

SCC NO. 1683

AN ORDINANCE AMENDING CHAPTER 2.115 OF TITLE 2 OF THE SACRAMENTO COUNTY CODE RELATING TO PRIMARY ELECTION PERIOD AND CONTRIBUTION LIMITATIONS

The Board of Supervisors of the County of Sacramento, State of California, ordains as follows:

SECTION 1. Section 2.115.265, Chapter 2.115, Title 2, of the Sacramento County Code is amended to read as follows:

2.115.265 Primary Election Period.

When the Primary is held in March, "Primary Election Period" means from October 1 through December 31 of the year preceding, and January 1 through March 31 of the year in which the election for a county elective office is held. When the Primary is held in June, "Primary Election Period" means from January 1 through June 30 of the year in which the election for a county elective office is held.

SECTION 2. Section 2.115.300, Chapter 2.115, Title 2, of the Sacramento County Code is amended to read as follows:

2.115.300 Contribution Limitations for Persons Other Than Organizations.

A. No person shall make to any candidate, and no such candidate shall accept from any person, a contribution or contributions totaling more than two hundred fifty dollars (\$250.00) in any single off-election year or one thousand three hundred dollars (\$1,300.00) in any of the following periods:

1. In any primary election period;
2. In any general election period;
3. In any special election period; or
4. In any special runoff election period.

B. To the extent that a candidate receives a contribution in excess of the limit imposed in subsection A, such candidate shall remit any amount in excess of the limitations set forth in subsection A to the Registrar of Voters for deposit in the Campaign Reform Fund, or return such amount to the donor, no later than the next date on which the candidate is required to file, or does file, a State or County campaign statement.

C. For purposes of this section, and Section 2.115.450, two 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 governing board;
2. The entities share two or more officers;
3. The entities are owned or controlled by the same majority shareholder or shareholders; or
4. The entities are in a parent-subsiary relationship.

D. For purposes of this section, and Section 2.115.450, an individual and any general partnership in which the individual is a general partner, or an individual and any corporation in which the individual owns a controlling interest, shall be treated as one person.

E. Notwithstanding the provisions of subsections C and D hereof, a candidate shall not be deemed to be in violation of this section if he or she accepts a contribution from a person that was made to such candidate in violation of subsections C and D. It is the intent of this section to make contributors, and not candidates, liable for violations of this section occurring as a result of the applicability of subsections C and D to a contribution.

SECTION 3. Section 2.115.310, Chapter 2.115, Title 2, of the Sacramento County Code is amended to read as follows:

2.115.310 Contribution Limitations by Organizations.

A. An organization shall not make to any candidate, and no candidate shall accept from any organization, a contribution or contributions totaling more than two hundred fifty dollars (\$250.00) in any single off-election year or two thousand seven hundred dollars (\$2,700.00) in any of the following periods:

1. In any primary election period;
2. In any general election period;
3. In any special election period; or
4. In any special runoff election period.

B. To the extent that a candidate receives a contribution in excess of the limits imposed in subsection A, such candidate shall remit any amount in excess of the limitations set forth in subsection A to the Registrar of Voters for deposit in the Campaign Reform Fund, or return such amount to the donor, no later than the next date on which the candidate is required to file, or does file, a State or County campaign statement.

C. A candidate shall not be deemed to be in violation of this section if he or she accepts a contribution that exceeds the contribution limitations for persons set forth in Section 2.115.300, but conforms to the contribution limitation for organizations set forth in this section, from an entity that does not constitute an organization within the meaning of Section 2.115.255. It is the intent of this section to make the entity and the individuals or persons making up the entity, and not the candidate, liable for violations of this section occurring as a result of an entity not constituting an organization making a contribution in excess of the limitations set forth in Section 2.115.300.

SECTION 4. Section 2.115.320, Chapter 2.115, Title 2, of the

Sacramento County Code is not amended and is to remain as is.

2.115.320 Aggregate Contribution Limitations.

A. Except as provided for in subsection C, no candidate shall accept contributions totaling more than forty thousand dollars (\$40,000.00) in any single off-election year. The intent of this section is to impose an absolute limit of forty thousand dollars (\$40,000.00) on the total amount of contributions from all sources received by any incumbent or candidate in any single off-election year, even if no single contribution exceeds the contribution limits set forth in Sections 2.115.300 and 2.115.310.

B. To the extent that a candidate receives contributions in any single off-election year in excess of the limit imposed by subsection A, such candidate shall remit any amount in excess of the limitation set forth in subsection A to the Registrar of Voters for deposit in the Campaign Reform Fund, or to return such amount to the donor, no later than the next date on which the candidate is required to file, or does file, a State or County campaign statement.

C. Notwithstanding the provisions of subsection A, a contribution received by a candidate in an off-election year that is used to repay a loan received by the candidate in the previous election cycle, which loan constituted a contribution subject to the provisions of this chapter, shall not be subject to the forty thousand dollar (\$40,000.00) aggregate off-election year contribution limitation.

SECTION 5. This ordinance was introduced and the title thereof read at the regular meeting of the Board of Supervisors on October 19, 2021, and on November 2, 2021, further reading was waived by the unanimous vote of the Supervisors present.

This ordinance shall take effect and be in full force on and after thirty (30) days from the date of its passage, and before the expiration of fifteen (15) days from the date of its passage it shall be published once with the names of the members of the Board of Supervisors voting for and against the same, said publication to be made in a newspaper of general circulation published in the County of Sacramento.

On a motion by Supervisor Nottoli, seconded by Supervisor Kennedy, the foregoing ordinance was passed and adopted by the Board of Supervisors of the County of Sacramento, State of California, this 2nd day of November, 2021, by the following vote:

AYES: Supervisors Desmond, Kennedy, Nottoli, Serna, Frost

NOES: None

ABSENT: None

ABSTAIN: None

RECUSAL: None

(PER POLITICAL REFORM ACT (§ 18702.5.))



Florence Garcia
Clerk, Board of Supervisors

Susan J. Frost
Chair of the Board of Supervisors
of Sacramento County, California

FILED
BOARD OF SUPERVISORS

NOV 02 2021

BY *Florence Garcia*
CLERK OF THE BOARD

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In accordance with Section 25103 of the Government Code of the State of California a copy of the document has been delivered to the Chair of the Board of Supervisors, County of Sacramento on *November 02, 2021*

By *Shirley Garcia*
Deputy Clerk, Board of Supervisors