

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARLSBAD, CALIFORNIA AMENDING SECTIONS OF CHAPTER 1.13 OF THE CARLSBAD MUNICIPAL CODE REGARDING ELECTION CAMPAIGN DISCLOSURE REQUIREMENTS.

The City Council of the City of Carlsbad, California does ordain as follows:

SECTION 1: That section 1.13.010 of the Carlsbad Municipal Code is amended to read as follows:

"1.13.010 Purpose and intent.

This chapter is to supplement the provisions of the Political Reform Act of 1974 (the "Act") by requiring an additional campaign disclosure statement in municipal elections to insure that the city's voters will be fully informed about the receipts of and expenditures by candidates and committees prior to such elections. The city council finds that this chapter is enacted in recognition of the power of a local agency to impose additional disclosure requirements as authorized by Government Code section 81013, so long as they do not prevent a person from complying with the Act."

SECTION 2: That section 1.13.025 of the Carlsbad Municipal Code is amended to read as follows:

"1.13.025 Contributions – Disclosure.

(a) No person shall knowingly accept any contribution or loan in excess of one hundred dollars without obtaining the name, address, occupation, employer's name, or if self-employed, the name of the business of the person making the contribution or loan.

(b) No person shall make a contribution or loan for any other person under an assumed name or under the name of any other person.

(c) Contributions or loans, not to exceed a total of one hundred dollars from any one person or source, are permitted to be retained by a candidate or any committee including a committee supporting or opposing the passage of a measure, when received from anonymous sources or from persons who do not consent to having their name made known. Any such amount in excess of one hundred dollars shall be turned over to the city clerk and deposited into the city's treasury within ten days of receipt of the contribution.

(d) Any candidate or committee that is required to file a campaign statement for a municipal election in Carlsbad pursuant to the Political Reform Act of 1974 shall, in addition to the information otherwise required, list the name, address, occupation, name of employer, or if self-employed, the name of the business, and

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1 amount contributed or loaned by each person who has contributed or loaned a  
cumulative amount in excess of one hundred dollars."

2 SECTION 3: That section 1.13.030 of the Carlsbad Municipal Code is  
3 repealed.

4 SECTION 4: That section 1.13.035 of the Carlsbad Municipal Code is  
5 renumbered and amended to read as follows:

6  
7 "1.13.030 Cash contributions prohibited.

8 No candidate in a city municipal election shall accept a cash contribution  
9 in excess of one hundred dollars. All contributions in excess of one hundred dollars  
shall be made by check. A candidate is required to make a copy of each such check  
received prior to negotiating it."

10 EFFECTIVE DATE: This ordinance shall be effective thirty days after its  
11 adoption, and the City Clerk shall certify the adoption of this ordinance and cause it to  
12 be published at least once in a newspaper of general circulation in the City of Carlsbad  
13 within fifteen days after its adoption.

14 INTRODUCED AND FIRST READ at a regular meeting of the Carlsbad  
15 City Council on the 5th day of AUGUST, 2003, and thereafter

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28 Ordinance No. NS- 671  
Page 2 of 3

1 PASSED AND ADOPTED at a regular meeting of the City Council of the  
2 City of Carlsbad on the 12th day of August, 2003, by the following vote, to  
3 wit:

4 AYES: Council Members Lewis, Hall and Packard

5 NOES: Council Member Kulchin

6 ABSENT: Council Member Finnila  
7

8 APPROVED AS TO FORM AND LEGALITY

9 (d)(5)

10 RONALD R. BALL, City Attorney

11 *8/14/03.*

12 (d)(5)

13 CLAUDE A. LEWIS, Mayor

14 ATTEST:

15 (d)(5)

16 LORRAINE M. WOOD, City Clerk  
17 (SEAL)  
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## Chapter 1.13

### ELECTION CAMPAIGN DISCLOSURE

#### Sections:

- 1.13.010** Purpose and intent.
- 1.13.020** Definitions.
- 1.13.025** Contributions—Disclosure.
- 1.13.030** Cash contributions prohibited.
- 1.13.040** Penalties and enforcement.
- 1.13.050** Rules of construction.

#### **1.13.010 Purpose and intent.**

This chapter is to supplement the provisions of the Political Reform Act of 1974 by requiring an additional campaign disclosure statement in municipal elections to insure that the city's voters will be fully informed about the receipts of and expenditures by candidates and committees prior to such elections. The city council finds that this chapter is enacted in recognition of the power of a local agency to impose additional disclosure requirements as authorized by Government Code Section 81013, so long as they do not prevent a person from complying with the act. (Ord. NS-671 § 1, 2003; Ord. 1276 § 1 (part), 1985)

#### **1.13.020 Definitions.**

The words and phrases used in this chapter shall have the same meaning as defined in the Political Reform Act of 1974, Title 9 of the Government Code of the state, as the act now exists or may hereafter be amended. (Ord. 1276 § 1 (part), 1985)

#### **1.13.025 Contributions—Disclosure.**

(a) No person shall knowingly accept any contribution or loan in excess of one hundred dollars without obtaining the name, address, occupation, employer's name, or if self-employed, the name of the business of the person making the contribution or loan.

(b) No person shall make a contribution or loan for any other person under an assumed name or under the name of any other person.

(c) Contributions or loans, not to exceed a total of one hundred dollars from any one person or

source, are permitted to be retained by a candidate or any committee including a committee supporting or opposing the passage of a measure, when received from anonymous sources or from persons who do not consent to having their name made known. Any such amount in excess of one hundred dollars shall be turned over to the city clerk and deposited into the city's treasury within ten days of receipt of the contribution.

(d) Any candidate or committee that is required to file a campaign statement for a municipal election in Carlsbad pursuant to the Political Reform Act of 1974 shall, in addition to the information otherwise required, list the name, address, occupation, name of employer, or if self-employed, the name of the business, and amount contributed or loaned by each person who has contributed or loaned a cumulative amount in excess of one hundred dollars. (Ord. NS-671 § 2, 2003; Ord. 1281 § 1, 1985)

#### **1.13.030 Cash contributions prohibited.**

No candidate in a city municipal election shall accept a cash contribution in excess of one hundred dollars. All contributions in excess of one hundred dollars shall be made by check. A candidate is required to make a copy of each such check received prior to negotiating it. (Ord. NS-671, § 4, 2003; Ord. NS-58 § 1, 1989)

#### **1.13.040 Penalties and enforcement.**

The penalties and enforcement provisions of the Political Reform Act of 1974, Sections 91000 through 91014 of the Government Code of the state shall apply to any violation of the provisions of this chapter. Any person who knowingly or wilfully violates any provision of this chapter is guilty of a misdemeanor. For purposes of this chapter the district attorney of the county is the civil and criminal prosecutor. (Ord. 1276 § 1 (part), 1985)

#### **1.13.050 Rules of construction.**

The provisions of this chapter shall be construed liberally in order to accomplish the intent and purposes of this chapter and the Political Reform Act of 1974. (Ord. 1276 § 1 (part), 1985)

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**Chapter 1.13**

**ELECTION CAMPAIGN  
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**Sections:**

- 1.13.010 Purpose and intent.**
- 1.13.020 Definitions.**
- 1.13.025 Contributions—Disclosure.**
- 1.13.030 Additional campaign statement required.**
- 1.13.035 Cash contributions prohibited.**
- 1.13.040 Penalties and enforcement.**
- 1.13.050 Rules of construction.**

**1.13.010 Purpose and intent.**

This chapter is to supplement the provisions of the Political Reform Act of 1974 by requiring an additional campaign disclosure statement in municipal elections to insure that the city's voters will be fully informed about the receipts of and expenditures by candidates and committees prior to such elections. The city council finds that this chapter regards a municipal affair, that there is nothing in this chapter that conflicts with the general laws of the state, and that the additional requirements imposed by this chapter pursuant to Government Code Section 81013 do not prevent a person from complying with the act. (Ord. 1276 § 1 (part), 1985)

**1.13.020 Definitions.**

The words and phrases used in this chapter shall have the same meaning as defined in the Political Reform Act of 1974, Title 9 of the Government Code of the state, as the act now exists or may hereafter be amended. (Ord. 1276 § 1 (part), 1985)

**1.13.025 Contributions—Disclosure.**

(a) No person shall knowingly accept any contribution or loan in excess of twenty-five dollars without obtaining the name, address, occupation, employer's name, or if self-employed, the name of the business of the person making the contribution or loan.

(b) No person shall make a contribution or loan for any other person under an assumed name or under the name of any other person.

(c) Contributions or loans, not to exceed a total of twenty-five dollars from any one person or source, are permitted to be retained by a candidate or any committee including a committee supporting or opposing the passage of a measure, when received from anonymous sources or from persons who do not consent to having their name made known. Any such amount in excess of twenty-five dollars shall be turned over to the city clerk and deposited into the city's treasury within ten days of receipt of the contribution.

(d) Any candidate or committee that is required to file a campaign statement for a municipal election in Carlsbad pursuant to the Political Reform Act of 1974 or Section 1.13.030 of this code shall, in addition to the information otherwise required, list the name, address, occupation, name of employer, or if self-employed, the name of the business, and amount contributed or loaned by each person who has contributed or loaned a cumulative amount in excess of twenty-five dollars. (Ord. 1281 § 1, 1985)

**1.13.030 Additional campaign statement required.**

(a) This section shall apply to any candidate or committee that is required to file a campaign statement for a municipal election in the city pursuant to the Political Reform Act of 1974 as amended, Sections 84200 through 84226 of the Government Code of the state.

(b) In addition to the filing of any statements pursuant to the act, a candidate or committee shall file a campaign statement with the city clerk by twelve noon on the Friday preceding the election day to cover the period from the closing date of the last statement filed pursuant to the act through the Wednesday preceding the election day. The statement required by this section shall be made on the forms provided and shall contain

the information required for statement filed pursuant to the act and shall be filed with the city clerk. (Ord. 1276 § 1 (part), 1985)

**1.13.035 Cash contributions prohibited.**

No candidate in a city municipal election shall accept a cash contribution in excess of twenty-five dollars. All contributions in excess of twenty-five dollars shall be made by check. A candidate is required to make a copy of each such check received prior to negotiating it. The copies shall be attached as exhibits to the campaign disclosure statements required by this chapter so that contributions in excess of twenty-five dollars reported on a statement are accompanied by copies of the checks for such contributions. (Ord. NS-58 § 1, 1989)

**1.13.040 Penalties and enforcement.**

The penalties and enforcement provisions of the Political Reform Act of 1974, Sections 91000 through 91014 of the Government Code of the state shall apply to any violation of the provisions of this chapter. Any person who knowingly or wilfully violates any provision of this chapter is guilty of a misdemeanor. For purposes of this chapter the district attorney of the county is the civil and criminal prosecutor. (Ord. 1276 § 1 (part), 1985)

**1.13.050 Rules of construction.**

The provisions of this chapter shall be construed liberally in order to accomplish the intent and purposes of this chapter and the Political Reform Act of 1974. (Ord. 1276 § 1 (part), 1985)