

ORDINANCE NO. 2020-01

AN ORDINANCE ADOPTING CHAPTER 2.54 OF THE MARINA MUNICIPAL CODE  
ENTITLED "CAMPAIGN FINANCE."

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THE CITY COUNCIL OF THE CITY OF MARINA DOES HEREBY ORDAIN AS  
FOLLOWS:

1. Chapter 2.54 Adopted. Chapter 2.545 of the Marina Municipal Code, entitled "Campaign Finance" is hereby adopted as set forth on the attached sixteen (16) pages, marked Exhibit "A," and incorporated herein by this reference thereto.

2. Effective Date. This ordinance shall be in full force and effect 30 days after its final passage and adoption.

3. Severability. If any portion of this ordinance is found to be unconstitutional or invalid the City Council hereby declares that it would have enacted the remainder of this Ordinance regardless of the absence of any such invalid part.


4. Posting of Ordinance. Within fifteen (15) days after the passage of this ordinance, the City Clerk shall cause it to be posted in the three (3) public places designated by resolution of the City Council.

The foregoing ordinance was introduced at a regular meeting of the City Council of the City of Marina duly held on December 17, 2019, and was passed and adopted at a regular meeting duly held on January 22, 2020 by the following vote:

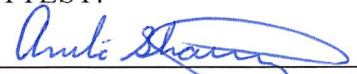
AYES, COUNCIL MEMBERS: Berkley, O'Connell, Morton

NOES, COUNCIL MEMBERS: Urrutia, Delgado

ABSENT, COUNCIL MEMBERS: None

  
\_\_\_\_\_  
Bruce C. Delgado, Mayor

ATTEST:

  
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Anita Sharp, Deputy City Clerk

Chapter 2.54  
Campaign Finance

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2.54.010 Short Title

This Chapter may be referred to as the Marina Campaign Finance Ordinance

2.54.020 Purpose

It is the purpose and intent of the City Council of the City of Marina in enacting this division is to (i) ensure transparency regarding the financing of campaigns for municipal office and (ii) avoid the corruption or the appearance of corruption brought about when Candidates for elective municipal office accept large campaign contributions.

2.54.030 Definitions

Unless otherwise defined in this section, or the contrary is stated or clearly appears from the context, the definitions of the Political Reform Act of 1974 (Government Code sections 81000 et seq.) and the definitions contained in the regulations adopted by the Fair Political Practices Commission shall govern the interpretation of this division.

(a). 'Campaign Literature' means any printed communication that is authorized and paid for by a Candidate or Committee for the purpose of supporting or opposing one or more Candidates, including, but not limited to, mailers, flyers, pamphlets, door hangers, walking cards, posters, yard signs, billboards, business cards, campaign buttons 5 inches in diameter or larger, and bumper stickers 30 square inches or larger, regardless of whether distributed through the mail, by campaign workers, or any other means. Campaign Literature does not include pens, pencils, or other similarly small promotional items on which the disclosures required by this Chapter cannot reasonably be printed or displayed in an easily legible typeface; wearing apparel; skywriting; communication from an organization to its members; or any web-based or Internet-based communication.

(b). 'Candidate' means any individual who:

- (1) is listed on the ballot for a Municipal Office; or
  - (2) has requested and been issued nomination papers for a Municipal Office; or
  - (3) has received a Contribution or made an Expenditure or authorized another person to receive a Contribution or make an Expenditure with the intent to bring about his or her nomination for or election to any Municipal Office.
- (c). ‘City’ means the City of Marina.
- (d). ‘City Clerk’ means the City Clerk of the City of Marina.
- (e). ‘Committee’ means any person acting singly, or any combination of two or more persons acting jointly, who, within a single calendar year, on behalf of or in opposition to one or more Candidates, (i) raises \$200.00 or more or (ii) makes Independent Expenditures of \$200.00 or more.
- (f). ‘Contribution’ has the same meaning as that term is defined in California Government Code section 82015 and is subject to the inclusions and exceptions contained in title 2, section 18215 of the California Code of Regulations, except as modified by the following provisions. In the event of any conflict between the state law definition and the following provisions, the following provisions shall control:
- (1) Contribution includes any forgiveness of a debt or other obligation to pay for goods or services rendered, or reduction of the amount of a debt or other obligation to pay for goods or services rendered, unless it is clear from the circumstances that the amount of the reduction was reasonably based on a good faith dispute. A good faith dispute shall be presumed if the Candidate or Committee produces:
    - (A) evidence that the Candidate or Committee protested the payment of a bill no later than 30 calendar days after the last calendar day of the month in which the goods were delivered or the services were rendered; and
    - (B) evidence that the protest was based on the quality or quantity of goods delivered or services rendered.
  - (2) Contribution does not include an Independent Expenditure.
  - (3) Contribution does not include a payment made for Member Communications.
- (g). ‘Controlled Committee’ means any Committee controlled directly or indirectly by a Candidate or that acts jointly with a Candidate or Controlled Committee in connection with the making of Expenditures. A Candidate controls a Committee if the Candidate, the Candidate's agent or any other Committee controlled by the Candidate has a significant influence on the actions or decisions of the Committee.
- (h). ‘Electronic Media Communication’ means any electronic mass media communication that is authorized and paid for by a Candidate or Committee for the purpose of supporting or opposing one or more City Candidates or City measures, including, but not limited to, television advertisements; radio advertisements; and video, audio, and written advertisements disseminated

over the Internet. Electronic media communications do not include email communications sent to less than 40 recipients; text messages sent to less than 40 recipients; social media posts; or websites under the control of a Candidate or Committee.

(i). 'Enforcement Authority' means the City Attorney, or his or her designee.

(j). 'Expenditure' means a payment, a forgiveness of a loan, a payment of a loan by a third party, or an enforceable promise to make a payment, unless it is clear from the circumstances that it is not made for political purposes. An Expenditure is made on the date the payment is made or on the date consideration, if any, is received, whichever is earlier. An Expenditure does not include a payment for Member Communications, nor does it include costs incurred for communications advocating the nomination, election, or defeat of a Candidate by a federally regulated broadcast outlet or by a regularly published newspaper, magazine, or periodical of general circulation that routinely carries news, articles, or commentary of general interest.

(k). 'General Purpose Recipient Committee' means any Committee that receives contributions totaling \$200.00 or more during a calendar year to support or oppose more than one Candidate or measure, and is intended to be consistent with the definition of "general purpose committee" set forth in California Government Code section 82027.5.

(l). 'Independent Expenditure' means any Expenditure made by any Person in connection with a communication that expressly advocates the nomination, election, or defeat of a clearly identified Candidate. An Expenditure that is made to or at the behest of a Candidate or a Controlled Committee is not an Independent Expenditure.

(m). 'Independent Expenditure Committee' means any Person who makes Independent Expenditures totaling \$200.00 or more within a single calendar year without also receiving Contributions of \$200.00 or more within a single calendar year.

(n). 'Member Communication' means a communication directed solely to members, employees, or shareholders, or families of members, employees, or shareholders of an organization, including a communication to members of any political party, for the purpose of supporting or opposing one or more Candidates for elective City office. Member communications do not include communications made by an organization for general public advertising such as broadcasting, billboards, and newspaper advertisements, or for communications to persons who are not members, employees, or shareholders, or families of members, employees, or shareholders of the organization. The meaning of member communication is intended to be consistent with the definitions contained in California Government Code section 85312 and title 2, section 18531.7 of the California Code of Regulations. Any amendments made to these authorities shall be deemed to be an amendment to the language of this definition.

(o). 'Municipal Office' means Mayor of the City of Marina or Member of the City Council of the City of Marina.

(p). 'Payment' means any payment, reimbursement, distribution, transfer, loan, advance, deposit, gift, or other rendering of money, property, services or any other thing of value, whether tangible or intangible

- (q). 'Person' means any individual, proprietorship, firm, partnership, joint venture, syndicate, business trust, company, corporation, association, Committee, labor union, or any other organization or group of persons acting in concert.
- (r). 'Political Purpose' means the purpose of influencing or attempting to influence the action of the voters for or against the election of any Candidate.
- (s). 'Primarily Formed Recipient Committee' means any Committee that receives Contributions totaling \$200.00 or more during a calendar year primarily to support or oppose one or more City Candidates being voted on in the same election and is intended to be consistent with the definition of "primarily formed committee" set forth in California Government Code section 82047.5.
- (t). 'Recipient Committee' means a Committee that raises \$200.00 or more on behalf of or in opposition to one or more Candidates
- (u). 'Sponsor' of a Committee means any Person, except a Candidate or other individual, to whom any of the following applies:
- (1) The Committee receives 80 percent or more of its contributions either from the Person or from the Person's members, officers, employees or shareholders;
  - (2) The Person provides all or nearly all of the administrative services for the Committee; or
  - (3) The Person sets, alone or in combination with other organizations, the policies for soliciting contributions or making expenditures of Committee funds.
- (v). "Sponsored Committee" means a Committee, other than a Controlled Committee, which has one or more Sponsors.
- (w). 'Telephone Communication' mean any live or recorded telephone calls made to forty or more phone numbers that are authorized or paid for by a Candidate or Committee for the purpose of supporting or opposing one or more Candidates.
- (x). 'Treasurer' means the individual designated to perform the duties of Treasurer pursuant to Section 2.54.050 of this Chapter.
- (y). 'Vendor' means any Person who delivers goods or renders services to a Candidate or Committee, unless it is clear from the circumstances that they were not made for Political Purposes.

#### 2.54.040 Candidate and Committee Tenure

- (a) For purposes of this Chapter, any individual who is a Candidate retains the status of Candidate until that status is terminated pursuant to California Government Code section 84214
- (b) For purposes of this Chapter, any Committee retains the status of Committee until that status is terminated pursuant to California Government Code section 84214.

2.54.050 Duty to Have a Campaign Treasurer

Every Candidate and every Committee that receives Contributions shall have a Treasurer. A Candidate may designate himself or herself as Treasurer. A Committee may designate an assistant treasurer to perform the duties and responsibilities of the Treasurer in the event of a temporary vacancy in the office of the Treasurer or in the event the Treasurer is unavailable. Only an individual may be designated as a Treasurer or assistant Treasurer.

2.54.060 Authority of Treasurer

It is unlawful for any Expenditure to be made by or on behalf of a Recipient Committee without the express authorization of the Treasurer. It is unlawful for any Contribution to be accepted by a Recipient Committee or any Expenditure to be made on behalf of a Recipient Committee at a time when the office of Treasurer is vacant and there is no assistant treasurer acting as Treasurer.

2.54.070 Campaign Contribution Checking Account

(a) Every Controlled Committee that accepts Contributions and every Primarily Formed Recipient Committee shall establish one campaign checking account at a bank or other financial institution with an office or branch in the state of California.

(b) Upon opening of an account, the name of the bank or other financial institution and account number thereof shall be filed with the City Clerk on the same forms and in the time and manner required by California Government Code sections 81000 et seq.

(c) All contributions of money or checks, or anything of value converted by such Committee to money or a check, shall be placed in the Committee's checking account.

(d) The Committee shall return a Contribution to the donor if the Committee is not in possession of all donor information required by title 2, section 18401 of the California Code of Regulations by the earlier of:

- (1) the 30th calendar day following Committee's receipt of the Contribution; or,
- (2) the filing of the campaign statement or contribution report covering the reporting period in which the contribution was received.

If the contribution is not returned to the donor within the applicable timeframe identified above, the amount of the contribution shall be paid from campaign funds and delivered to the City Clerk within that timeframe. If a donor fails to cash a returned check within 30 calendar days of the check being sent, the amount of the contribution shall be paid from campaign funds and delivered to the City Clerk within an additional 30 calendar days. Payments delivered to the City Clerk shall be made payable to the City of Marina for deposit in the General Fund of the City.

2.54.080 Lawful Use of Campaign Funds by a Committee

Uses of campaign funds held by any Committee formed in accordance with this division shall be governed by title 9 of the California Government Code and title 2, division 6 of the California Code of Regulations. It is unlawful to use campaign funds in any manner that would violate these provisions of California law.

#### 2.54.090 Disbursement

It is unlawful for any funds to be disbursed from a Controlled Committee's campaign contribution checking account unless such disbursement is done by check signed by the Candidate, the Candidate's Campaign Treasurer (or his or her assistant Treasurer), or other designated agent of the Campaign Treasurer.

#### 2.54.100 Petty Cash

A petty cash fund may be established for each Controlled Committee bank account under the following conditions:

- (a) No more than \$100 may be held in the petty cash fund at any one time.
- (b) No Expenditure that totals \$100 or more may be made from the fund.
- (c) Expenditures from a petty cash fund are deemed to be Expenditures from the campaign bank account.

#### 2.54.110 Liquidation of Accounts

In the event that payment has been made for all goods and services furnished in connection with the campaign of a Candidate, a Controlled Committee checking account may be liquidated by paying the remaining balance in the checking account in any lawful manner pursuant to section 2.54.120 of this Chapter.

#### 2.54.120 Surplus Campaign Funds

- (a) Upon the 90th day following the end of the post-election reporting period following an election, campaign funds under the control of a Candidate shall be considered surplus campaign funds.
- (b) Surplus campaign funds shall be used only for the following purposes:
  - (1) To pay outstanding campaign debts, as long as any vendor debts are paid within the 90-day period set forth in section 2.54.270;
  - (2) To make a donation 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 Candidate, any member of his or her immediate family, or his or her campaign treasurer; and
  - (3) To pay for professional services reasonably required by the Candidate or Committee to assist in the performance of the Committee's administrative functions, including payment for attorney's fees or other costs associated with litigation, investigations, or proceedings that arises directly out of a Candidate's campaign activities or his or her status as a Candidate, including, but not limited to, an action to enjoin defamation, defense of an action brought for a violation of state or local campaign, disclosure, or election laws, and an action from an election contest or recount.
- (c) This provision shall not apply to any monetary balance existing in a campaign committee's account on the date of enactment of this Ordinance.



#### 2.54.130 Accounting and Recordkeeping

- (a) In addition to any other requirements of this division, every Candidate or Committee that accepts Contributions shall maintain records in accordance with the requirements of title 2, section 18401 of the California Code of Regulations.
- (b) The records required shall be kept by the Candidate or Committee Treasurer for a period of four years following the date that the campaign statement to which they relate is filed.
- (c) Each Candidate and Committee shall deliver, on demand, to any public officer having authority to enforce this Chapter, a written authorization permitting the officer to have access to all records pertaining to the campaign contribution checking account.
- (d) Each Candidate and Committee shall, on demand, make available to the Enforcement Authority all records required by this Chapter to be maintained by the Candidate or Committee.

#### 2.54.140 Loans

- (a) It is unlawful for any Candidate, regardless of whether her or she has accepted the Voluntary Expenditure Limit, to personally make outstanding loans to his or her campaign or Controlled Committee that total more than the greater of \$5,500.00 or 25% of the Voluntary Expenditure Limit.
- (b) Nothing in this section shall prohibit a Candidate from making unlimited contributions to his or her own campaign.
- (c) It is unlawful for any Candidate who makes a loan to his or her Committee from his or her personal funds to charge interest on that loan. The limits on loans imposed by this section apply to loans and lines of credit obtained from a bank or similar financial institution, but do not apply to debt incurred through the use of a credit card account established by a Candidate and paid from the Candidate's campaign bank account.
- (d) Every Candidate and Committee shall disclose loans in the same time and manner required by California Government Code sections 84211, 84216, and 84216.5.

#### 2.54.150 Municipal Filings

Each Candidate and Committee shall file campaign statements in the time and manner required by California Government Code sections 81000 et seq. and title 2 of the California Code of Regulations with the following additional requirements:

- (a) Every Candidate and Controlled Committee for elective City office that has pre-election filing obligations with the City Clerk pursuant to California Government Code section 84200.5 shall, on the Friday before the election, disclose on a Fair Political Practices Commission Form 497 filed with the City Clerk all previously undisclosed contributions of \$100 or more received after the closing date of its most recent Fair Political Practices Commission Form 460.
  - (1) The Form 497 shall have a closing date of the Wednesday before the election and shall cover all contributions received through that day.
  - (2) The Form 497, shall be filed using a shipping service with delivery guaranteed by the Monday before the election or by personal delivery.

(b) Sponsors and Sponsored Committees participating in City elections are subject to the reporting obligations set forth in title 2, section 18419 of the California Code of Regulations.

(c) It is unlawful to fail to comply with the disclosure requirements of California Government Code sections 81000 et seq., the disclosure requirements of title 2 of the California Code of Regulations, and the additional requirements of this section.

#### 2.54.160 Contribution Limits

(a) It is unlawful for an individual to make, or for a Candidate or Controlled Committee to solicit or accept a contribution that would cause the total amount contributed by that individual to the Candidate and the Candidate's Controlled Committee to exceed \$200.00 for any single election for a Municipal Office.

(b) Nothing in this section is intended to limit the amount of his or her own money or property that a Candidate may contribute to, or expend on behalf of, the Candidate's own campaign.

(c) The contribution limits imposed by this section do not apply to contributions made to a General Purpose Recipient Committee or a Primarily Formed Recipient Committee.

(d) The dollar amounts set forth in this section are subject to changes in the Consumer Price Index as described in section 2.54.170 of the Chapter.

#### 2.54.170 Inflation Adjustment

(a) Any dollar amount set forth in this Chapter shall be adjusted on a biennial basis in accordance with this section. The first adjustment shall occur in 2021

(b) The City Clerk shall adjust the dollar amounts to reflect any changes in the Consumer Price Index for the San Francisco Bay Area for the two-year period ending December 31 of the previous year (except for the adjustment in 2021, which shall reflect index changes during 2020 only). Adjustments shall be rounded to the nearest one dollar.

(c) The City Clerk shall publish a public notice of any adjustments by June 1, or as soon as practicable following the Bureau of Labor Statistics release of the applicable Consumer Price Index data.

(d) Contribution limits adjusted in accordance with this section shall go into effect immediately upon the release of the City Clerk's public notice of the adjustment.

(e) Notwithstanding subsection (d), adjustments to contribution limits shall be effective only with regard to elections held in subsequent calendar years, and shall not be construed to raise the contribution limits applicable to past elections or to special elections held in the same calendar year that the limits are adjusted.

#### 2.54.180 Time Limit on Contributions

(a) It is unlawful for any Candidate or Controlled Committee to solicit or accept contributions prior to January 1 of the year of the election for the Municipal Office sought.

(b) It is unlawful for any Candidate or Controlled Committee to solicit or accept, after the date of an election, a contribution that exceeds the net debts outstanding from the election. As used in this section, the term “net debts outstanding” has the same meaning as that set forth in title 2, section 18531.61 of the California Code of Regulations.

(c) Contributions received after the date of an election shall reduce the total amount of net debts outstanding.

(c) Notwithstanding subsection (b), it is unlawful for any Candidate or Controlled Committee seeking elective City office to solicit or accept a contribution more than 90 days after the date of an election.

(d) The restrictions set forth in this section do not apply to contributions made by a Candidate to his or her Controlled Committee.

(e) The restrictions on accepting contributions imposed by subsection (a) do not apply to contributions for special elections.

#### 2.54.190 Family Contributions

(a) Contributions by a husband and wife shall not be aggregated.

(b) A contribution made by a child under 18 years of age is presumed to be a contribution from the parent or guardian of the child.

#### 2.54.200 Anonymous Contributions Prohibited

It is unlawful for any Candidate or Committee to use more than \$200.00 in total anonymous contributions with respect to a single election. To the extent that a Candidate or Committee accepts anonymous contributions in excess of \$200.00, the excess shall be paid promptly, from available campaign funds, if any, to the City Clerk and made payable to the City of Marina for deposit in the General Fund of the City.

#### 2.54.210 Prohibition on Contributions in the Name of Another Person

(a) It is unlawful for any Person to make directly or indirectly a Contribution in a name other than the name by which that Person is identified for legal purposes.

(b) It is unlawful for any Person to make directly or indirectly a Contribution in the name of another Person.

(c) It is unlawful for any Person to make directly or indirectly a contribution in his or her or its name of:

(1) anything belonging to another Person; or

(2) anything received from another Person on the condition that it be used as a Contribution.

(d) When it is discovered by the campaign Treasurer that a Contribution has been received and deposited in violation of this section, the campaign Treasurer shall pay promptly from available campaign funds, if any, the amount received in violation of this section. That amount

shall be delivered to the City Clerk and made payable to the City of Marina for deposit in the General Fund of the City.

#### 2.54.220 Intermediaries

- (a) No Person shall make a Contribution on behalf of another, or while acting as the intermediary or agent of another, without disclosing to the recipient of the Contribution both his or her own full name and street address, occupation, and the name of his or her employer, if any, or his or her principal place of business if he or she is self-employed, and the full name and street address, occupation, and the name of employer, if any, or principal place of business if self-employed, of the other person.
- (b) A person is considered an “intermediary” for a contribution if any of the following apply:
  - (1) The recipient of the contribution would consider the person to be the contributor without the disclosure of the identity of the true source of the contribution or
  - (2) The Person is an intermediary pursuant to title 2, section 18419 of the California Code of Regulations.
- (c) The recipient of the Contribution shall include in his or her campaign statement the full name and street address, occupation, and the name of the employer, if any, or the principal place of business if self-employed, of both the intermediary and the contributor.

#### 2.54.230 Solicitation of City Employees

- (a) It is unlawful for a Candidate or a Controlled Committee to solicit, directly or indirectly, a Contribution from a City employee with knowledge that the person from whom the contribution is solicited is a City employee.
- (b) This section shall not prohibit a Candidate or a Controlled Committee from soliciting contributions from City employees if the solicitation is part of a solicitation made to a significant segment of the public that may include City employees, and the solicitation does not otherwise violate the provisions of this Chapter.
- (c) Nothing in this section prohibits a City employee from making a contribution to a Candidate, and nothing in this section prohibits a Candidate from accepting a contribution from a City employee.
- (d) As used in this section, the term “City employee” means any employee of the City of Marina, other than the holder of a Municipal Office.

#### 2.54.240 Prohibition on Contributions from Organizations

- (a) It is unlawful for a Candidate or Controlled Committee, or any Treasurer thereof, or any other person acting on behalf of any Candidate or Controlled Committee, to solicit or accept a Contribution from any Person other than an individual.
- (b) It is unlawful for a Person other than an individual to make a Contribution to a Candidate or Controlled Committee.

#### 2.54.250 Prohibition on Contributions from Organization Bank Accounts

(a) It is unlawful for any individual to make a Contribution to a Candidate or Controlled Committee drawn against a checking account or credit card account unless such account belongs to one or more individuals in their individual capacity.

(b) It is unlawful for any Candidate or Controlled Committee to accept a Contribution unless it is drawn against a checking account or credit card account belonging to one or more individuals in their individual capacity.

#### 2.54.260 Impermissible Contributions

(a) If a Candidate, Committee, or Committee Treasurer is offered a Contribution, the acceptance of which would constitute a violation of this Chapter, the Candidate, Committee, or Committee Treasurer shall refuse the offer.

(b) Except as set forth in Sections 2.54.210 of this Chapter, if a Candidate, Committee, or Committee Treasurer receives a monetary Contribution, the acceptance of which would constitute a violation of this Chapter, neither the Candidate, Committee, nor Committee Treasurer shall be subject to any penalty for receipt of that contribution if the Candidate, Committee, or Committee Treasurer either:

- (1) does not deposit the Contribution into the campaign contribution checking account; or
- (2) deposits the Contribution into the campaign contribution checking account, but returns the Contribution to the contributor within ten calendar days of the deposit or before the filing deadline for the reporting period in which the Contribution was received, whichever occurs first.

(c) Except as set forth in subsection (b) of this section and in section 2.54.210 of this Chapter, if a Candidate, Committee, or Committee Treasurer deposits into the campaign contribution checking account a monetary contribution, the acceptance of which constitutes a violation of this Chapter, the Candidate, Committee, or Committee Treasurer shall within ten calendar days of the date of the Candidate's, Committee's, or Committee Treasurer's discovery of the violation provide in writing to the City Clerk all facts pertaining to the contribution, including but not limited to: (1) a copy of any check(s), draft(s), or other instrument(s) by which the contribution was made; and (2) if made in cash, a report of the amount and denominations of currency tendered and a legible photocopy of the bank deposit slip; and (3) if by wire or other electronic fund transfer, a legible printout or photocopy of the transaction; and (4) a report of the means of tender, delivery, or confirmation of the contribution (e.g. U.S. Postal Service or private mail, courier service, in person); and (5) a report of the full name and street address of the contributor.

(d) The Candidate or Committee treasurer shall promptly deliver from available funds, if any, an amount equal to any monetary contribution constituting a violation of this division that has been deposited into the campaign contribution checking account. Such payment shall be made by check payable to the City of Marina and delivered to the City Clerk. Any such check shall be deposited into the City's General Fund.

#### 2.54.270 Vendor Credit

(a) Vendors may extend credit to Candidates and their Controlled Committees in the ordinary course of business in the same manner they extend it to persons for other than Political Purposes.

(b) A Candidate or Controlled Committee for elective City office that accepts goods or services for Political Purposes on credit under subsection (a), shall pay for those goods or services in full no later than 90 calendar days after the date of the election for which the goods or services were provided.

(c) The provisions of subsection (b) do not apply to debt owed to a financial institution for an outstanding credit card balance.

(d) A Candidate or Committee Treasurer violates this Chapter whenever the Candidate or Committee Treasurer fails to make payment in full for goods or services within the time periods set forth herein. Each and every calendar day any obligation remains partially or wholly unpaid after the time periods set forth in this ordinance constitutes a separate violation.

#### 2.54.280 Suppliers of Goods and Services

It is unlawful for any Person who supplies goods or services to a Candidate or Committee for use in connection with the campaign of any Candidate for elective City to knowingly refuse to divulge or disclose, to the Enforcement Authority, upon its request, that Person's record of any Expenditures made by the Candidate or Committee as payment for such goods or services.

#### 2.54.290 Disclosure on Campaign Advertisements

(a) When a Candidate or Controlled Committee is not required to make a "paid for by" advertising disclosure under state law, the Candidate or Committee shall make such a disclosure as would be required if the advertisement was an Independent Expenditure.

(b) Nothing in this section relieves any Candidate or Committee or any other person from its obligation to comply with the advertising disclosure requirements included in state law.

#### 2.54.300 Campaign Advertisement Recordkeeping

(a) Every Candidate or Committee paying for campaign advertisements supporting or opposing one or more Candidates shall maintain records in accordance with the following requirements:

- (1) for Campaign Literature, records that identify the date(s) of dissemination, the number of pieces disseminated, and the method of dissemination, as well as an original sample of each item of campaign literature disseminated by the Candidate or Committee, except that an advertising proof or comparable image of the item in printed or electronic format will comply with this requirement when the size of the item makes maintaining an original sample impracticable;
- (2) for Telephone Communications, records that identify the date(s) the telephone calls were made and the number of calls made, as well as a transcript of the messages communicated and a copy of any recorded messages; and

(3) for Electronic Media Communications, newspapers, magazines, and periodicals, records that identify the publication or website or media outlet where the advertisement appeared, the date(s) the advertisements appeared, the content and size of the requisite “paid for by” disclosure, as well as an advertising proof or comparable image or recording of the advertisement in printed or electronic format.

(b) The records required by this section shall be kept by the Candidate or Committee for a period of two years following the date of the election to which they relate.

#### 2.54.310 Use of Candidate’s Campaign Materials

(a) Any Committee that makes a payment for distributing or disseminating an advertisement that duplicates, reproduces, or republishes a Candidate’s campaign materials, in whole or in part, has made a contribution to the Candidate for purposes of the contribution limits and source prohibitions set forth in this Chapter.

(b) The “making” of a Contribution to a Candidate under subsection (a) does not mean that the Candidate has “accepted” or “received” Contribution for purposes of Contribution limits or Source Prohibitions. Accordingly, nothing in this section imposes any liability on a Candidate whose campaign materials were duplicated, reproduced, or republished.

(c) This section applies to a Committee’s advertisement that uses materials created, prepared, or obtained by the Candidate or the Candidate’s Controlled Committee for campaign purposes, including, but not limited to, mailers; flyers; pamphlets; door hangers; walking cards; posters; yard signs; billboards; banners and large signs; business cards; campaign buttons; bumper stickers; newspaper, magazine, television, radio, and Internet advertisements; photographs; audio recordings; and videos, regardless of whether such materials were accessible to members of the public on the Internet or through other means not requiring coordination with the Candidate or the Candidate’s Controlled Committee.

(d) This section does not apply to:

- (1) any written words, phrases, or sentences contained in a Candidate’s campaign materials;
- (2) any statements made by a Candidate while delivering a speech or speaking at a debate, forum, or similar public event and contained in an advertisement that does not use an audio or video recording made by the Candidate or the Candidate’s Controlled Committee;
- (3) the duplication of photographs of the Candidate;
- (4) an advertisement that clearly advocates the defeat of the Candidate
- (5) Member Communications; or,
- (6) instances in which a payment was “made at the behest” of a Candidate, as that term is defined in title 2, section 18225.7 of the California Code of Regulations. Such a payment is a contribution regardless of whether any campaign materials were duplicated, reproduced, or republished.

(e) Nothing in this section imposes on any Candidate or Committee any filing obligations in addition to those set forth in California Government Code sections 81000 et seq. and title 2 of the California Code of Regulations.

#### 2.54.320 Major Funding of Primarily Formed Recipient Committee

(a) Every Primarily Formed Recipient Committee shall notify the City of Marina within three business days of receiving Contributions cumulatively totaling more than \$200.00 from a single Contributor. The notice shall be sent by email to the address designated for this purpose by the City Clerk and shall include:

- (1) the Committee's full name and identification number;
- (2) the Contributor's name; and
- (3) if the Contributor is a Primarily Formed Recipient Committee or a General Purpose Recipient Committee, the Contributor's identification number.

(b) The information provided shall be a public record.

(c) The aggregation rules of California Government Code section 85311 and any implementing regulations adopted by the California Fair Political Practices Commission shall apply for purposes of identifying the Committee's contributors.

#### 2.54.330 Voluntary Expenditure Limit

(a) At the time he or she files his or her nominating papers with the City Clerk, each Candidate shall file with the City Clerk a statement of his or her acceptance or rejection of the voluntary Expenditure limit set forth in this Chapter.

(b) The Voluntary Expenditure Limit shall be calculated by multiplying the Limit Rate by the number of voters registered for the most recent municipal general election.

(c) The Limit Rate shall initially be \$2.00 and shall be adjusted for inflation as set forth in section 2.54.170 of the Chapter, except that the adjusted rate shall be rounded to the nearest cent.

(d) The City Clerk shall post on the City's website a list of Candidates who have accepted the Voluntary Expenditure Limit and those who have rejected the Voluntary Expenditure Limit.

(e) A Candidate who has accepted the Voluntary Expenditure Limit may opt to withdraw his or her acceptance of the Voluntary Expenditure Limit by filing with the City Clerk a statement that he or she is withdrawing his or her acceptance. A person who withdraws acceptance of the limit shall be deemed to have rejected the limit. This right may be exercised no later than the latest of (i) five days after nominations papers are due or (ii) five days after another Candidate for the same Municipal Office has filed a statement pursuant to this subdivision (e). This right may only be exercised if some other Candidate for the same Municipal Office has rejected the Voluntary Expenditure Limit.

#### 2.54.340 Penalties

(a) Any Person who violates any requirement of this Chapter is guilty of a misdemeanor and is subject to the penalties set forth in this code.



(b) In addition to being subject to the penalties otherwise set forth in this code, any Person found guilty of violating sections, or both, shall be required to forfeit the amount received in violation of this division and pay over these funds to the City of Marina for deposit in the City's General Fund.

(c) Any individual convicted in a court of law of a violation of any provision of this Chapter shall be ineligible to hold a City elective office for a period of five years from and after the date of the conviction.

#### 2.54.350 Recall, Initiative and Referenda

Nothing in this Chapter shall be interpreted to apply to recall elections or to elections for other than a Municipal Office.

#### 2.54.360 No Preemption

The requirements of this Chapter are in addition to any requirements set forth in the laws of the State of California. This Chapter is not intended to preempt the application of any generally applicable law of the state.