

## E. CAMPAIGN CONTRIBUTIONS

### SEC. 32.923. CAMPAIGN CONTRIBUTIONS -- LIMITATIONS.

(a) (1) No person other than a candidate shall make, and no campaign treasurer shall solicit or accept, any contribution which will cause the total amount contributed by such person with respect to a single election in support of or opposition to such candidate, including contributions to any controlled committees supporting or opposing such candidate, to exceed five hundred dollars (\$500) as adjusted pursuant to subdivision (d) below.

(2) No political party committee shall make, and no candidate or campaign treasurer shall solicit or accept, any contribution which will cause the total amount contributed by all local, state and federal committees of the same political party with respect to a single election in support of or opposition to such candidate, including contributions to any controlled committees, to exceed twenty-five thousand dollars (\$25,000) for any supervisorial district election and fifty thousand dollars (\$50,000) for any election for the office of Assessor/Recorder/County Clerk, District Attorney, Sheriff or Treasurer/Tax-Collector. Said limits shall be adjusted pursuant to subdivision (d) below.

(3) The term "controlled committee" shall have the same meaning as provided in Section 23.101(c).

(b) The terms of this section are applicable to any contributions made to a candidate or controlled committee hereunder, whether used by such candidate or controlled committee to finance a current campaign, to pay deficits incurred in prior campaigns, or otherwise.

(c) If any person is found guilty of violating the terms of this section, the amount of funds received constituting such violation shall be paid by the candidate or controlled committee treasurer who received such funds to the County Treasurer for deposit in the General Fund of the County.

(d) The dollar limitation set forth in subdivision (a)(1) and (2) of this section shall be adjusted by the Registrar of Voters to reflect changes in the Consumer Price Index for All Urban Consumers ("CPI-U"), San Diego Region, as published by the United States Bureau of Labor Statistics, and rounded to the nearest fifty dollars (\$50), on or after January 2, 2013 and on or after January 2 of every odd-numbered year thereafter. Each adjustment shall be calculated based on the total change in the CPI-U, San Diego Region, since the last adjustment was made. The adjusted contribution limit shall be posted on the Registrar of Voters' website.

(Amended by Ord. No. 6253 (N.S.), effective 4-8-82; amended by Ord. No. 9318 (N.S.), effective 4-19-01; amended by Ord. No. 9374 (N.S.), effective 9-6-01; amended by Ord. No. 10138 (N.S.), effective 5-5-11; amended by Ord. No. 10233 (N.S.), effective 1-3-13; amended by Ord. No. 10284 (N.S.), effective 10-10-13; amended by Ord. No. 10373 (N.S.), effective 3-5-15)

### SEC. 32.923.5. ELECTIONS TO WHICH CONTRIBUTIONS ARE APPLICABLE.

(a) A candidate for County elective office may raise contributions for a general election prior to the primary election for the same elective office if the candidate sets aside these contributions and uses these contributions for the general election. If the candidate for County elective office is defeated in the primary election or otherwise withdraws from the general election, the 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 contributions.

(b) A contribution for an election may be accepted by a candidate for elective County 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 limit for that election.

(c) A candidate for County elective office may carry over contributions raised in connection with one election for elective County office to pay campaign expenditures incurred in connection with a subsequent election for the same elective County office.

(d) If a candidate has a surplus of contributions over expenses after a primary County election and will be in a runoff for the elective County office, the candidate need not allocate that surplus among contributors to the primary election, and may solicit from and receive contributions from contributors who donated before the primary election up to the contribution limit without reference to the contribution made before the primary.

(e) Contributions made for primary and general elections for the same office shall be identified and allocated to either the primary or general or both at the direction of the candidate.

(Added by Ord. No. 7349 (N.S.), effective 9-3-87; amended by Ord. No. 9374 (N.S.), effective 9-6-01)

### SEC. 32.924. ORGANIZATIONAL CONTRIBUTIONS.

(a) No person, other than an individual, a professional corporation that includes only one individual or a political party, shall make a contribution to any candidate or controlled committee; provided, however, that this section shall not apply to contributions made to a committee which is organized solely for the purpose of supporting or opposing the qualification for the ballot or adoption of one or more County measures. If the contribution is made by a professional corporation that includes only one individual, that individual shall not make any contribution in that person's individual capacity which, if combined with the contributions made as a professional corporation, would exceed the individual contribution limit as set forth in section 32.923.

(b) No officer, employee, agent or attorney or other representative of a person covered by this division shall aid, abet, advise or participate in a violation of this section.

(c) No person shall knowingly accept a payment or contribution made in violation of this section.

(d) If a campaign treasurer is offered a contribution which would be in excess of the limitation, the treasurer must refuse the contribution. If, however, a contribution which is in violation of this section is deposited into the campaign trust account, he shall report in writing within five (5) days of the receipt of the contribution to the Enforcement Authority the facts surrounding such payment or contribution.

(Amended by Ord. No. 9374 (N.S.), effective 9-6-01; amended by Ord. No. 10138 (N.S.), effective 5-5-11)

#### **SEC. 32.925. COST OF INTERNAL COMMUNICATIONS.**

For purpose of this ordinance, contributions for and payments for communications to members, employees, shareholders, or families of members, employees, or shareholders of an organization for the purpose of supporting or opposing a candidate or a ballot measure are not exempted from any reporting requirement regardless of the means of communication. This provision is intended to require full reporting of contributions and expenditures which would otherwise be exempted by Government Code section 85312.

(Amended by Ord. No. 9374 (N.S.), effective 9-6-01)

#### **SEC. 32.926. EXTENSION OF CREDIT; CANDIDATE'S LOAN TO CAMPAIGN.**

(a) The provisions of this section regarding loans apply to extensions of credit, but do not apply to loans made to a candidate by a commercial lending institution in the lender's regular course of business on terms available to members of the general public for which the candidate is personally liable.

(b) A candidate for elective County office may not personally loan to his or her campaign an amount, the outstanding balance of which exceeds one hundred thousand dollars (\$100,000). A candidate may not charge interest on any loan he or she made to his or her campaign.

(Amended by Ord. No. 9374 (N.S.), effective 9-6-01)