

Chapter 4.120 - CAMPAIGN CONTRIBUTION LIMITS AND CAMPAIGN STATEMENT FILING REQUIREMENTS

4.120.010 - Purpose of campaign contribution limits.

It is the intent of the City Council in enacting campaign contribution limits to place realistic and enforceable limits on the amount persons may contribute to political campaigns in municipal elections. The purpose of these limits is to prevent the exercise by campaign contributors of potential undue or improper influence over elected officials and to inform the public of the sources and objects of campaign contributions and expenditures. Further, the City Council finds that the provisions of this chapter are necessary to prevent the actuality or appearance of corruption in the election process.

(Ord. No. 1887, Enacted, 12/02/93; § 1, Ord. 17-0005, eff. May 2, 2017)

4.120.020 - Definitions.

- A. The definitions set forth in the Political Reform Act of 1974 as amended (Government Code Sections 8200 through 82055) shall govern the interpretation of this section, unless otherwise specified herein.
- B. The term elected City office, as used herein, shall mean the offices of City Council and City Treasurer.
- C. For the purpose of this article, the term City official shall mean any City elected or appointed official, commissioner, board member, employee, and any City volunteer when acting in the capacity of a City official or working at a City-sponsored event."

(Ord. No. 1887, Enacted, 12/02/93, as amended by § 2, Ord. 1956, eff. October 31, 1996; Ord. No. 20-0006, § 1, eff. July 21, 2020)

4.120.030 - Contribution limitations.

- A. No person shall contribute a total of more than three hundred dollars (\$300.00) to any candidate for elected City office and to their controlled committee for a single election. No candidate for elected City office and their controlled committee shall accept any contribution or contributions totaling more than three hundred dollars (\$300.00) from any person for a single election. Nothing in this section is intended to limit the amount a candidate may contribute to his or her own campaign for elected City office from the candidate's own personal funds.
- B. **Anonymous Contributions.** Anonymous contributions to candidates, committees or controlled committees shall be prohibited.
- C. A candidate for City office shall have no more than one controlled committee and one checking account for the city office being sought, out of which all expenditures for the office shall be made. This section shall not prohibit the establishment of savings accounts, but no qualified campaign expenditures shall be made out of these accounts.
- D. **Contributions Made on Behalf of Another.** 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 the person's, intermediary's or agent's own full name and street address, occupation, and the name of the employer of person, intermediary or agent, if any, or the person's, intermediary's or agents principal place of business if the person, intermediary or agent is self-employed. The recipient of the contribution shall also be made aware of the full name and street address and occupation and the name of the employer, if any, or principal place of business, if self-employed, of the actual contributor.

- E. **Assumed Name Contributions.** No contributions shall be made, directly or indirectly, by any person or combination of persons acting jointly in a name other than the name by which they are identified for legal purposes, nor in the name of another person or combination of persons. No persons shall make a contribution in their name of anything belonging to another person or received from another person on the condition that it is to be used as a contribution.
- F. **Fund-Raising Events.** In the event a candidate, committee or controlled committee desires to have a campaign fund-raising event of any kind connected with a campaign for public office, then in that connection the candidate, committee or controlled committee shall file a statement with the City Clerk, or a duly authorized representative of the City Clerk's office, showing the gross income from such event, and the costs of the event shall be deducted from the gross receipts. For candidates and controlled committees, the net figure shall apply to the sums defined in subsection A of this section.
- G. **Loans.** All loans, solely for the purposes of political campaigning, except loans from financial institutions and loans from a candidate's personal fund to his or her campaign, shall be subject to the same restrictions as defined in subsection A of this section.
- H. Promptly, following receipt of excess contributions over the limits set forth in subsections A, B and E of this section, said excess contributions shall be either returned to the contributor, if feasible, or paid by the candidate or controlled committee to a charity or charities not affiliated in any way with religious organizations.

(Ord. No. 1887, Enacted, 12/02/93, as amended by §§ 3, 4, 5, Ord. 1956, eff. October 31, 1996; Ord. No. 20-0006, § 2, eff. July 21, 2020)

4.120.040 - Campaign expenditures uncontrolled by candidates or committees.

Persons, organizations and committees not subject to the control of a candidate but who make expenditures for or against a candidate shall indicate clearly on any material published, displayed, or broadcast that it was not authorized by a candidate when such expenditures in whole or in part would have been covered by the provisions of this chapter if they were subject to the control of a candidate. Such persons, organizations and committees shall comply with all the filing requirements imposed on candidates and committees by this chapter.

(Ord. No. 1887, Enacted, 12/02/93)

4.120.045 - Electronic Filing of Campaign Statements

- A. Any elected officer, candidate, committee, or other person required to file statements, reports or other documents described by Chapter 4 (Campaign Disclosure) of Title 9 (Political Reform) of the California Government Code, and that has received contributions of \$1,000.00 or more or made expenditures of

\$1,000.00 or more within a calendar year, shall electronically file such statements using procedures established by the City Clerk.

- B. Once an elected officer, candidate, committee, or other person files a statement, report, or other document electronically pursuant to subsection A., all future statements, reports, or other documents on behalf of that filer shall be filed electronically.
- C. In any instance in which an original statement, report, or other document must be filed with the California Secretary of State and a copy of that statement, report, or other document is required to be filed with the City Clerk, the filer may, but is not required to file the copy electronically.
- D. If the City Clerk's electronic system is not capable of accepting a particular type of statement, report, or other document, an elected officer, candidate, committee, or other person shall file that document with the City Clerk in an alternative format.
- E. A candidate shall be responsible for notifying all contributors that their identity shall be reported.

(§ 1, Ord. 17-0005, eff. May 2, 2017)

Editor's note— Ord. 17-0005, § 1, effective May 2, 2017, in effect, repealed § 4.120.045 and enacted a new § 4.120.045 as set out herein. Former § 4.120.045 pertained to disclosure and derived from § 6, Ord. 1956, eff. October 31, 1996.

4.120.050 - Filing deadlines.

- A. **Campaign Bank Account.** The notice and filing requirements of Government Code Section 81000 et seq. regarding the campaign bank account shall be made to the City Clerk, or a duly authorized representative of the City Clerk's office, of the City at the same time and in the same manner as reporting is made to the Fair Political Practices Commission for the State of California.
- B. **Committee and Controlled Committee Registration.** Every committee and controlled committee involved in a municipal election which is required to file campaign reports shall also file with the City Clerk, or a duly authorized representative of the City Clerk's office, in the same form, content and procedure as set form in Government Code Section 81000 et seq.
- C. All campaign contribution reports shall be subject to audit by the City Clerk, or a duly authorized representative of the City Clerk's office. It shall be the duty of every candidate to keep records of campaign finances including but not limited to records of each contribution received and the identity of the contributor. Failure to keep such records or allow the City Clerk or his or her duly authorized representative access to such records shall be deemed a violation of this chapter.

(Ord. No. 1887, Enacted, 12/02/93, as amended by § 7, Ord. 1956, eff. October 31, 1996)

4.120.055 - Campaign and political activity.

- A. It shall be unlawful for any person to use the City seal, City logo, official City badges or insignias, equipment, vehicles, supplies, or resources, including but not limited to mailing and distribution lists, electronic mail, and electronic data for personal or political purposes, or for campaign advocacy directed

at influencing voters to vote for or against any ballot measure or candidate. This does not prohibit the use of City resources to provide information to the public about the possible effects of a bond issue or ballot measure on City activities, services, operations, or policies, to communicate the official position of the City Council on a ballot measure, or when the use of public resources is otherwise legally authorized.

- B. City officials shall not engage in political or campaign activity in any of the following scenarios:
1. While on duty for the City.
 2. In any manner that states or implies the City official is speaking on behalf of the City or communicating a City position, unless the official is conveying the position of the City Council as adopted at an open public meeting in response to a request for information. This may include but is not limited to engaging in political activity in the following scenarios:
 - a. While wearing a City uniform or official City badge, insignia or logo;
 - b. Using a City title or position; or
 - c. While in a room or building that is owned by the City or primarily paid for or used by the City. This does not include a City room or building that is available to the public for organized political activities outside the time limits proscribed in subsection C provided the City official does not attend the activity during the official's city working hours and does not use other City resources for the activity.
- C. The City will not accept reservations for the Manhattan Beach City Council Chambers, Police/Fire Conference Room, Joslyn Community Center, Scout House, or Manhattan Beach Art Center, within the 90-day period prior to any election date for an election in which a resident of Manhattan Beach can vote.
- D. Notwithstanding subsection C, the City will continue to honor reservations for the Joslyn Community Center, Scout House and the Manhattan Beach Art Center within the 90-day period prior to any election date that have been accepted by the City prior to July 21, 2020.

(Ord. No. 20-0006, § 3, eff. July 21, 2020)

4.120.060 - Violation—Enforcement and penalty.

Any violation of this chapter shall be punishable as a misdemeanor. The City Attorney shall not serve as investigator or prosecutor of offenses under this chapter but shall designate an outside agency or agencies to investigate and/or prosecute such violations. Any duly authorized prosecutorial agency, such as the Los Angeles County District Attorney or the City Prosecutor of another city may be appointed to prosecute violations hereunder and shall exercise independent prosecutorial judgment in so doing.

(Ord. No. 1887, Enacted, 12/02/93, as amended by § 8, Ord. 1956, eff. October 31, 1996)

4.120.070 - Civil actions.

The court may award to a plaintiff or defendant who prevails in any action brought under this chapter the costs of litigation, including reasonable attorney's fees.

(Ord. No. 1887, Enacted, 12/02/93)

4.120.080 - Severability.

If any provision or portion of this chapter is for any reason held invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the remaining portions of this chapter.

(Ord. No. 1887, Enacted, 12/02/93)