

**CHAPTER 14  
UKIAH CAMPAIGN REFORM ACT**

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**§2075 TITLE**

This chapter shall be known and may be cited as the *UKIAH CAMPAIGN REFORM ACT*. (Ord. 1080, §1, adopted 2006)

**§2076 PURPOSE**

The city council declares that the purposes of this chapter are:

- A. To prevent corruption and the appearance of corruption of the political process by adopting realistic and enforceable campaign contribution limits.
- B. To supplement the requirements of state law with regard to the reporting of campaign contributions and expenditures in order to provide important additional information to the voters in municipal elections about the

contributions to political campaigns in the city.

C. To establish and encourage the acceptance of voluntary campaign spending limits in order to reduce the influence of money in municipal elections and to increase participation in the political process. (Ord. 1080, §1, adopted 2006)

#### **§2077 RELATION TO POLITICAL REFORM ACT OF 1974**

This chapter is intended to supplement the political reform act of 1974. Unless a word or term is specifically defined in this chapter, or the contrary is stated or clearly appears from the context, words and terms used herein shall have the same meanings as defined or used in title 9 of the California Government Code, in which the political reform act of 1974 is codified, and as supplemented by the regulations of the fair political practices commission as set forth in title 2, division 6 of the California Code of Regulations, as the same may be, from time to time, amended. Among the terms defined in political reform act (see chapter 2, title 9 of the Government Code, commencing with section 82000) and used throughout this chapter are "commission", "contribution", "expenditure", "independent expenditure" and "person". (Ord. 1080, §1, adopted 2006)

#### **§2078 DEFINITIONS**

As used in this chapter the following words shall have the following meanings, unless the context clearly requires a different meaning:

**BALLOT MEASURE:** A measure on the ballot in a city election for adoption in the city only, whether by initiative, referendum or by the city council.

**CAMPAIGN EXPENDITURE:** An expenditure for election related activities for both candidates and ballot measures, which include, but are not limited to, the following:

- A. Communications that contain express advocacy of the nomination or election of a candidate or the qualification or approval of a ballot measure, or the defeat of a candidate or ballot measure.
- B. Communications that contain reference to the candidate's qualifications, candidacy, election campaign, or similar references with respect to the candidate's opponent or a ballot measure.
- C. Solicitation of contributions to the candidate or to third persons for use in support of the candidate or in opposition to his or her opponent, and similar solicitations for or in opposition to a ballot measure.
- D. Arranging, coordinating, developing, writing, distributing, preparing, or planning of any communication or activity described in subsection A, B, or C of this definition.
- E. Recruiting or coordinating campaign activities of campaign volunteers on behalf of the candidate or a ballot measure.

F. Preparing campaign budgets.

G. Preparing campaign finance disclosure statements.

H. Communications directed to voters or potential voters as part of activities encouraging or assisting persons to vote if the communication contains express advocacy of the nomination or election of the candidate or the defeat of his or her opponent, or for or in opposition to a ballot measure.

**CANDIDATE:** Any person who is a candidate for any elective office in the city of Ukiah, including incumbent office holders, appointed or elected, whether or not a candidate for reelection.

**CITY:** The city of Ukiah.

**CITY CLERK:** The city clerk of the city.

**CITY COMMITTEE:** A controlled committee or an independent expenditure committee.

**CITY ELECTION:** Any general or special municipal election in the city of Ukiah, including a recall election or a city municipal election which is consolidated with another election.

**CONTROLLED COMMITTEE:** A committee that is controlled directly or indirectly by a candidate or proponent or opponent of a city ballot measure, including a recall petition, or that acts jointly with a candidate, controlled committee, or city ballot measure proponent or opponent in connection with the making of expenditures. A candidate or ballot measure proponent or opponent controls a committee if he or she, his or her agent, or any other committee he or she controls has a significant influence on the actions or decisions of the committee.

**ELECTION CYCLE:** The applicable period as set forth in section [2080](#) of this chapter.

**INDEPENDENT EXPENDITURE COMMITTEE:** A committee established primarily to make independent expenditures in a city election. (Ord. 1080, §1, adopted 2006)

### **§2079 CAMPAIGN CONTRIBUTION LIMITATIONS**

A. No person shall make and no candidate or city committee shall solicit or accept any contribution which will cause the total contributions for campaign expenditures from any person to that candidate or committee to exceed two hundred dollars (\$200.00) during any election cycle, except as provided in section [2081](#) of this chapter.

B. The limits in subsection A of this section shall also apply to any person who makes and any city committee which solicits or accepts contributions for the purpose of making expenditures in support of or opposition to the recall of a candidate or to the election of any candidate to succeed the candidate who is the subject of a recall, except as provided in section [2081](#) of this chapter.

- C. All contributions made by any person or solicited or accepted by any candidate or city committee during a special election cycle shall be attributed to that election cycle and not to any other election cycle that may overlap.
- D. The provisions of this section shall not apply to contributions by a candidate or the candidate's spouse to the candidate's own controlled committee.
- E. Contributions by a married person shall be treated as the separate contributions of such person and shall not be aggregated with any contributions of the spouse of such person.
- F. Contributions by children under eighteen (18) years of age shall be treated as contributions by their parent(s) or legal guardian(s), and shall be attributed one-half (1/2) to each parent or guardian unless only one parent or guardian has legal custody in which case any such contributions shall be attributed solely to the custodial parent or guardian.
- G. The contribution limits of this section apply to loans or extensions of credit to the candidate or city committee, except as provided in Government Code section 85307. (Ord. 1080, §1, adopted 2006)

#### **§2080 ELECTION CYCLES**

- A. General Elections: For purposes of any general election, the election cycle shall commence on January 1 of the year in which a city election will occur and end on December 31 of that year.
- B. Special Elections: For purposes of any special election, the election cycle shall mean the period commencing on the date a special election is called by the city council and ending on the sixtieth day following said special election.
- C. Recall Elections: For purposes of any recall election, the "election cycle" shall mean the period commencing on the earlier of the date a city committee in support of a recall election files its statement of organization pursuant to Government Code section 84101, or the date the notice of intention is served pursuant to Elections Code section 11021 or published pursuant to Elections Code section 11022 (whichever occurs first), and ending on the sixtieth day following the first to occur of any of the following:
1. The time provided by law for the gathering of signatures on recall petitions expires without sufficient recall petition signatures having been filed with the city clerk to require a recall election;
  2. All committees formed in support of the recall have been terminated pursuant to the provisions of the political reform act;
  3. The date the recall election is held. (Ord. 1080, §1, adopted 2006)

#### **§2081 VOLUNTARY SPENDING LIMITS**

A candidate or city committee may elect to comply with the voluntary spending limits as set forth in this section.

A. A candidate or city committee which voluntarily accepts expenditure limits may not make campaign expenditures in excess of the limits set forth in subsection C of this section. Campaign expenditures by a candidate and his or her controlled committee shall be aggregated.

B. Each candidate and each city committee shall indicate on a form provided by the city clerk his, her or its acceptance or rejection of the voluntary spending limits as established under subsection C of this section. At a minimum, the form shall: 1) state the voluntary spending limit then in effect, 2) the benefits of acceptance of the voluntary spending limit, and 3) contain an agreement to comply with the requirements of this section. Said form shall be filed with the city clerk at the same time that a candidate files his or her nomination paper and verified statement of acceptance pursuant to Elections Code section 10224 or that a city committee files its statement of organization pursuant to Government Code section 84101.

C. For the November 2016 city election, the spending limit is five thousand eight hundred fifty dollars (\$5,850.00). This voluntary spending limit shall apply to future elections, but may be adjusted periodically by resolution of the city council to reflect increases or decreases in city population and the consumer price index since August 2006.

D. For candidates and city committees accepting the voluntary spending limit, the following benefits apply:

1. The contribution limitation in subsection 2079A of this chapter is increased from two hundred dollars (\$200.00) to five hundred dollars (\$500.00).
2. Except for recall elections, the voluntary spending limit for any candidate opposing an incumbent shall be increased by twenty five percent (25%).
3. The city will pay for one-half (1/2) the cost of the candidate's statement of qualifications as printed in the ballot pamphlet.
4. Within one week of the filing deadline, the city will issue a news release, describing the purpose and benefits of the program, and announcing the candidates and city committees which have accepted the voluntary spending limit.
5. Each participating candidate and city committee may use the designation "voluntary spending limit candidate/committee" in all election/campaign materials and in the candidate's ballot pamphlet statement of qualifications.
6. Candidates and their controlled committees may carry over funds from one election cycle to the next, if, within the first three (3) days of the next election cycle, the candidate or committee files a statement with the city clerk accepting the voluntary spending limit applicable to that election cycle. If the candidate or

committee does not file the required statement, all funds carried over from the previous election cycle shall be disbursed pursuant to section [2085](#) of this chapter within seven (7) days after the beginning of that subsequent election cycle.

7. The city shall post on the website a "voluntary spending limit candidates/committees" list. Upon payment by the candidate or committee of the actual costs thereof, the candidate or committee may post on the city's website:

- a. Up to a five hundred (500) word statement along with the candidate's picture.
- b. An additional five hundred (500) word statement, if an opposing candidate or city committee rejects the voluntary spending limit.

For purposes of subsections D7a and D7b of this section, the city council shall adopt a resolution establishing the actual costs to be charged by the city. Those costs shall include all direct and indirect costs associated with posting the statements on the website, the intent being that no public funds shall be made available for these postings.

The statements shall contain no reference to political party affiliation or partisan political membership, endorsements or activity.

The statements shall be accompanied by a notice from the city, stating that the views expressed in the statement are those of the candidate or committee and do not reflect the views of the city or its officials and do not constitute an endorsement of the candidate or committee by the city or its officials.

E. A candidate or city committee which files a notice accepting the voluntary spending limit may not thereafter reject the limit, except that if an opposing candidate or city committee files a statement rejecting the voluntary spending limit, the candidate or city committee may file a statement with the city clerk rescinding its acceptance of the voluntary spending limits within three (3) days after the final date that nomination papers can be filed.

F. Any candidate who files a statement of acceptance pursuant to subsection B of this section and makes campaign expenditures in excess of the limits shall be subject to the remedies in section [2087](#) of this chapter. (Ord. 1080, §1, adopted 2006; Ord. 1083, §1, adopted 2006; Ord. 1084, §1, adopted 2006; Res. 2016-36, adopted 2016)

#### **§2082 ADDITIONAL DISCLOSURE REQUIREMENT**

A. Each candidate and city committee shall file a third preelection campaign disclosure statement (form 460 or any successor form thereto), as provided by the commission for the period from the end of the second preelection statement and ending at eleven fifty nine o'clock (11:59) P.M. on the fourth business day preceding election day (normally Thursday). Such disclosure shall be filed with the city clerk no later than one o'clock

(1:00) P.M. on the third business day preceding election day and shall be posted to the city's website by five o'clock (5:00) P.M. of the day received, or as soon thereafter as may be practicable.

B. Notwithstanding the amounts specified in Government Code section 82036, each candidate or city committee shall file a late contributions report with the city clerk which reports all contributions of two hundred dollars (\$200.00) or more received from any source during the period commencing at the end of the period covered in the last campaign statement required pursuant to subsection A of this section, and ending at twelve o'clock (12:00) midnight of the date of the election. This report shall be filed with the city clerk within twenty four (24) hours of the receipt of the contribution and shall be posted to the city website within four (4) hours of the filing or as soon thereafter as may be practicable. (Ord. 1080, §1, adopted 2006)

### **§2083 DEADLINE FOR DEBT RETIREMENT**

A. No person shall make, and no candidate or city committee shall solicit or accept any contribution, including for the purpose of debt retirement, after the end of any election cycle.

B. Any candidate or committee shall retire all campaign related debts by the end of the election cycle.

C. Any campaign related debt, which remains unpaid after the end of the election cycle, is deemed to have been a campaign contribution which was accepted at the time the debt was incurred. Any such contribution which causes the contribution by any person or to any candidate or city committee from any person to exceed the applicable contribution limits in this chapter shall constitute a violation of this chapter; provided, however, that failure by a person to collect a debt shall not constitute a violation of this chapter for the creditor, if the creditor has made substantial attempts, in good faith, to collect the debt. (Ord. 1080, §1, adopted 2006)

### **§2084 RETURN OF CONTRIBUTIONS FROM ANONYMOUS DONORS**

A. Not later than fourteen (14) days after its receipt, a candidate or city committee shall return or disburse to the city for deposit into the general fund of the city, or to one or more nonprofit organizations determined by the internal revenue service to be tax exempt under internal revenue code section 501(c)(3) ("charitable organization") any contribution of more than twenty dollars (\$20.00) for which the candidate or committee does not have on file in the records of the candidate or committee the name, address, occupation, and employer of the contributor (an "anonymous contribution").

B. A candidate or city committee shall not accept and by the end of any required filing period or election cycle shall return or disburse to the city or a charitable organization anonymous contributions, where the total of such contributions exceeds ten percent (10%) of the total funds raised during that filing period or election cycle by that candidate or city committee. (Ord. 1080, §1, adopted 2006)

### **§2085 DISBURSEMENT OF UNEXPENDED CAMPAIGN FUNDS**

Except as otherwise permitted by subsection 2081D6 of this chapter, any candidate or city committee that has an unexpended campaign surplus shall, within three (3) days of the close of an election cycle, disburse the

whole of the surplus either to the city for deposit into the general fund of the city, or to one or more charitable organizations. (Ord. 1080, §1, adopted 2006)

### **§2086 DUTIES OF THE CITY CLERK**

In addition to any other duties required of the city clerk under this chapter, the city clerk shall:

- A. Prescribe and furnish forms required to be filed by this chapter.
- B. Determine whether required statements, declarations and forms have been filed and, if so, whether they conform on their face with the requirements of this chapter, including whether they are sufficiently legible for purposes of scanning onto the city's website.
- C. Promptly notify all persons who have failed to file a statement in the form and at the time required by this chapter.
- D. Arrange for the prompt scanning to the city's website of all statements and reports filed pursuant to sections [2081](#) and [2082](#) of this chapter, and the preelection statements required of candidates or city committees by the political reform act in title 9, chapter 4, article 2 of the Government Code, commencing with section 84200.
- E. Report, in writing, apparent violations of this chapter to the city attorney. (Ord. 1080, §1, adopted 2006)

### **§2087 ENFORCEMENT AND PENALTIES**

- A. Misdemeanor: Any person who knowingly or wilfully violates any provision of this chapter is guilty of a misdemeanor.
  - 1. In addition to other penalties provided by law, a fine in the amounts as specified in subsection E of this section may be imposed.
  - 2. Prosecution for violation of this chapter must be commenced within four (4) years after the date on which the violation occurred.
- B. Right To Cure Violation: A candidate or city committee which accepts a contribution in violation of this chapter shall not be penalized, if the candidate or committee returns the contribution or contributes it to the city general fund or to a charitable organization within seven (7) days of its receipt.
- C. Separate Violations: Each contribution, acceptance, or solicitation of a contribution that is in violation of this chapter and each failure to report a contribution or expenditure that is required to be reported by this chapter shall constitute a separate violation.
- D. Joint And Severable Liability: If two (2) or more persons are responsible for any violation, they shall be



jointly and severally liable therefor.

E. Civil Penalty: Any person who violates any provision of this chapter is liable in a civil action brought by the city attorney or by a registered voter of the city for the following amounts for each such violation:

1. For the making, accepting or expending of any contribution or expenditure in excess of the applicable limits specified in this chapter, a sum equal to three (3) times the amount by which the contribution or expenditure exceeds the applicable contribution limit, or five hundred dollars (\$500.00), whichever is greater.
2. For failure to file the additional disclosures required by section [2082](#) of this chapter, one hundred dollars (\$100.00) per calendar day after the specified deadline, until the filing is made, or five hundred dollars (\$500.00), whichever is greater.
3. For all other violations, a sum not to exceed two thousand five hundred dollars (\$2,500.00).

No civil action under this subsection E may be filed against a person if the criminal prosecutor is maintaining a criminal action against that person pursuant to subsection A of this section.

F. Private Right Of Action; Prerequisites: Any person, before filing a civil action pursuant to subsection E of this section, must first file with the city attorney a written request for the city attorney to commence the action. The request shall include a statement of the grounds for believing a cause of action exists. The city attorney shall respond to the person in writing, indicating whether he or she intends to file a civil action.

1. If the city attorney responds in the affirmative and files suit within one hundred twenty (120) days from receipt of the written request to commence the action, no other action may be brought unless the action brought by the city attorney is dismissed without prejudice.
2. If the city attorney responds in the negative or fails to respond within one hundred twenty (120) days from receipt of the written request to commence the action, the person requesting the action may proceed to file a civil action upon receipt of the response or one hundred twenty (120) days from the city attorney's receipt of the request, whichever occurs first, and shall within ten (10) days of filing the complaint, serve a copy on the city attorney.
3. In any action brought pursuant to subsection E of this section, the plaintiff shall be entitled to retain fifty percent (50%) of the civil penalties recovered from the defendant and shall deposit with the city clerk for deposit into the city's general fund fifty percent (50%) of any such penalties so recovered.

G. Injunctive Relief: The city attorney or a registered voter in the city may bring an action to enjoin a violation of this chapter or to compel compliance with a provision of this chapter.

H. Attorney Fees And Costs: In an action brought by the city attorney to enforce the provisions of this chapter, costs and attorney fees shall be recoverable pursuant to section 2052 of this division. In any civil action brought by a city voter pursuant to subsection F2 or G of this section, the prevailing party shall be entitled to recover from the other party his or her costs of litigation, including reasonable attorney fees.

I. Disqualification: In addition to any other penalties prescribed by law, if an official receives a contribution in violation of this chapter, the official shall not be permitted to make, participate in making or in any way attempt to use his or her official position to influence a governmental decision in which the contributor has a financial interest. The provisions of Government Code section 87100 et seq., and the regulations of the fair political practices commission shall apply to interpretations of this subsection. (Ord. 1080, §1, adopted 2006)