign for City elective office shall include the following written notice in no less than six-point type on each such solicitation:

NOTICE

The City of Chula Vista Municipal Code limits contributions to campaigns for City elective office to three hundred sixty dollars per person.\*

During any campaign cycle where redistricting is pending City Council candidate materials soliciting campaign funds shall also contain the following statement:

City campaign rules allow this candidate to transfer funds to a different Council district election contest, or carry over funds to a future Council election contest, in the event redistricting results in the re-assignment of such candidate to a different Council District seat.

\* The dollar amount to be included in this notice shall be amended biannually to reflect any CPI adjustment to the contribution limit made pursuant to CVMC [2.52.040\(D\)](#).

(Ord. 3506 § 1, 2021; Ord. 3499 § 1, 2021; Ord. 3452 § 1, 2019; Ord. 3399 § 1, 2017; Ord. 3340 § 1, 2015; Ord. 3179 § 1, 2011; Ord. 3086 § 1, 2007).

### **2.52.120 Contributions for legal defense.**

Notwithstanding anything contained herein to the contrary, a payment to or for the benefit of a Councilmember, Mayor, or candidate made and used for the express purpose of offsetting costs already incurred by that Councilmember, Mayor, or candidate in the defense of a criminal or administrative prosecutorial action against said Councilmember, Mayor, or candidate and not made or used for the purpose of aiding in the election of said Councilmember, Mayor, or candidate, and not made within (before or after) 100 days of an election in which the Councilmember, Mayor, or candidate is competing for a seat or office, shall not be deemed to be a contribution for the purposes of this chapter. (Ord. 3179 § 1, 2011; Ord. 3086 § 1, 2007).

### **2.52.125 Electronic filing of campaign disclosure statements.**

A. *General.*

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 July 1, 2017.

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 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;
  - 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 record 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.

**B. *Procedures for Utilizing Online Filing.***

1. During the period commencing with the effective date of the ordinance codified in this section and ending June 30, 2017, filers may choose to opt in to the electronic filing system by electronically filing a statement that is required to be filed with the City Clerk pursuant to Chapter 4 of the Political Reform Act. Once a filer has opted in, all subsequent statements by that filer shall be filed electronically. A filer may opt out of the electronic filing system by filing an original statement in paper format with the City Clerk. Once a filer has opted out, the filer shall file all original statements in paper format with the City Clerk. From and after July 1, 2017, electronic filing is mandatory for all filers, unless the filer is exempt under California Government Code Section [84615](#), as may be amended from time to time. A filer so exempt may continue to opt in or opt out as described in this section.
2. Any filer who has electronically filed a statement using the City Clerk’s online system is not required to file a copy of that document in paper format with the City Clerk. (Ord. 3355 § 1, 2015).

## **2.52.130 Duties of City Clerk.**

In addition to other duties required of the City Clerk under the terms of this chapter and the City Charter, the Clerk shall:

- A. Supply appropriate forms and manuals prescribed by the California Fair Political Practices Commission. These forms and manuals shall be furnished to all candidates and committees, and to all other persons required to report.

- B. Determine whether required documents have been filed and, if so, whether they conform on their face with the requirements of state law.
- C. Notify promptly all persons and known committees who have failed to file a document in the form and at the time required by state law.
- D. Report alleged violations of this chapter filed pursuant to CVMC [2.52.140\(E\)](#) and applicable state law to the enforcement authority.
- E. Compile and maintain a current list of all statements or parts of statements filed with the City Clerk's office pertaining to each candidate and each measure.
- F. Cooperate with the enforcement authority in the performance of the duties of the enforcement authority as prescribed in this chapter and applicable state laws. (Ord. 3179 § 1, 2011; Ord. 3086 § 1, 2007).

### **2.52.140 Enforcement.**

- A. The City Attorney shall not act as the enforcement authority as to alleged violations 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.
- B. The enforcement authority, as defined by this chapter, or the District Attorney shall investigate or prosecute alleged violations of this chapter.
- C. The Board of Ethics shall solicit proposals from attorneys in accordance with Section [503](#) of the City Charter and Chapter [2.56](#) CVMC to act as the enforcement authority 11 months prior to a general election.
- D. The Board of Ethics shall appoint a panel of no less than three attorneys to act as the enforcement authority. These attorneys shall be compensated by the City for work performed pursuant to this chapter. Should the appointment of additional special counsel become necessary or appropriate, the Board of Ethics shall appoint such additional special counsel as may be required. A single member of the special counsel panel will be assigned to each case. Assignments will be made on a rotating basis.
- E. Complaints of violations of this chapter shall be: in writing; sworn under penalty of perjury by the complainant, who shall be a resident of the City; accompanied by proof that the complainant is a resident of the City; and submitted to the City Clerk. The complaint shall state a full recitation of all facts that are alleged to constitute a violation of this chapter. If a complaint does not comply with these requirements, the City Clerk shall return the complaint to the complainant, with an explanation as to why it is insufficient for filing.
- F. The City Clerk shall forward the complaint to the enforcement authority within five working days of receipt for a probable cause determination. If no probable cause is determined to exist, the complaint shall be dismissed summarily and interested parties shall be notified of the dismissal in writing. The enforcement authority shall make a probable cause determination within 30 calendar days of receiving the complaint.



- G. If probable cause is determined to exist, the enforcement authority shall notify the City Attorney. If the enforcement authority determines that probable cause exists to find that there was a knowing or willful violation of this chapter, the City Attorney shall forward the complaint to the District Attorney for further handling. If the enforcement authority determines that probable cause exists to find that there was a negligent violation of this chapter, the City Attorney shall forward the complaint to the special counsel who is next in the rotation of panel counsel to act as the enforcement authority and take further investigatory and procedural steps necessary to resolve the matter. However, if the City Attorney is the subject of the complaint, the duties of the City Attorney under this section shall be handled by the City Clerk.
- H. Violations of this chapter that are forwarded to the District Attorney for handling shall not be subject to further action by the enforcement authority. Violations of this chapter that are not forwarded to the District Attorney for handling but, rather, are forwarded to the next panel counsel for further investigation pursuant to subsection [\(G\)](#) of this section may be pursued by the enforcement authority either through a civil or administrative action. The enforcement authority may also commence and prosecute any necessary administrative proceedings or civil litigation to compel compliance with this chapter. No enforcement of prosecution or action by the enforcement authority shall be subject to the review or control of the City Attorney or City Council.
- I. The special counsel, serving as the enforcement authority, may investigate and may institute legal action to prevent further violations. If the allegation contained in the complaint is also a violation of state law, the special counsel shall not investigate but, rather, shall forward the complaint to the Fair Political Practices Commission, or other appropriate state agency.
- J. Criminal prosecution for violations of this chapter must be commenced within one year after the date on which the violation occurred.
- K. Civil prosecution for violation of this chapter must be commenced within four years after the date on which the violation occurred. No administrative action alleging a violation of any of the provisions of this chapter shall be commenced more than four years after the date on which the violation occurred. If the person alleged to have violated a provision of this chapter engages in the fraudulent concealment of his or her acts or identity, the four-year period for civil and administrative actions shall be tolled for the period of concealment. For purposes of this subdivision, "fraudulent concealment" means the person knows of material facts related to his or her duties under this chapter and knowingly conceals them in performing or omitting to perform those duties, for the purpose of defrauding the public of information to which it is entitled under this title.
- L. Special counsel, serving as the enforcement authority, shall be immune to liability for enforcement of this chapter.
- M. If the enforcement authority or District Attorney determines that no violation occurred, the enforcement authority shall review the complaint and, if necessary, conduct further investigation to determine if there is probable cause to find that the complainant committed perjury. If such probable cause exists, the enforcement authority shall forward the complaint to the District Attorney for prosecution for perjury. (Ord. 3179 § 1, 2011; Ord. 3086 § 1, 2007).

### **2.52.150 Penalties.**

- A. Any person who knowingly or willfully violates any provision of this chapter; who knowingly or willfully causes, solicits, advises, or participates with any other person to violate any provision of this chapter; or who knowingly or willfully aids and abets any other person in the violation of this chapter shall be guilty of a misdemeanor.
- B. 1. Any person who negligently violates any provision of this chapter shall be liable in a civil or administrative action brought by the enforcement authority for an amount not more than \$500.00 per violation, and shall be required to correct the violation.
2. Any person who intentionally violates any provision of this chapter, causes any other person to violate any provision of this chapter, or intentionally files a false complaint under this chapter shall be liable in a civil administrative action brought by the enforcement authority for a maximum of \$1,000 per violation, or per false complaint filed.
3. Any amounts paid pursuant to this section shall be used to offset the costs of enforcing this chapter.
4. If it is determined by the District Attorney that the complainant committed perjury in filing the complaint, the complainant may be liable, in addition to any criminal penalties, for damages in the amount of fees, costs and other amounts suffered or incurred as a result of, or arising out of the filing of, such complaint.
- C. This section shall apply only to persons who have filing or reporting obligations under this chapter or the Political Reform Act, or who are compensated for services involving the planning, organization, or directing of any activity regulated or required by this chapter or the Political Reform Act, or anyone who is determined by the District Attorney to have committed perjury in filing a complaint under this chapter.
- D. Whether or not a violation is inadvertent, negligent, or deliberate, and the presence or absence of good faith, shall be considered in applying the remedies and sanctions of this chapter. Further, in determining the amount of civil 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, the funds recovered shall be deposited into the City's general fund. (Ord. 3179 § 1, 2011; Ord. 3086 § 1, 2007).

### **2.52.160 Severability.**

If any provision of this chapter, or the application of any such provision to any person or circumstances, shall be held invalid, the remainder of this chapter to the extent it can be given effect, or the application of those provisions to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby, and to this end the provisions of this chapter are severable. (Ord. 3179 § 1, 2011; Ord. 3086 § 1, 2007).

**The Chula Vista Municipal Code is current .**

Disclaimer: The City Clerk's Office has the official version of the Chula Vista Municipal Code. Users should contact the City Clerk's office for ordinances passed subsequent to the ordinance cited above.

To be notified when additions, amendments, or revisions are made to the code, send your e-mail address to (be sure to add "Chula Vista Municipal Code" in the subject line) [CPC@codepublishing.com](mailto:CPC@codepublishing.com).

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[City Website: www.chulavistaca.gov](http://www.chulavistaca.gov)

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