

Chapter 8.04
ELECTION CAMPAIGN CONTRIBUTION CONTROL

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8.04.010 Intent and purpose of provisions.

(A) Inherent in the high cost of election campaigning is the problem of excessive or improper influence, real or perceived, exercised by campaign contributors over elected officials and the electoral process. The purpose of this chapter is to enact realistic and enforceable limits on the amounts that individual campaigns may accept in County elections, in order to prevent corruption in local campaigns, reduce the influence of large contributions, ensure that individuals and interest groups continue to have a fair and equal opportunity to participate in electing County candidates, and maintain public trust in governmental institutions and the electoral process. To those ends, this chapter also enacts appropriate reporting requirements to provide for transparency in County election finance and full enforcement of its provisions.

(B) This chapter is enacted in accordance with the terms of Section 7 of Article XI of the California Constitution, California Elections Code Section 10003, and California Government Code

Section 81013. It may be cited as the “Santa Cruz County Election Campaign Contribution Control Ordinance.” [Ord. 5303 § 1, 2019; Ord. 5045 § 1, 2009; Ord. 4045 § 2, 1990].

8.04.020 Definitions.

The definitions of words and phrases provided in the Political Reform Acts of 1974 and 1996, as amended (Government Code Section 81000 et seq.), shall be applicable when those same words are used in this chapter, with the following exceptions:

- (A) “Business or labor committee” means a committee created or sponsored by a corporation, partnership, labor union, labor organization or other business entity for the sole purpose of using the voluntary donations of its members or employees for public purposes.
- (B) “Candidate” means any individual listed on the ballot for nomination for and for election to any County office, or who otherwise has taken affirmative action to seek nomination or election to County office, or who receives a contribution or makes an expenditure, or who gives their consent for any other person to receive a contribution or make an expenditure with a view to bring about their nomination or election to any County office. “Candidate” also means an officeholder in connection with a recall election relating to such officeholder.
- (C) “Committee” means any person or combination of two or more persons acting in support of or in opposition to a candidate, or in support of or in opposition to the qualification for the ballot of any recall petition, or which seeks or plans to seek to influence the outcome of any election of a candidate, or which supports or opposes the qualification of any recall petition for the ballot.
- (D) “Corporation” means a corporation organized under the laws of California, or any other state or nation.
- (E) “County office” or “County officer” means any of the following: Auditor-Controller-Treasurer-Tax Collector, Assessor-Recorder, County Clerk, District Attorney-Public Administrator, Sheriff-Coroner, and member of the Board of Supervisors. “County office” does not mean Judge of the Superior Court, County Superintendent of Schools, member of a governing board of any local school district or special district, or member of the County Board of Education.
- (F) “Election,” “election of a candidate,” and “County election” means any primary, general or special County election held within the County, including a recall election, but excluding a school district and special district election, which involves the election of any person to any County office. For the purpose of this chapter, a primary election shall be considered a separate election from a general election.
- (G) “Election cycle” carries the definitions outlined below, specific to the type of election at issue.
 - (1) Primary Elections. For purposes of any primary election for any County office, if there is no general (runoff) election, the term “election cycle” means the period commencing on the

day after a primary election for such County office and ending on the day of the next primary election for the same County office. If there is a general (runoff) election, the primary “election cycle” for the next primary election shall commence on the day after the runoff election and end on the day of the next primary election for the same County office. Notwithstanding the preceding sentences, following a special election for any County office, the “election cycle” for the next primary election for that office shall commence on the day following the special election and shall end on the day of the next primary election for the same County office.

(2) General (Runoff) Elections. For purposes of any general (runoff) election for any County office, the term “election cycle” means the period commencing on the day after the primary election for that County office and ending on the day of the general (runoff) election.

(3) Special Elections. For purposes of any special election for any County office, the term “election cycle” means the period commencing on the date a special election is called by the Board of Supervisors and ending on the day of the special election.

(4) Recall Elections. For purposes of any recall election of any elective County officer, the term “election cycle” means the period commencing on either the date a committee is formed pursuant to the Political Reform Act in support of a recall election or the date the County Registrar of Voters approves a recall petition for circulation and gathering of signatures, whichever occurs earlier, and ending on the day the first of the following events occur:

- (a) The time provided by law for the gathering of signature on recall petitions expires without sufficient recall petition signatures having been filed with the County Registrar of Voters to require a recall election;
- (b) All committees formed in support of the recall have been terminated pursuant to the provisions of the Political Reform Act; or
- (c) The date the recall election is held.

(H) “Enforcement authority” means the District Attorney, except as such authority is vested in the California Fair Political Practices Commission by State law. Nothing in this chapter shall be construed as limiting the authority of any law enforcement agency, prosecuting attorney or other person to enforce the provisions of this chapter under any circumstances where such law enforcement agency, prosecuting attorney or other person has lawful authority to do so.

(I) “Indebted former candidate” means a person, other than an elective County officer, who was a candidate for a County office at any County election and who has campaign debt remaining from such election after expiration of the election cycle for the County office for which they were a candidate.

(J) “Individual” means an individual person, and shall not include a partnership, corporation,

association, firm, business entity, committee, club, other organization, or a group of persons however organized.

(K) “Measure” means a local proposition submitted to a popular vote at an election by initiative, referendum, or as an advisory measure.

(L) “Proceedings to qualify a recall petition for the ballot” means the attempt by any person or persons to qualify a recall petition for submission of the same to a popular vote at any election, whether or not such recall is ultimately qualified for the ballot. [Ord. 5303 § 1, 2019; Ord. 5045 § 1, 2009; Ord. 4546 § 9, 1999; Ord. 4493 § 1, 1998; Ord. 4468 § 1, 1997; Ord. 4045 § 2, 1990].

8.04.030 Rules of construction.

This chapter shall be construed liberally in order to effectuate its purposes. No error, irregularity, informality, neglect, or omission of any officer in any procedure taken under this chapter which does not directly affect the jurisdiction of the County to control campaign contributions shall avoid the effect of this chapter. [Ord. 5045 § 1, 2009; Ord. 4045 § 2, 1990].

8.04.040 Campaign contribution limitations.

(A) County Candidates. Except as otherwise provided in this section, no person shall make, and no County candidate or treasurer of any controlled committee of any County candidate shall solicit or accept, any contributions which would cause the total amount contributed by such person to such candidate or to their controlled committee to exceed \$500.00 during any election cycle for any County office. No contributions shall be accepted by any candidate before the beginning of the election cycle related to the election for which the person is a candidate. Contributions accepted for campaign expenses and for officeholder expenses shall be aggregated for purposes of the limitation set forth in this section.

(B) Elective County Officers with Outstanding Debt from Prior Election. No person shall make, and no elective County officer or any controlled committee of any elective County officer, shall solicit or accept any contributions for the purpose of retiring outstanding debt from a prior County election which would cause the total amount contributed by such person to such elective County officer or to their controlled committee to exceed \$500.00 for the election in which the outstanding debt was incurred, regardless of when the contributions are made or received. This restriction shall not apply to indebted former candidates who are not elected officers.

(C) Recall Elections. The contribution limitations set forth in subsection (A) of this section shall also apply to any committee which collects contributions for the purpose of making expenditures in support of or opposition to the recall of an elective County officer, and to contributions received by such elective County officer.

(D) Candidate’s Personal Funds. The provisions of this section shall not apply to a County candidate’s contribution of their personal funds to their own controlled committee. Contributions by

the spouse of a County candidate from such spouse's separate property shall be subject to the contribution limitations set forth in subsection (A) of this section.

(E) Escalator. Contribution limits shall be increased by \$25.00 every two years, with the first escalation to take place on January 1, 2022. [Ord. 5303 § 1, 2019; Ord. 5045 § 1, 2009; Ord. 4493 § 2, 1998; Ord. 4468 § 2, 1997; Ord. 4045 § 2, 1990].

8.04.050 Business and labor union contribution limitations.

(A) No corporation, partnership, labor union, labor organization or other business entity shall make a contribution to any candidate, to any committee organized to support or oppose the nomination or election of any candidate, or any person or committee in support of or in opposition to any proceedings to qualify a recall petition for the ballot.

(B) Notwithstanding the provisions of SCCC [8.04.040](#) and subsection (A) of this section, a business or labor committee created for or sponsored by a corporation, partnership, labor union, labor organization or other business entity for the sole purpose of using the voluntary donations of its individual members or employees for political purposes may make contributions from such accumulated voluntary donations to one or more candidates or committees; provided, that:

(1) Such contributions shall not exceed a total of \$1,000 in support of or in opposition to a candidate, or in support of or in opposition to a recall;

(2) No contribution to any business or labor committee from an individual member or employee shall exceed the limitations established in this chapter for total contributions to candidates or committees;

(3) Contributions to any business or labor committee by an individual member or employee shall be reported by the recipient committee pursuant to any provisions of this chapter and any applicable provisions of State law.

(C) If a candidate, campaign treasurer or other person is offered a contribution which would be in excess of the limitations set forth in this section, the candidate, campaign treasurer or other person must refuse the contribution. If, however, a contribution is accepted which is in violation of this section, the candidate, campaign treasurer or other person accepting such contribution shall report in writing within 10 days of the acceptance of the contribution to the enforcement authority the facts surrounding such payment or contribution. The amount of any such payment or contribution accepted which is in excess of the amount permitted by this section shall be paid to the treasurer of the County, at the time such written report is made, for deposit in the general fund of the County, and shall not be used to benefit any candidate or committee. In addition and at the same time that the excess amount is paid to the treasurer of the County, the same amount shall be paid to the person or entity making the payment or contribution.

(D) Any corporation, partnership, labor union, labor organization or other business entity found by

a court to be in violation of this section shall pay promptly the amount contributed in excess of the amount permitted by this section to the County treasurer, for deposit in the general fund of the County. In addition and at the same time that the excess amount is paid to the treasurer of the County, the same amount shall be paid to the person or entity making the payment or contribution. [Ord. 5045 § 1, 2009; Ord. 4493 § 3, 1998].

8.04.060 Reporting requirements generally.

(A) In order to make certain that the campaign contribution limitations established by this chapter will in fact be enforceable and enforced, the Board of Supervisors determines that the reporting requirements contained in this section are necessary; the Board of Supervisors further determines that the requirements of this section and this chapter do not prevent any person from complying with the requirements of the California Political Reform Act, or other provisions of State law relating to campaign disclosure.

(B) **Checking Account Required.** Every candidate, committee or other person who accepts any campaign contribution, or who makes any expenditure to influence the outcome of any County election, including any expenditure directly or indirectly in aid of or in opposition to the nomination or election of one or more candidates, or in aid of or in opposition to the qualification of any recall petition for the ballot shall, before accepting any contributions or making such expenditure, establish a checking account at a recognized financial institution. All monetary contributions accepted by such candidate, committee or other person, and the proceeds from the sale or transfer of any nonmonetary contributions accepted shall be placed in the account established pursuant to this section. All expenditures made by such candidate, committee or other person to influence the outcome of any election, or in support of or in opposition to any proceedings to qualify a recall petition for the ballot, shall be made by drawing a check on such account.

(C) Upon the establishment of a campaign contribution account, the name of the financial institution, the specific location, and the account number shall be filed with the County Clerk within 24 hours, or prior to the close of business on the first working day following the establishment of such an account.

(D) The Board of Supervisors may adopt, from time to time, specific forms to be used for complying with the reporting requirements established by this chapter. [Ord. 5045 § 1, 2009; Ord. 4045 § 2, 1990].

8.04.070 Reporting requirements—Statement of organization.

Every committee which seeks or intends to seek to influence the outcome of any County election, or which seeks or intends to seek to influence any proceeding to qualify a recall petition for the ballot, shall file with the County Clerk, in conformance with the applicable provisions of the Political Reform Act, a copy of any statement of organization or amendment thereto that the committee filed with the California Secretary of State (see Government Code Section 84101 et seq.) an organizational statement with the County Clerk. The copy must be filed with the County Clerk when

more than \$1,000 in total campaign contributions has been received, or more than \$1,000 expended with the intent of influencing the outcome of any election, or any proceedings to qualify a recall election for the ballot. [Ord. 5303 § 1, 2019; Ord. 5045 § 1, 2009; Ord. 4045 § 2, 1990].

8.04.080 Reporting requirements—Campaign statements.

(A) Every candidate, committee or other person who accepts any campaign contribution, or who makes any expenditure to influence the outcome of any County election, including any expenditure in aid of or in opposition to one or more candidates, or in aid of or in opposition to the qualification for the ballot of any recall petition, shall file campaign statements with the County Clerk at the same times as campaign statements are required to be filed under the provisions of the Political Reform Act, California Government Code Section 81000 et seq. In addition to the statements required to be filed under the provisions of the Political Reform Act, California Government Code Section 81000 et seq., every candidate, committee or other person must also file a statement with the County Clerk on the Friday before any election for the period from 16 days before the election through Thursday before the election, and in addition to disclosing contributions received during that period, shall disclose estimated expenditures, debts, loans or contributions through the date of the election.

(B) Each campaign statement required to be filed by this section shall contain the same information required by Government Code Section 84211, be on the same form as that required by the California Fair Political Practices Commission, and shall be timely filed as required by Government Code Section 84200.7. [Ord. 5303 § 1, 2019; Ord. 5045 § 1, 2009; Ord. 4468 § 4, 1997; Ord. 4045 § 2, 1990].

8.04.085 Electronic filing of campaign disclosure statements.

(A) Any elected officer, candidate, committee, or other person required by Chapter 4 of the Political Reform Act (California Government Code Sections 84100 et seq.) to file statements, reports or other documents with the County Clerk may file such statements, reports or documents using the County Clerk's online system according to procedures established by the County Clerk. From and after January 1, 2020, such filings must use the County Clerk's online system. The requirement for online filing shall be subject to any exemptions or limitations set by California Government Code Section 84615.

(B) All material filed electronically pursuant to this section shall be made available to the public free of charge. However, data made available on the Internet shall not contain the street name and building number of the persons or entity representatives listed on the electronically filed forms, nor any bank account number required to be disclosed by the filer. The County Clerk shall make a complete, unredacted copy of such filed materials, including any street names, building numbers, and bank account numbers disclosed by the filer, available to any person upon request. [Ord. 5303 § 1, 2019; Ord. 5219 § 1, 2016].

8.04.090 Reporting requirements—Exceptions.

(A) The provisions of SCCC [8.04.070](#) relating to reporting requirements shall not apply to any

loans and/or donations made by a candidate of their own money or property used in behalf of their own candidacy, except insofar as such expenditures exceed \$1,000. For the purposes of this subsection, in calculating whether \$1,000 in expenditures have been made, payments for a filing fee or for a statement of qualification shall not be included if these payments have been made from the candidate's personal funds.

(B) The provisions of SCCC [8.04.060](#), [8.04.070](#) and [8.04.080](#) relating to reporting requirements shall not apply to any expenditures made by an individual from their own financial resources to express personal political views when such expenditure is made independent of any candidate or committee and is in no way subject to the control of any candidate or committee, except insofar as such expenditures exceed \$1,000.

(C) The provisions of SCCC [8.04.060](#) shall not apply to any candidate who did not receive any contribution and the only expenditure will be made with their own personal funds for a filing fee and/or statement of qualification that will appear in the voter information pamphlet. [Ord. 5303 § 1, 2019; Ord. 5045 § 1, 2009; Ord. 4045 § 2, 1990].

8.04.100 Advertising rates—Service fees and charges.

To the extent that any person sells space in any newspaper, newsletter, or magazine, or sells any advertising time on any radio, television, or cable television station, or performs other services in connection with any efforts to support or oppose any proceedings to qualify a recall petition for the ballot, or in connection with any election relating to a measure, or in connection with any efforts to support or oppose any proceedings to qualify a measure for the ballot, the charges made for the use of such space, time or services shall not exceed the charges normally made for comparable use of such space, time or services by other purchasers or users thereof. [Ord. 5045 § 1, 2009; Ord. 4045 § 2, 1990].

8.04.110 Enforcement authority—Complaints, legal action, investigatory powers.

(A) Any person who believes that a violation of any portion of this chapter has occurred may file a written complaint with the enforcement authority. A copy of any such written complaint shall, at the time such complaint is made, be filed with the County Clerk, and a copy shall also be provided to any person alleged to have violated any portion of this chapter. If the enforcement authority determines that there is a reason to believe a violation of this chapter has occurred, it shall make an investigation. Whenever the enforcement authority has reason to believe a violation of this chapter has occurred or is about to occur, it may institute such legal action as it deems necessary, including, but not limited to, the following: criminal action, civil action in the name of the County for damages or money due and owing, injunctive relief, and/or declaratory relief.

(B) The enforcement authority shall have such investigative powers as are necessary for the performance of the duties prescribed in this chapter, and may, as provided by State law, demand and be furnished records of campaign contributions and expenses at any time. [Ord. 5045 § 1, 2009; Ord. 4045 § 2, 1990].

8.04.120 Violation—Penalty.

A violation of any of the provisions of this chapter shall be a misdemeanor and punishable as provided by this code. [Ord. 5045 § 1, 2009; Ord. 4045 § 2, 1990].