

CITY OF PALMDALE
COUNTY OF LOS ANGELES, CALIFORNIA
ORDINANCE NO. 1441

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALMDALE
AMENDING CHAPTER 4.04 "FAIR CAMPAIGN PRACTICES"**

WHEREAS, Ordinance 849, adopted on November 9, 1989, designated Title 4 of the Palmdale Municipal Code as "Municipal Elections" and added Chapter 4.04 "Fair Campaign Practices" to the Palmdale Municipal Code; and

WHEREAS, Ordinance 849 established reporting and filing requirements that were different than those required by the Political Reform Act of 1974 in an effort to promote honesty, integrity and fairness in the electoral process; ensure that voters will be fully informed; inhibit improper campaign practices; provide a means for adequately identifying the financing source of all mass distributions of reproduced campaign materials; and ensure that local elections will be the expression of the will of an undeceived, well-informed electorate; and

WHEREAS, The City Council finds that certain different and additional filing requirements, such as those relating to filing of statements of organization, reporting late contributions, and reporting late independent expenditures, are no longer necessary to accomplish the purpose of Ordinance 849 and in some circumstances has created confusion amongst candidates for local office; and

WHEREAS, The City Council finds that the reporting and filing requirements required by the Political Reform Act of 1974 are sufficient to accomplish the purpose of Ordinance 849.

THE CITY COUNCIL OF THE CITY OF PALMDALE DOES ORDAIN AS FOLLOWS:

SECTION 1. Chapter 4.04 "Fair Campaign Practices" of the Palmdale Municipal Code is amended to read as follows:

4.04.010 Short title.

This chapter shall be known and may be cited as the "fair campaign practices ordinance" of the City of Palmdale.

4.04.020 Purposes of chapter.

The City Council enacts this chapter in order to accomplish the following:

(A) To promote honesty, integrity and fairness in the electoral process by establishing and enforcing reasonable disclosure requirements which will not deprive or restrict any person in the exercise of rights guaranteed by the United States Constitution or the California Constitution.

(B) To ensure that voters will be fully informed and to inhibit improper campaign practices by requiring the full and truthful disclosure in election campaigns of certain contributions and expenditures which are received and made before the date of an election but after the closing date of the last campaign statement required to be filed by a candidate, committee or other person participating in such election.

(C) To provide a means for adequately identifying the source of financing of all mass distributions of reproduced campaign material directed at the voters immediately prior to an election in order to assist them in making their own appraisals of the reason or reasons why, and by whom, a particular candidate is being supported or opposed.

(D) To require identification of the senders and sources of financing of mass distributions of reproduced campaign materials immediately prior to an election so as to facilitate the ability of candidates to refute or rebut allegations, whether truthful or in the nature of smears, which may be asserted.

(E) To ensure that local elections will be the expression of the will of an undeceived, well-informed electorate.

4.04.030 Application and scope of this chapter.

(A) To the extent that this chapter imposes reporting and filing requirements additional to or different from those set forth in Chapter 4 of Title 9 of the Government Code (Sections 84100 through 84400) for elections held in this City, such additional or different reporting and filing requirements shall apply only to candidates seeking election in this City, their controlled committees, committees formed or existing primarily to support or oppose their candidacies, and to committees formed or existing primarily to support or oppose a candidate who is being voted on only in this City, and to general purpose committees active only in this City.

(B) Nothing in this chapter shall exempt or excuse any person from compliance with all applicable provisions of the laws of this state, including the Political Reform Act of 1974, as amended (Government Code Sections 81000 through 91015).

4.04.040 Interpretation of this chapter.

(A) Except as otherwise set forth in this section, the words, terms and phrases used herein shall have the same meanings as defined in the Political Reform Act of 1974, as amended, which definitions are contained in Chapter 2 of Title 9 of the Government Code (Section 82000 et seq.)

(B) The definitions set forth below shall be applied in the interpretation and construction of this chapter:

(1) "Clearly identified" means that:

(a) The name of the candidate involved appears;

(b) A photograph or drawing of the candidate; or

(c) The identity of the candidate is apparent by unambiguous reference.

(2) "Committee" includes, without limitation, the following:

(a) "Committee," as defined in Government Code Section 82013.

(b) "Controlled committee," as defined in Government Code Section 82016.

(c) "General purpose committee," as defined in Government Code Section 82027.5.

(d) "Primarily formed committee," as defined in Government Code Section 82047.5.

(e) "Sponsored committee," as defined in Government Code Section 82048.7.

(f) "Political committee," as defined in Government Code Section 85102(c).

(g) "Broad based political committee," as defined in Government Code Section 85102(d).

(3) "Mass distribution" means the dissemination of 200 or more substantially similar pieces of reproduced campaign literature by means of the mail, or any other method of distribution, circulation or display, before the date of an election but after the closing date of the last campaign statement required to be filed before the election.

(4) "Reproduced campaign material" means any written communication, including flyers, handbills, leaflets, letters, pamphlets, posters, brochures, circulars, and yard signs, which is (a) reproduced by any mechanical or electrical means including, but not limited to, printing, photocopying, mimeographing or silk screening, and (b) expressly advocates the election or defeat of a clearly identified candidate. "Reproduced

campaign material" does not include items such as pins, buttons, matchbooks, pot holders, bumper stickers, pens, pencils and similar campaign materials containing a nominal amount of text and commonly used in election campaigns.

4.04.050 Statement of organization – Filing with City Clerk.

- (A) Each committee shall file a statement of organization with the City Clerk.
- (B) Each candidate and committee shall comply with all the filing and reporting requirements of Government Code Section 84101 et seq., including, but not limited to, the late filing requirements in Government Code Section 84101(b).

4.04.060 Reports of late contributions.

- (A) Each candidate or committee that makes or receives a late contribution, as defined in Government Code Section 82036, shall report the late contribution to the City Clerk.
- (B) Each candidate and committee shall comply with all the late contribution filing and reporting requirements of Government Code Section 84203.

4.04.070 Reports of late independent expenditures.

- (A) Each candidate or committee that makes a late independent expenditure, as defined in Government Code Section 82036.5, shall report the late independent expenditure to the City Clerk.
- (B) Each candidate and committee shall comply with all the late independent expenditure filing and reporting requirements of Government Code Section 84204.

4.04.080 Campaign statement required for late distribution of reproduced campaign material.

If a candidate, committee or other person disseminates a mass distribution of reproduced campaign material sixteen days or fewer before an election, the candidate, committee or person responsible for the mass distribution of reproduced campaign material shall file or cause to be filed with the City Clerk a campaign statement with all of the information required by Government Code Section 84211. The period covered by the campaign statement shall be from the date of the last campaign statement filed with the City Clerk until, and including, the date of the mass distribution of reproduced campaign material. The campaign statement required by this section shall be filed with the City Clerk at the same time a copy of the reproduced campaign material is filed

with City Clerk as required in Section 4.04.100. A campaign statement filed pursuant to this section shall be in addition to any other requirement of this chapter or the Political Reform Act of 1974, as amended.

4.04.090 Required notices on reproduced campaign material.

(A) Reproduced campaign material which is disseminated by any mass distribution before the date of an election, but after the closing date of the last campaign statement required to be filed before the election, shall have affixed the following notices, as applicable:

(1) A "notice to voters," in substantially the following form:

NOTICE TO VOTERS

(Required by Palmdale Municipal Code)

The names and addresses of all contributors of \$100 or more to this [candidate/committee] as of the distribution date hereof are on file with the Palmdale City Clerk and available for public inspection.

(2) If the sender of the reproduced campaign material is a person or committee which is not controlled, directly or indirectly, by a candidate, and which does not act jointly with a candidate or a controlled committee in connection with the making of expenditures, the following supplemental notice shall be affixed, either separately or in combination with the notice required in subsection (A)(1) of this section:

NOTICE TO VOTERS

(Required by Palmdale Municipal Code)

This campaign material is not authorized or approved by any candidate or local election official. It is paid for by _____.

(Name)

Address City State Zip Code

(B) Any notice required under the provisions of subsection (A) of this section shall appear on the reproduced campaign material in at least 10-point type, not subject to the half-tone or screening process, and in a printed or drawn box set apart from any other printed matter.

(C) If the reproduced campaign material is a mass mailing, as defined in Government Code Section 82041.5, and if the sender is a candidate, a committee or a controlled committee, the information required by Government Code Section 84305 shall also be set forth.

4.04.100 Filing copies of reproduced campaign material.

The candidate, committee or other campaign responsible for a mass distribution of reproduced campaign material before the date of an election, but after the closing date of the last campaign statement required to be filed before the election, shall file or cause to be filed with the City Clerk a copy of each such item. The copy shall be filed with the City Clerk within 24 hours after all or any portion of such reproduced campaign material is first disseminated to the public and shall be filed with the campaign statement required by Section 4.04.080. Copies filed with the City Clerk shall be a public record and available for public inspection.

4.04.105 Use of City seal and other City marks prohibited.

No candidate, committee or campaign responsible for a mass distribution of reproduced campaign material shall include any image of the City seal or any emblem, symbol, slogan, logotype, or other distinctive mark of the City, in whole or in part, in its reproduced campaign material.

4.04.110 Violations.

(A) Any person who knowingly or wilfully violates any provision of this chapter is guilty of a misdemeanor and upon conviction is punishable by a fine not exceeding \$1,000 or by imprisonment in the County Jail for a period not exceeding six months, or by both such fine and imprisonment.

(B) Whether 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 section.

4.04.120 Injunctive relief.

Any person residing in the City may sue for injunctive relief to enjoin violations or to compel compliance with the provisions of this chapter.

4.04.130 Severability.

If any provisions of this chapter, or the application thereof to any person or circumstances is 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 was held invalid, shall not be affected thereby, and, to this end, the provisions of this chapter are severable."

SECTION 2. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this Ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one (1) or more subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, or invalid, or ineffective, provided the basic purposes of this Ordinance and the benefits to the City and the public are not substantially impaired.

SECTION 3. The City Clerk shall certify to the adoption of this ordinance and shall cause this ordinance to be published or posted as required by law.

PASSED, APPROVED and ADOPTED this third day of April, 2013 effective on the third day of May, 2013 by the following vote:

AYES: Ledford, Bettencourt, Dispenza, and Hofbauer

NOES: None

ABSTAIN: None ABSENT: Lackey

James C. Ledford, Jr., Mayor

ATTEST: [Signature]

APPROVED AS TO FORM:

Rebecca J. Smith, City Clerk

Wm. Matthew Ditzhazy, City Attorney