

Division 530 - ELECTION CAMPAIGN

Chapter 530-2 - FAIR CAMPAIGNS

Article 530-2.2. General

530-2.202 - Citation.

This division may be cited as the Contra Costa County election campaign ordinance.

(Ord. 84-9).

530-2.204 - Purpose.

Inherent in the high cost of election campaigns is the possibility and the appearance of improper influence, real or potential, exercised by campaign contributors over elective officials. The intent and purpose of this chapter is: to preserve an orderly political forum in which persons may express themselves effectively; to place realistic and enforceable limits on the amounts of money that may be contributed to political campaigns in county elections; to decrease the cost of campaigns; to prevent improper influence over elective officials; to prevent the appearance of improper influence; to broaden the base of funding for campaigns and to provide full and fair enforcement of all these provisions.

(Ord. 84-9).

530-2.206 - Definitions.

Unless otherwise specifically provided (below) or required by the context, the words and phrases in this division have the same meanings as in the Elections Code, and in the Political Reform Act of 1974 (Government Code Sections 81.000 ff.) and regulations adopted under Sec. 83112 thereof.

(Ord. 84-9).

530-2.208 - County election.

"County election" means any primary, general or special election, including a recall election, held within this county for elective county office. Each primary, general or special election is a separate election for purposes of this chapter.

(Ord. 84-9).

530-2.210 - County offices.

"County office" means the elective offices of members of the board of supervisors, assessor, auditor, county clerk, coroner, district attorney, public administrator, recorder, sheriff, tax collector and treasurer, including combinations thereof (e.g., clerk-recorder).

(Ord. 84-9).

530-2.212 - Election cycle.

An "election cycle" begins on the first day of the month following the month in which the statewide direct primary election is held or January 1st, whichever comes first immediately following an election. An election cycle ends on the last day of the month in which the statewide direct primary election is held or December 31st whichever comes first, immediately following the

next election for the same office.

(Ords. 99-40 § 2, 86-27, 84-9).

530-2.213 - Local ballot measure.

"Local ballot measure" means any proposition which is submitted to popular vote at an election by action of the board of supervisors, or any proposition which is submitted or intended to be submitted to a popular vote at an election by initiative or referendum as provided for in California Elections Code, Division 5, Chapter 2 "County Elections," Articles 1 and 2, Sections 3700—3755.5 or by recall procedure for a county office, whether or not the proposition qualifies for the ballot.

(Ord. 92-1 § 2).

530-2.214 - Exemptions.

Notwithstanding any other provision in this chapter, it does not apply to contributions placed in a controlled committee(s) of an incumbent of a county office where:

- (1) That incumbent designates the committee as a committee to collect funds for purposes other than a campaign for county office;
- (2) Those funds are not used for any purpose related to a campaign by that incumbent; and
- (3) Those funds are not transferred to or used for any other committee controlled by that incumbent which raises or receives or spends money for the purposes related to a campaign for a county office.

(Ord. 84-9).

530-2.215 - Small contributor committee.

"Small contributor committee" shall have the same meaning as Government Code Section 85203. It means any committee which meets all of the following criteria: it has a membership of at least one hundred individuals; all the contributions it receives from any person in a calendar year total fifty dollars or less; it has been in existence for at least six months; it is not a candidate-controlled committee.

(Ord. 96-48 § 3).

530-2.216 - Broad based political committee.

"Broad based political committee" means a committee within the meaning of Government Code Section 82013(a) which has been in existence for more than six months, receives contributions from one hundred or more persons and acting in concert makes contributions to five or more candidates.

(Ords. 98-6 § 3, 89-11).

530-2.222 - Limitations on filing requirements.

Notwithstanding any other provisions in this chapter, all filing requirements found in this chapter which are additional to or different from those set forth in Chapter 4 of the Political Reform Act (Government Code Sections 84100 et seq.) shall apply only to candidates seeking election in Contra Costa County, their controlled committees or committees formed primarily to support or oppose their candidacies, to committees formed primarily to support or oppose a local ballot measure which is being voted

on only in Contra Costa County, and county general purpose committees active only in Contra Costa County, which support or oppose candidates for county office or the qualification of or passage of local ballot measures which are being voted on only in Contra Costa County.

(Ords. 92-9 § 2, 92-1 § 3, 86-48).

Article 530-2.4. - Contribution Limits

530-2.402 - Individual campaign contributions.

In a single county election cycle, no person or political committee (other than the candidate or a broad based political committee) shall make, and no candidate or campaign treasurer shall accept, any monetary or nonmonetary contribution to or for a single candidate for county office or to or for a committee authorized in writing by the candidate to accept contributions for him or her, which will cause the total amount contributed by such person or political committee in support of that candidate for that election cycle to exceed one thousand six hundred seventy-five dollars.

(Ords. 04-22 § 2, 89-11, 84-9).

530-2.403 - In-kind contribution of campaign office space.

Notwithstanding any other provisions in this chapter, in a single county election cycle, a person or political committee may give up to five thousand dollars in in-kind contributions of campaign office space and a candidate may accept one or more in-kind contributions of campaign office space which do not exceed an aggregate amount of five thousand dollars in value.

(Ord. 92-9 § 3).

530-2.404 - Broad based political committees.

In a single county election cycle, no broad based political committee shall make, and no candidate or campaign treasurer shall accept, any monetary or nonmonetary contribution to or for a single candidate for county office or to or for a committee authorized in writing by the candidate to accept contributions for him or her, which will cause the total amount contributed by such broad based political committee in support of that candidate for that election cycle to exceed ten thousand dollars, provided, nevertheless, that the total aggregate amount of contributions from all broad based political committees that may be accepted by a single candidate in an election cycle shall not exceed fifty thousand dollars.

(Ord. 04-22 § 3, 89-11).

Article 530-2.7. - Supervisorial Campaigns

530-2.702 - Application.

- (a) This article applies only to candidates for the office of county supervisor. Unless otherwise specified, "candidate" includes recall candidates. "Recall candidates" means those candidates who are running to replace an incumbent supervisor who is the subject of a ballot measure calling for his or her recall.
- (b) Ordinance Code Sections 530-2.402, 530-2.403, 530-2.404, 530-2.405 and 530-2.603 shall not apply to candidates for the office of county supervisor.
- (c) To the extent that there is any conflict between the provisions of this article and the other provisions of Chapter 530-2, the provisions of this article shall prevail as to campaigns for the office of county supervisor.

(Ords. 96-48 § 4; 95-8 § 3).

530-2.703 - Individual campaign contributions.

For a single county election cycle, no person or political committee (other than the candidate or a broad based political committee) shall make, and no candidate or campaign treasurer shall accept, any contribution to or for a single candidate for county supervisor or to or for a committee authorized in writing by the candidate to accept contributions to him or her, which will cause the total amount contributed by that person or political committee in support of that candidate for that election cycle to exceed one thousand six hundred seventy-five dollars, except as provided in Section 530-2.705(a), and in Section 530-2.708(c), of this article.

(Ords. 2005-22 § 3, 99-40 § 3, 98-6, 96-48, 95-8).

530-2.704 - Broad based political committee campaign contributions.

For a single county election cycle, no broad based political committee shall make and no candidate or campaign treasurer shall accept, any contribution to or for a single candidate for county supervisor or to or for a committee authorized in writing by the candidate to accept contributions to him or her, which will cause the total amount contributed by such broad based political committee in support of that candidate for that election cycle to exceed five thousand dollars. For a single election cycle, the total aggregate amount of contributions from all broad based political committees which a candidate may accept shall not exceed forty thousand dollars, except as provided in Section 530-2.705(a) of this article.

(Ords. 2005-22 § 4, 99-40 § 4, 98-6, 96-48, 95-8).

530-2.705 - Independent expenditures against candidate or on behalf of candidate's opponent.

- (a) For an election cycle, when the total cumulative expenditures of the committee or committees making independent expenditures opposing the candidate or supporting that candidate's opponent(s) equal seventy-five thousand dollars or more, the individual campaign contribution limit applicable to that candidate shall be increased to five thousand dollars and the aggregate amount that candidate can accept in contributions from all broad based political committees shall be increased to twice the amount in Section 530-2.704 of this article. To be eligible for the increases in contribution limits, the candidate must have received disclosures pursuant to subsection (c) of this section that show cumulative independent expenditures equal to seventy-five thousand dollars or more by the committee or committees in opposition to the candidate or in support of the candidate's opponent(s).
- (b) For an election cycle, when the total cumulative expenditures of the committee or committees making independent expenditures opposing the candidate or supporting that candidate's opponent(s) equal seventy-five thousand dollars or more, the limit on the amount the candidate can lend to his or her campaign shall be increased to an aggregate amount of fifty thousand dollars and the candidate shall be entitled to receive repayment of personal loans in the aggregate amount of fifty thousand dollars. To be eligible for the increases in the limits on personal loans and repayment of those loans, the candidate must have received disclosures pursuant to subsection (c) of this section that show cumulative independent expenditures equal to seventy-five thousand dollars or more by the independent expenditure committee or committees in opposition to the candidate or in support of the candidate's opponent(s).
- (c) Any committee that makes independent expenditures in support of or in opposition to any candidate for supervisorial office shall notify the county clerk-election division and all opponents running for the same seat, within twenty-four hours whenever the committee has made cumulative expenditures of five thousand dollars, ten thousand dollars, fifteen thousand dollars and so on in multiples of five thousand. A committee that makes

independent expenditures in support of or in opposition to any candidate for supervisorial office shall also notify the county clerk-election division, the district attorney, and all opponents running for the same seat, within twenty-four hours whenever the committee has made cumulative expenditures equal to seventy-five thousand dollars.

(Ord. 2005-22 § 5).

530-2.706 - Limitation on personal loans.

For a single county election cycle, no candidate shall lend to his or her campaign or controlled committee any amount in excess of twenty-five thousand dollars, except as provided in Section 530-2.705(b).

(Ords. 2005-22 § 6, 99-40 § 5, 98-6, 96-48, 95-8).

530-2.708 - Self funded candidates.

- (a) Self Funded Candidate Defined. For purposes of this article, "self funded candidate" means a supervisorial candidate who makes loans and contributions of his or her personal funds to his or her campaign or campaign committee, in the aggregate amount of more than twenty-five thousand dollars. For purposes of this article "contributions from personal funds" means contributions from the candidate and his or her immediate family by blood or marriage. For purposes of this article "immediate family" means spouse, children, parents and siblings.
- (b) Statement of Intent to Self Fund. A candidate for a primary, general or recall election who intends to be a self funded candidate shall file with the county clerk-election division a statement signed under penalty of perjury which states that the candidate intends to self fund in an amount exceeding twenty-five thousand dollars. The candidate shall file the statement at the same time that the candidate files his or her declaration of candidacy.
- (c) Individual Campaign Contribution Limit Increased for Opponent of Self Funded Candidate. For an election cycle, for a candidate who is not a self funded candidate, the amount of the individual campaign contribution limit shall be increased to five thousand dollars if: (1) the candidate's opponent(s) files a statement of intent to self fund in an amount exceeding twenty-five thousand dollars, or (2) if without filing such a statement, the opponent makes loans and contributions of his or her personal funds to his or her campaign or campaign committee, in the aggregate amount of more than twenty-five thousand dollars and makes expenditures exceeding twenty-five thousand dollars.

(Ords. 2005-22 § 7, 99-40 § 7, 98-6).

530-2.709 - Loan of candidate's personal funds.

If a supervisorial candidate makes loans and contributions of his or her personal funds to his or her campaign or campaign committee which in the aggregate exceed twenty-five thousand dollars once the candidate or his or her campaign committee has made expenditures exceeding twenty-five thousand dollars the amount loaned shall be deemed a contribution from the candidate to his or her campaign or campaign committee, and the candidate shall not be entitled to repayment of the monies loaned, except as provided in Section 530-2.705(b) of this title.

(Ords. 2005-22 § 8, 98-6 § 9).

530-2.802 - Candidate and committee reports.

- (a) Each candidate, each committee supporting or opposing a candidate for county office, each committee supporting or opposing a local ballot measure which is being voted on only in Contra Costa and each county general purpose committee which supports or opposes candidates for county office or local ballot measures being voted on only in Contra Costa County, shall file a campaign statement in the county clerk-election division office, on every date a statement is required by the Political Reform Act covering the same time period as the statement filed pursuant to

state law and one additional statement. The additional statement shall be filed by twelve noon on the last Friday before the election covering the period between the previous statement filed and twelve midnight of the last Thursday before the election. The additional filing must be timely received by the filing officer and is not accomplished by deposit in the mail. This statement shall include, in addition to all matters required by this section, the same disclosures required for the last campaign statement before the election by the Political Reform Act.

- (b) Each committee supporting or opposing the qualification of a local ballot measure to be voted on only in Contra Costa County shall file in the county clerk-election division office a statement of organization and a campaign statement on every date such statements are required by the Political Reform Act covering the same time period as the statement filed pursuant to state law, and additional campaign statements on the fifth day after filing the statement of organization and the fifth day of every month thereafter until petitions are filed or the deadline for filing petitions, whichever is earlier. The closing date for the period covered by an additional campaign statement shall be five days prior to the deadline for filing the statement.
- (c) In addition to campaign statements, each candidate, each county general purpose committee, and each committee supporting or opposing a candidate for county office or the qualification or passage of a local ballot measure which is being voted on only in Contra Costa County, which makes independent expenditures for or against any candidate for county office or for or against the qualification of, or passage of any local ballot measure, shall file an independent expenditure report in the county clerk-election division office, on every date a report is required by the Political Reform Act covering the same time period as the report filed pursuant to state law, and one additional report. The additional report shall be filed by twelve noon on the last Friday before the election covering the period between the previous report filed and twelve midnight of the last Thursday before the election. This filing must be timely received by the filing officer and is not accomplished by deposit in the mail. Each independent expenditure report shall contain the same disclosure required by Government Code Section 84203.5(b).

(Ords. 98-6 § 10, 95-8 § 4, 92-9 § 4, 92-1 § 4, 91-10, 84-14, 84-9).

530-2.804 - Campaign statement.

Each county campaign statement required to be filed by candidates for county office, county general purpose committees, committees supporting or opposing a candidate for county office, or committees supporting or opposing the qualification of, or passage of, a local ballot measure which is being voted on only in Contra Costa County shall contain:

- (1) If the cumulative amount of contributions for the election from a person is one hundred dollars or more and a contribution has been received from that person during the period covered by the campaign statement, the statement shall contain the same disclosures required by Government Code Section 84211.
- (2) The statement shall contain the same disclosures of expenditures required by Government Code Section 84211.
- (3) In the case of campaign statements filed by a committee, other than a candidate-controlled committee, the statement shall contain the full name, and street address of any person or persons who direct or control the contributions or expenditures made by the committee.
- (4) Candidates and committees need not duplicate any reports of contributions, loans or expenditures required by state law but may certify that reports made pursuant to this section are in addition to those made pursuant to state law.

(Ords. 2005-22 § 9, 98-6 § 11, 95-8 § 5, 92-9 § 5, 92-1 § 5, 91-10, 84-9).

530-2.806 - Out-of-county committee reports.

Committees domiciled outside this county which make independent expenditures or contributions for or against any candidate for county office, or for or against the qualification of, or passage of any local ballot measure which is being voted upon only in Contra Costa County shall file a report with the county clerk's elections division, in the time and manner required by Government Code Sections 84200 ff. and 530-2.804, subsection (6) for committees domiciled in this county which either support or oppose a candidate for county office or support or oppose a local ballot measure which is being voted on only in this county.

(Ords. 95-8 § 6, 92-1 § 6, 91-10, 84-9).

530-2.808 - Online filing required.

- (a) Except as otherwise provided in this section, an elected officer, candidate, committee, or other person who is required to file a statement, report, or other document with the County Clerk — Elections Division pursuant to Chapter 4 of Title 9 of the Government Code, or pursuant to this chapter, shall file the statement, report, or other document with the County Clerk — Elections Division by using the online filing system designated by the County Clerk — Elections Division. The requirements of this section apply to the elected officer, candidate, committee, or other person until the person or committee files a termination statement in accordance with Government Code section 84214, or unless the person or committee is exempt from filing under subsection (b) of this section.
- (b) An elected officer, candidate, committee, or other person is not required to file online under this section in a calendar year if the person is not required to file a statement, report, or other document with the County Clerk — Elections Division pursuant to Chapter 4 of Title 9 of the Government Code, or pursuant to this chapter, in that calendar year.

(Ord. No. 2016-05, § III, 3-15-16)

Article 530-2.9. - Campaign Advertising Disclosure

530-2.902 - Disclosure of contributors to independent expenditure committees.

- (a) Any committee that makes, during the calendar year in which the election is held, more than one thousand dollars in independent expenditures for or against a candidate for county office or more than five thousand dollars in independent expenditures for or against the qualification, or passage, of a local ballot measure being voted on only in this county shall list the following information in a clear and legible manner on the bottom one-third of the front page of any mass mailing (delivered to residences by any means including hand delivery) by the committee in the election for which the independent expenditures were made.
 - (1) The names and occupations of individuals and the names and business interests of nonindividuals, of the five largest contributors to the committee during the twelve months immediately preceding the date of distribution of the mass mailing, listed in order of the amount of contributions. If two or more of the largest contributors have contributed the same amount, they shall be listed according to chronological sequence of contribution. The disclosure shall read: "Major funding by: (name and occupation or business interest)." In the case of contributions from committees, the disclosure shall read: "Major funding by: (name of committee); Expenditures directed by: (name and occupation or business interest of persons or nonindividuals who direct or control the expenditures of the committee)"; and
 - (2) If the committee has received at least one-third of its total contributions during the twelve months immediately preceding the date of distribution of the mass mailing from large out-of-county contributor(s), the whole top one-third of the disclosure shall state "Major funding from large out-of-county contributors." "Large out-of-county

contributors" mean those contributors (a) who either are not residents of the county or do not have a principal place of business in the county and (b) whose cumulative contributions to the committee are one hundred dollars or more for the twelve-month period immediately preceding the date of distribution of the mass mailing.

- (b) When making the disclosures required in subsection (a)(1), the committee must use the same type size for all words in that disclosure. When making the disclosures required in subsection (a)(2), the committee must use the same type size for all words in that disclosure. The left and right and top and bottom margins of the disclosures shall not exceed one-half-inch. The space between lines of type shall not be more than one-half of the type size. The committee must list each contributor on a new line. The committee shall use the bottom one-third of the front page of the mass mailing solely for the purpose of making the disclosure required in subsection (a).
- (c) For purposes of this section "front page" shall mean the envelope, page, or panel where the address is, or in the case of unaddressed items, any outside panel.
- (d) This section does not apply to communications from an organization to its members.

(Ords. 2000-17 § 2, 98-6, 95-8).

530-2.904 - Disclosure by self funded candidate for the office of county supervisor.

- (a) Any self funded candidate or campaign committee of such candidate shall list the following information in a clear and legible manner on the front page of any mass mailing (delivered to residences by any means including hand delivery) by the candidate or committee for the race in which the candidate runs for supervisorial office: "Self funded candidate."
- (b) When making the disclosure required in subsection (a), the candidate or his or her campaign committee must use bold face print in no less than ten point type.
- (c) For purposes of this section "front page" shall mean the envelope, page, or panel where the address is, or in the case of unaddressed items, any outside panel.
- (d) For purposes of this section "self funded candidate" has the same meaning as in Section 530-2.708 "Self funded candidate," subsection (a) "self funded candidate defined."

(Ord. 98-6 § 13).

Article 530-2.10. - Enforcement

530-2.1003 - Penalties.

Pursuant to Section 51-4.404, every violation of this division is a misdemeanor and punishable as such, except that failure to file a timely report as required by Section 530-2.802 is an infraction punishable by a fine of one hundred dollars.

(Ords. 84-51, 84-13, 84-9).

530-2.1004 - District attorney's court suits.

The district attorney may enforce the provisions of this chapter by filing, in his discretion, any appropriate legal action.

(Ord. 84-9).