

ORDINANCE NO. \_\_\_\_

AN ORDINANCE OF THE COUNTY OF ORANGE, CALIFORNIA,  
AUTHORIZING THE CALIFORNIA FAIR POLITICAL PRACTICES  
COMMISSION TO PROSECUTE VIOLATIONS OF THE ORANGE COUNTY  
CAMPAIGN REFORM ORDINANCE, AND ADDING SECTIONS 1-6-15.1  
AND 1-6-15.2 TO, AND AMENDING SECTIONS 1-6-16 AND 1-6-17 OF,  
ARTICLE 1, DIVISION 6 OF TITLE 1 OF THE CODIFIED  
ORDINANCES OF THE COUNTY OF ORANGE

The People of the County of Orange, California, hereby ordain as follows:

SECTION 1: Section 1-6-15.1 is added to the Codified Ordinances of the County of Orange to read:

Sec. 1-6-15.1. Enforcement by the California Fair Political Practices Commission.

Upon mutual agreement between the Fair Political Practices Commission and the County, the civil prosecutor shall be the Fair Political Practices Commission. In the absence of an agreement between the Fair Political Practices Commission and the County, the civil prosecutor shall be the District Attorney.

SECTION 2. Section 1-6-15.2 is added to the Codified Ordinances of the County of Orange to read:

Sec. 1-6-15.2. Violations and Enforcement – Administrative.

- (a) Any person who, pursuant to an appropriate administrative action, is determined by the civil prosecutor to have violated any provision of this division, purposely caused any other person to violate any provision of this division, or aided and abetted any other person in the violation of any provision of this division, shall be subject to an administrative order requiring that the person to do all or any of the following:
  - (1) cease and desist violating this division;
  - (2) file any reports, statements, or other documents or information required by this division;
  - (3) pay to the County a monetary penalty of up to five thousand dollars (\$5,000) per violation;
- (b) If two or more persons are responsible for any violation of any provision of this division, then they shall be jointly and severally liable.
- (c) No administrative action brought alleging a violation of any provision of this division shall be commenced more than five (5) years after the date on which the violation occurred.

SECTION 3: Section 1-6-16 of the Codified Ordinances of the County of Orange is amended to read:

Sec. 1-6-16. Civil actions.

- (a) Any person who intentionally or negligently violates any provision of this division shall be liable in a civil action brought by the ~~District Attorney~~ *civil prosecutor* or by a person residing within the jurisdiction for an amount not more than three (3) times the amount the person failed to report properly or unlawfully contributed, expended, gave or received or five thousand dollars (\$5,000.00) per violation, whichever is greater.
- (b) If two (2) or more persons are responsible for any violation, they shall be jointly and severally liable.
  - a. Any person, other than the ~~District Attorney~~ *civil prosecutor*, before filing a civil action pursuant to this subdivision, shall first file with the ~~District Attorney~~ *civil prosecutor* a written request for the ~~District Attorney~~ *civil prosecutor* to commence the action. The request shall contain a statement of the grounds for believing a cause of action exists. The ~~District Attorney~~ *civil prosecutor*, within thirty (30) days of receipt of the request, shall conduct an initial inquiry into the merits of the complaint. If the ~~District Attorney~~ *civil prosecutor* determines in good faith that additional time is needed to examine the matter further, the complaining party shall be notified and the ~~District Attorney~~ *civil prosecutor* shall automatically receive an additional sixty (60) days in order to determine the merits of the complaint. At the end of sixty (60) days the ~~District Attorney~~ *civil prosecutor* shall inform the complaining party whether the ~~District Attorney~~ *civil prosecutor* intends to file a civil action or *refer the complaint to the District Attorney for is conducting* a criminal investigation. *Within thirty (30) days thereafter, if* ~~if~~ the ~~District Attorney~~ *civil prosecutor* indicates in the affirmative and files a civil action or *if* criminal charges *are filed by the District Attorney* ~~within thirty (30) days thereafter~~, no other action may be brought unless the action brought by the *civil prosecutor or* District Attorney is dismissed without prejudice.
- (c) In determining the amount of 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 against the defendant or defendants in an action, the plaintiff shall receive fifty (50) percent of the amount recovered. The remaining fifty (50) percent shall be deposited into the County's General Fund. In an action brought by the ~~District Attorney~~ *civil prosecutor* the entire amount shall be paid to the General Fund.

SECTION 4: Section 1-6-17 of the Codified Ordinances of the County of Orange is amended to read:

Sec. 1-6-17. Injunctive relief.

Any person residing in the jurisdiction, including the ~~District Attorney~~ *civil prosecutor* may sue for injunctive relief to enjoin violations or to compel compliance with the provisions of this division.