

Chapter 2.128 - CAMPAIGN CONTRIBUTION LIMITS FOR ELECTIVE COUNTY OFFICES

Sections:

2.128.010 - Findings and purpose.

The board of supervisors finds that Assembly Bill No. 571 was approved by the Governor on October 8, 2019. Absent a local resolution or ordinance, Assembly Bill No. 571 amends the Political Reform Act so as to impose identical campaign contribution limits for candidates to county or city offices as those limits imposed on certain elective state office candidates effective January 1, 2021. Like the vast majority of cities and counties throughout the state, the County of Riverside did not have campaign contribution limits prior to the passage of Assembly Bill No. 571 or this chapter. The board of supervisors finds it necessary to adopt campaign limits for county elective offices so as to provide greater transparency for county elective offices and to allow everyone the right to participate and support the candidates of their choice without any one person or entity having undue influence in a county election. The purpose of this ordinance is to reduce the influence of large contributions, or the appearance of influence of large contributions, to ensure that individuals and interest groups continue to have a fair and equal opportunity to participate in electing candidates for county elective office, and to maintain public trust and confidence in governmental institutions and the electoral process. It is the intent of the board of supervisors that this chapter limiting campaign contributions complies with the free speech clauses of the United States and California Constitutions and the decisional law by the federal and state courts.

(Ord. No. 963, § 1, 11-17-2020)

2.128.020 - Authority.

This chapter is adopted pursuant to the provisions of Government Code Sections 85301, 85305, 85306, 85307, 85315, 85316, 85317, 85318, and 85702.5, as amended.

(Ord. No. 963, § 2, 11-17-2020)

2.128.030 - Definitions.

As used in this chapter, the following terms shall have the following meanings:

"Candidate." As defined in the Political Reform Act provided that that the term shall be limited to candidates for county elective office for the purpose of this chapter.

"Committee." As defined in Government Code section 82013 of the Political Reform Act, as amended. A committee includes but is not limited to "controlled committee" and "independent committee".

"Contribution." As defined in Government Code section 82015 of the Political Reform Act, as amended.

"Controlled committee." Any committee which is controlled directly or indirectly by a candidate or which acts jointly with a candidate or controlled committee in connection with the making of expenditures. A candidate controls a committee if he or she, his or her agent, or any other committee such candidate controls has a significant influence on the actions or decisions of the committee.

"County elective office." The offices of assessor-county clerk-recorder, auditor-controller, board supervisor, district attorney, sheriff-coroner and public administrator, and treasurer-tax collector.

"Election." Unless otherwise specified in this chapter, any primary, general, special or recall election held in this state. The primary, general, special or recall elections are all separate elections for the purpose of this chapter.

"Independent committee." All committees other than controlled committees.

"Independent expenditure." An expenditure made by any person including a payment of public moneys by a state or local governmental agency, in connection with a communication which expressly advocates the election or defeat of a clearly identified candidate or the qualification, passage or defeat of a clearly identified measure, or taken as a whole and in context, unambiguously urges a particular result in an election but which is not made to or at the behest of the affected candidate or committee.

"Person." An individual, proprietorship, firm, partnership, joint venture, syndicate, business trust, company, corporation, limited liability company, association, committee, and any other organization or group of persons acting in concert.

"Political Reform Act." The California Political Reform Act of 1974 (Government Code Sections 81000 et seq., as amended).

(Ord. No. 963, § 3, 11-17-2020)

2.128.040 - Campaign contribution limits.

- A. No person shall make to a candidate for county elective office, or to a controlled committee of that candidate, a campaign contribution totaling more than twenty thousand dollars (\$20,000.00) per election.
- B. No candidate for county elective office, nor a controlled committee of that candidate, shall accept from a person a campaign contribution totaling more than twenty thousand dollars (\$20,000.00) per election.
- C. A candidate for county elective office may transfer campaign funds totaling no more than twenty thousand dollars (\$20,000.00) per election from one controlled committee or campaign fund account to another controlled committee or campaign fund account for elective state, county or city office of the same candidate.

- D. The limitations of this section do not apply to a candidate's contributions of the candidate's personal funds to the candidate's own campaign.
- E. The limitations of this section do not apply to independent expenditures.
- F. In the event that a candidate for county elective office contributes more than twenty thousand dollars (\$20,000.00) of the candidate's personal funds to the candidate's own campaign, is the beneficiary of an independent expenditure of more than twenty thousand dollars (\$20,000.00), or transfers campaign funds totaling more than twenty thousand dollars (\$20,000.00) from one controlled committee or campaign fund account to another controlled committee or campaign fund account, all other candidates running in the election for that same county elective office are exempted from the campaign contribution limits of this section 2.128.040 for that election as well.
- G. Beginning in January 2023, the campaign contribution limits in subsections A., B., C., and F. of this section shall be increased by three percent on January 1 of every odd-numbered year. The Registrar of Voters shall maintain a record of any increased contribution limits pursuant to this subsection and shall make such record available to the public and all candidates for county elective office.

(Ord. No. 963, § 4, 11-17-2020)

2.128.050 - Contribution limits to other candidates.

A candidate for county elective office or a controlled committee of that candidate shall not make a campaign contribution to any other candidate for county elective office in excess of the limits set forth in section 2.128.040 of this chapter.

(Ord. No. 963, § 5, 11-17-2020)

2.128.060 - Loans.

A candidate for county elective office shall not personally loan to the candidate's campaign, including the proceeds of a loan obtained by the candidate from a commercial lending institution, an amount, the outstanding balance of which exceeds one hundred thousand dollars (\$100,000.00). A candidate for county elective office shall not charge interest on any loan the candidate made to the candidate's campaign.

(Ord. No. 963, § 6, 11-17-2020)

2.128.070 - Recall campaigns.

An elected officer of a county elective office may establish a committee to oppose the qualification of a recall measure, and the recall election. This committee may be established when the elected officer receives a notice of intent to recall pursuant to Elections Code Section 11021. An elected officer of a county elective office may accept campaign contributions to oppose the qualification of a recall measure, and if qualification is successful, the recall election, without regard to the campaign contribution limits set forth in this chapter. After the failure of a recall petition or after the recall election, the committee formed by the elected officer of a county elective office shall wind down its activities and dissolve. Any remaining funds shall be treated as surplus funds and shall be expended within thirty (30) days after the failure of the recall petition or after the recall election for a purpose specified in Government Code Section 89519, Subdivision (b).

(Ord. No. 963, § 7, 11-17-2020)

2.128.080 - Contributions after election.

A contribution for an election may be accepted by a candidate for county elective office after the date of the election only to the extent that the contribution does not exceed net debts outstanding from the election, and the contribution does not otherwise exceed the applicable contribution limits for that election as set forth in section 2.128.040 of this chapter.

(Ord. No. 963, § 8, 11-17-2020)

2.128.090 - Carry over contributions.

Notwithstanding section 2.128.040, subsection C. of this chapter, a candidate for county elective office may carry over contributions raised in connection with one election for county elective office to pay campaign expenditures incurred in connection with a subsequent election for the same county elective office.

(Ord. No. 963, § 9, 11-17-2020)

2.128.100 - Contributions before election.

A candidate for county elective office may raise contributions for a general election before the primary election, and for a special general election before a special primary election, for the same county elective office if the candidate sets aside these contributions for the general election or special general election. If the candidate for county elective office is defeated in the primary election or special primary election, or otherwise withdraws from the general election or special general election, the general election or special general election funds shall be refunded to the contributors on a pro rata basis less any expenses associated with the raising and administration of general election or special election contributions.

Notwithstanding Government Code Section 85201, candidates for county elective office may establish separate campaign contribution accounts for the primary and general elections or special primary and special general elections.

(Ord. No. 963, § 10, 11-17-2020)

2.128.110 - Violations and penalties.

- A. Except for elections in which section 2.128.040, subsection F. has been triggered to exempt campaign contribution limits for a particular county elective office, any person who knowingly and willfully makes or causes to make a campaign contribution to a candidate for a county elective office, or to a controlled committee of that candidate, in excess of the campaign contribution limits in this chapter shall be guilty of a misdemeanor punishable by a fine of up to one thousand dollars (\$1,000.00) or imprisonment for up to six months, or both.
- B. Except for elections in which section 2.128.040, subsection F. has been triggered to exempt campaign contribution limits for a particular county elective office, any candidate for county elective office, or any controlled committee of that candidate, who knowingly and willfully obtains or receives a campaign contribution in excess of the campaign contribution limits in this chapter and fails to return the excess amount of the contribution over the limits in this chapter to the contributor within a reasonable period of time shall be guilty of a misdemeanor punishable by a fine of up to one thousand dollars (\$1,000.00) or imprisonment for up to six months, or both.
- C. Knowingly and willfully violating any provision of this chapter shall be deemed a misdemeanor punishable by a fine or up to one thousand dollars (\$1,000.00) or imprisonment for up to six months, or both.

(Ord. No. 963, § 11, 11-17-2020)

2.128.120 - Enforcement.

The district attorney shall enforce the provisions of this chapter. In the event there is a complaint alleging a violation of this chapter by the district attorney, the district attorney shall declare a conflict and request that another district attorney's office or the state attorney general conduct the investigation and enforcement.

(Ord. No. 963, § 12, 11-17-2020)

2.128.130 - Electronic campaign finance disclosure.

Nothing in this chapter alters the requirements for electronic filing of campaign statements and the required online reporting of contributions and independent expenditures in Ordinance No. 913 which shall continue to be complied with by all candidates for county elective office.

(Ord. No. 963, § 13, 11-17-2020)