

ELECTIONS

ARTICLE 25. CAMPAIGN REFORM ACT

2-3-2501: TITLE:

This article shall be known as the City of Burbank Campaign Reform Act. [Added by Ord. No. 3447, eff. 11/16/96; Amended by Ord. No. 3492, eff. 9/19/98.]

2-3-2502: INTERPRETATION OF THIS ACT:

Except as herein provided, the definitions set forth in the Political Reform Act of 1974 (Government Code Section 81001 et seq.) shall govern the interpretation of this act.

ADVERTISEMENT: Any general or public advertisement which is authorized and paid for by a person or committee for the purpose of supporting or opposing a candidate. "Advertisement" does not include campaign buttons, bumper stickers, T-shirts or yard signs.

CANDIDATE: An individual who is listed on the ballot or has qualified to have write-in votes on his or her behalf counted by Election Officials, for the offices of City Council, City Treasurer, City Clerk, or the Board of Education, or who receives contributions or makes an expenditure or gives his or her consent for any other person to receive a contribution or make an expenditure with a view to bringing about his or her nomination or election to the offices of City Council, City Treasurer, City Clerk, or the Board of Education, 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. An individual who becomes a candidate shall retain his or her status as a candidate until such time as that status is terminated pursuant to Government Code Section 84214. "Candidate" does not include any person within the meaning of 2 USCS Section 431(2).

COMMITTEE: Any person or combination of persons who directly or indirectly receives contributions or makes expenditures or contributions of one thousand dollars (\$1,000.00) or more for the purpose of influencing or attempting to influence the action of voters for or against the election of one or more candidates. "Committee" includes controlled committees, primarily formed committees and independent committees.

CONTROLLED COMMITTEE: A committee which is controlled directly or indirectly by a candidate or which acts jointly with or in coordination with a candidate or controlled committee in connection with the making of expenditures. A candidate controls a committee if such candidate, or the candidate's agent, or any other committee such candidate controls, has a significant influence on the actions or decisions of the committee or if such committee coordinates its expenditures with the expenditures of a candidate or a committee controlled by a candidate, whether or not such candidate is personally aware of such coordination.

ELECTION: Any Primary, General, or Special Election for the offices of City Council Member, City Treasurer, City Clerk, or Board of Education Member.

INDEPENDENT COMMITTEE: Any committee which makes expenditures in support or opposition to any candidate or group of candidates which is neither controlled by a candidate nor coordinates its expenditures with the expenditures of a candidate or a committee controlled by a candidate.

PRIMARILY FORMED COMMITTEE: Any committee that is formed or exists primarily to support or oppose a single candidate or a group of candidates whether said support is through contributions and/or independent expenditures. [Added by Ord. No. 3447, eff. 11/16/96; Amended by Ord. No. 3787, eff. 9/10/10; 3562, 3492.]

2-3-2503: RECEIPT OF CONTRIBUTIONS LIMITED TO ELECTION YEAR CYCLE; LIMITING COMMITTEE FROM CHANGING STATUS DURING ELECTION YEAR CYCLE:

A. No candidate or officeholder, the controlled committee of such a person, or an independent committee or primarily formed committee which will make any contribution and/or independent expenditures in a municipal election, shall accept any contribution except between six (6) months prior to an election and June 30 immediately following an election.

B. A committee may not change its status from the type of committee that is reported on its statement of organization to any other type of committee between the period that is six (6) months prior to an election and June 30 immediately following an election. [Added by Ord. No. 3447, eff. 11/16/96; Amended by Ord. No. 3562, eff. 11/18/00; 3492.]

2-3-2504: DISCLOSURE OF CONTRIBUTORS:

A. In addition to the disclosure requirements of the Political Reform Act of 1974, as amended, candidates, their controlled committees, and all other committees as defined by the Political Reform Act of 1974 shall disclose all contributions of fifty dollars (\$50.00) or more, by providing the amount of the contribution as well as the name, address, occupation, and employer of each such contributor.

B. No contribution 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.

C. In addition to the disclosure and record keeping requirements of the Political Reform Act of 1974, as amended, every candidate who accepts a contribution of fifty dollars (\$50.00) or more shall file with the City Clerk the form prescribed by the City Clerk pursuant to Section 2-3-2513 of this code.

D. The provisions of this section shall not apply to any candidate or all committees who receive contributions or have expenditures of one thousand dollars (\$1,000.00) or less. [Added by Ord. No. 3447, eff. 11/16/96; Amended by Ord. No. 3787, eff. 9/10/10; 3492.]

2-3-2505: ADVERTISEMENTS:

A. All advertisements generated by the candidate or the candidate's controlled committee shall contain the name, address and identification number of the sender.

B. The identifying information required in subsection A of this section shall, if in printed form, be in no less than 10-point type, printed in color or typeface that contrasts with the background. If the advertisement is broadcast or via telephone, the information shall be spoken so as to be clearly audible and understood by the intended public. If the advertisement is via internet or other computer electronic mail, the identifying information shall be displayed in a conspicuous manner. [Added by Ord. No. 3447, eff. 11/16/96; Amended by Ord. No. 3787, eff. 9/10/10; 3492.]

2-3-2505.1: SLATE MAILERS, REQUIREMENTS:

A. No slate mailer organization or committee primarily formed to support or oppose one or more ballot measures shall send a slate mailer unless:

1. The name, street address, and city of the slate mailer organization or committee primarily formed to support or oppose one or more ballot measures are shown on the outside of each piece of slate mail and on every insert included with each piece of slate mail in no less than 8-point Roman type which shall be in a color or print which contrasts with the background so as to be easily legible.

2. At the top of each or surface of a slate mailer or at the top of each side or surface of a postcard or other self-mailer, there is a notice in at least 8-point Roman boldface type, which shall be in a color or print which contrasts with the background so as to be easily legible, and in a printed or drawn box and set apart from any other printed matter. The notice shall consist of the following statement:

NOTICE TO VOTERS

THIS DOCUMENT WAS PREPARED BY (name of slate mailer organization or committee primarily formed to support or oppose one or more ballot measures), NOT AN OFFICIAL POLITICAL PARTY ORGANIZATION. All candidates and ballot measures designated by \$\$\$ have paid for their listing in this mailer. A listing in this mailer does not necessarily imply endorsement of other candidates or measures listed in this mailer.

3. Each candidate and each ballot measure that has paid to appear in the slate mailer is designated by an "\$\$\$". Any candidate or ballot measure that has not paid to appear in the slate mailer is not designated by an "\$\$\$". The "\$\$\$" required by this subdivision shall be of the same type size, type style, color or contrast, and legibility as is used for the name of the candidate or the ballot measure name or number and position advocated to which the "\$\$\$" designation applies except that in no case shall the "\$\$\$" be required to be larger than 10-point boldface type. The designation shall immediately follow the name of the candidate, or the name or number and position advocated on the ballot measure where the designation appears in the slate of candidates and measures. If there is no slate listing, the designation shall

appear at least once in at least 8-point boldface type, immediately following the name of the candidate, or the name or number and position advocated on the ballot measure.

4. The name of any candidate appearing in the slate mailer who is a member of a political party differing from the political party which the mailer appears by representation or indicia to represent is accompanied, immediately below the name, by the party designation of the candidate, in no less than 9-point Roman type which shall be in a color or print that contrasts with the background so as to be easily legible. The designation shall not be required in the case of candidates for nonpartisan office.

5. Any candidate endorsement appearing in the slate mailer that differs from the official endorsement of the political party which the mailer appears by representation or indicia to represent is accompanied, immediately below the endorsement, in no less than 9-point Roman boldface type which shall be in a color or print that contrasts with the background so as to be easily legible, the following notice:

THIS IS NOT THE POSITION OF THE (political party which the mailer appears by representation or indicia to represent) PARTY.

B. For purposes of the designations required by subsection A3 of this section, the payment of any sum made reportable by subsections 2-3-2504A and C of this article or at the behest of a candidate or committee, whose name or position appears in the mailer, to the slate mailer organization or committee primarily formed to support or oppose one or more ballot measures, shall constitute a payment to appear, requiring the "\$\$\$" designation. The payment shall also be deemed to constitute authorization to appear in the mailer.

C. A slate mailer that complies with this section shall be deemed to satisfy the requirements of Sections 20003 and 20004 of the California Elections Code. [Added by Ord. No. 3492, eff. 9/19/98.]

2-3-2506: ADDITIONAL PRE-ELECTION CAMPAIGN STATEMENT:

In addition to the campaign statements required to be filed pursuant to the Political Reform Act of 1974, and the provisions of this article, candidates, their controlled committees, independent committees and primarily formed committees shall file a pre-election statement by five o'clock (5:00) P.M. on the Friday immediately before the election. This statement shall disclose all contributions received and expenditures made by the Wednesday before the election. [Added by Ord. No. 3447, eff. 11/16/96; Amended by Ord. No. 3562, eff. 11/18/00; 3492.]

2-3-2507: LIMITATIONS OF CONTRIBUTIONS FROM PERSONS:

A. No person shall make to any candidate and/or the controlled committee of such a candidate and no such candidate and/or the candidate's controlled committee shall accept from a person a contribution or contributions totaling more than two hundred fifty dollars (\$250.00) for each election in which the candidate is on the ballot or is a write-in candidate.

B. Any independent committee that makes contributions or independent expenditures supporting or opposing a candidate or group of candidates shall not accept from any person a contribution or contributions totaling more than two hundred fifty dollars (\$250.00) for each election in which the candidate or candidates are on the ballot or are write-in candidates.

C. Any primarily formed committee that makes contributions or independent expenditures supporting or opposing a candidate or group of candidates shall not accept from any person a contribution or contributions totaling more than two hundred fifty dollars (\$250.00) for each election in which the candidate or candidates are on the ballot or are a write-in candidate. [Added by Ord. No. 3447, eff. 11/16/96; Amended by Ord. No. 3562, eff. 11/18/00; 3492.]

2-3-2508: 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 eighteen (18) years of age shall be treated as contributions by their parents and attributed proportionately to each parent ($\frac{1}{2}$ to each parent or the total amount to a single custodial parent). [Added by Ord. No. 3447, eff. 11/16/96; Amended by Ord. No. 3492, eff. 9/19/98.]

2-3-2509: LOANS:

A. Except as provided in subsection D of this section, 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 article.

B. Every loan to a candidate or the candidate's controlled committee shall be by written agreement and such written agreement 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 by a commercial lending institution in the regular course of business on the same terms available to members of the public and which is secured or guaranteed shall not be subject to the contribution limitations of this article.

D. During the election cycle, no candidate shall personally make loans to the candidate's campaign or the candidate's committee which total more than ten thousand dollars (\$10,000.00).

E. Extensions of credit (other than loans pursuant to subsections C and D of this section) for a period of more than thirty (30) days are subject to the contribution limitations of this article.

F. Nothing in this section shall prohibit a candidate from making unlimited contributions to the candidate's campaign. [Added by Ord. No. 3447, eff. 11/16/96; Amended by Ord. No. 3492, eff. 9/19/98.]

2-3-2510: ONE CAMPAIGN COMMITTEE AND ONE CHECKING ACCOUNT PER CANDIDATE:

A candidate shall have no more than one campaign committee and one checking account out of which all expenditures shall be made. This section shall not prohibit the establishment of savings accounts, but no qualified campaign expenditures shall be made out of these accounts. The provisions of this section shall not apply to a petty cash fund established pursuant to Title 2 Section 18524(d) of the California Code of Regulations as amended from time to time by the Fair Political Practices Commission. [Added by Ord. No. 3447, eff. 11/16/96; Amended by Ord. No. 3492, eff. 9/19/98.]

2-3-2511: TRANSFERS:

No candidate and no committee controlled by a candidate or officeholder shall make any contribution from the checking account established pursuant to Section 2-3-2510 of this article to any other candidate running for office or to any committee supporting or opposing a candidate for office. This section shall not prohibit a candidate from making a contribution from the candidate's own personal funds to the candidate's campaign or to the campaign of any other candidate for elective office. [Added by Ord. No. 3447, eff. 11/16/96; Amended by Ord. No. 3492, eff. 9/19/98.]

2-3-2512: AGGREGATION OF PAYMENTS:

For purposes of the contribution limitations in Section 2-3-2507 of this article the following shall apply:

A. All payments made by a person, as defined in the Political Reform Act of 1974, as amended, whose contribution or expenditure activity is 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 shall be considered to be made by a single person or committee.

B. Two (2) or more entities shall be treated as one person when any of the following circumstances apply:

1. The entities share the majority of members of their boards of directors.
2. The entities share two (2) or more officers.
3. The entities are owned or controlled by the same majority shareholder or shareholders.
4. The entities are in a parent-subsidiary relationship.

C. An individual and any general partnership in which the individual is a partner, or an individual and any corporation in which the individual owns a controlling interest, shall be treated as one person. [Added by Ord. No. 3447, eff. 11/16/96; Amended by Ord. No. 3492, eff. 9/19/98.]

2-3-2512.1: SURPLUS CAMPAIGN FUNDS:

Any campaign funds in excess of expenses incurred for the campaign received by or on behalf of an individual who seeks nomination for election, or election to office, or any independent committee or primarily formed committee with funds in excess of expenses incurred for the campaign of a candidate or group of candidates seeking nomination for election or election to office, shall be deemed to be surplus campaign funds and shall be distributed within ninety (90) days after withdrawal, defeat, or election to office to any political party, returned to contributors on a pro rata basis, donated to any bona fide charitable, educational, civic, religious, or similar tax exempt, nonprofit organization, where no substantial part of the proceeds will have a material financial effect on the former candidate or elected officer, any member of his or her immediate family, or his or her campaign treasurer, or turned over to the General Fund of the City of Burbank. [Added by Ord. No. 3492, eff. 9/19/98; Amended by Ord. No. 3562, eff. 11/18/00.]

2-3-2513: DUTIES OF THE CITY CLERK:

The City Clerk shall prescribe the necessary forms for filing the appropriate statements required by Section 2-3-2504 of this chapter. [Added by Ord. No. 3447, eff. 11/16/96; Amended by Ord. No. 3492, eff. 9/19/98.]

2-3-2514: CRIMINAL MISDEMEANOR ACTIONS:

Any person who violates any provision of this article is guilty of a misdemeanor. Any person who causes any other person to violate any provision of this article, or who aids and abets any other person in the violation of any provision of this article, shall be guilty of a misdemeanor. Prosecution for violation of any provision of this article shall be commenced within four (4) years after the date on which the violation occurred. [Added by Ord. No. 3447, eff. 11/16/96; Amended by Ord. No. 3492, eff. 9/19/98.]

2-3-2515: CIVIL ACTIONS:

Any person who intentionally or negligently violates the contribution provisions of this article shall be liable in a civil action brought by the City Attorney or by a person residing within the jurisdiction for an amount not more than three (3) times the amount of the unlawful contribution. [Added by Ord. No. 3447, eff. 11/16/96; Amended by Ord. No. 3492 eff. 9/19/98.]

2-3-2516: INJUNCTIVE RELIEF:

Any person residing in the jurisdiction, including the City Attorney, may sue for injunctive relief to enjoin violations or to compel compliance with the provisions of this article. [Added by Ord. No. 3447, eff. 11/16/96; Amended by Ord. No. 3492, eff. 9/19/98.]