

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



**ITEM: 3.1
(ID # 13921)**

MEETING DATE:
Tuesday, November 10, 2020

FROM: SUPERVISOR KEVIN JEFFRIES AND SUPERVISOR CHUCK WASHINGTON:

SUBJECT: SUPERVISOR KEVIN JEFFRIES AND SUPERVISOR CHUCK WASHINGTON:
Introduction of Ordinance No. 963 Regarding Campaign Contribution Limits For
County Elective Offices and Introduction of Ordinance No. 913.3 Amending
Ordinance No. 913 Requiring Electronic Campaign Finance Disclosure
(Continued from November 3, 2020)

RECOMMENDED MOTION: That the Board of Supervisors:

1. Introduce, Read Title and Waive Further Reading Of, and Adopt on Successive Weeks, Ordinance No. 963, an Ordinance of the County of Riverside Regarding Campaign Contribution Limits for County Elective Offices.
2. Introduce, Read Title and Waive Further Reading Of, and Adopt on Successive Weeks, Ordinance No. 913.3, an Ordinance of the County of Riverside Amending Ordinance No. 913 Requiring Electronic Campaign Finance Disclosure

ACTION: Policy

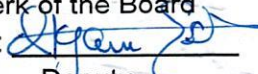

Supervisor Kevin Jeffries, Supervisor 1st. District 11/5/2020


Supervisor Chuck Washington, Supervisor 3rd District 11/6/2020

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Spiegel, seconded by Supervisor Hewitt and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended; the above Ordinances is approved as introduced with a waiver of reading; and is set for public hearing on Tuesday, November 17, 2020, at 9:30 a.m. or as soon as possible thereafter.

Ayes: Jeffries, Spiegel, Washington, Perez and Hewitt
Nays: None
Absent: None
Date: November 10, 2020
xc: Supvr. Jeffries, Supvr. Washington, COB

Kecia R. Harper
Clerk of the Board
By: 
Deputy

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BACKGROUND:

Ordinance No. 963 and Ordinance No. 913.3 were on the Board's agenda for introduction on November 3, 2020 in agenda item 3.1. During the Board's discussion, it was determined that changes were needed to Ordinance No. 963 and the item was continued to make those changes and introduce the revised draft of Ordinance No. 963 at the November 10, 2020 meeting. The attached revised draft Ordinance No. 963 now includes a proposed increase to the limits every other year. The revised draft also includes revisions to Section 4 to add language regarding limits for transfers of campaign funds and removes prior language regarding transfers of campaign funds that was previously in Section 6 of the draft ordinance.

Assembly Bill No. 571 (AB 571) was approved by the Governor on October 8, 2019. Absent a local resolution or ordinance, AB 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 AB 571.

On August 4, 2020, we brought forth agenda item 3.3 directing County Counsel to develop a campaign finance ordinance for the Board of Supervisors' consideration at a future Board meeting to be effective by January 1, 2021. We proposed that the ordinance, applicable to all candidates for County offices, would replace the limits imposed on certain elective state office candidates with our own County limits of \$20,000 per donor per election. We also proposed that if a candidate either contributes more than \$20,000 to their own campaign (through personal funds or transfer of campaign funds) or is the beneficiary of an independent expenditure campaign in excess of \$20,000, other candidates in the election for that same County elective office would be exempted from the campaign contribution limits for that election as well. This would prevent a candidate from being put at a competitive disadvantage by their opponent's access to deep pockets that fall outside the legal jurisdiction of the ordinance.

Ordinance No. 963 contains the \$20,000 campaign contribution limit and exemptions as set forth above. Additionally, Ordinance No. 963 addresses the following:

- Contribution limits to other candidates
- Transfers of campaign funds
- Limitations on loans
- Contribution limits for recall campaigns
- Contributions after the election
- Carry -over contributions
- Contributions before the election

Each of these provisions largely mirror state law in AB 571 except to change the maximum contribution limit to \$20,000 where applicable. As stated above, this maximum limit will also be

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subject to a three percent increase every other year. Ordinance No. 963 applies to all candidates for the following County elective offices: the Board of Supervisors, Assessor-County Clerk-Recorder, Auditor-Controller, District Attorney, Sheriff-Coroner and Public Administrator, and Treasurer-Tax Collector.

Ordinance No. 913 requires rapid online reporting of campaign contributions and independent expenditures on behalf of candidates over \$1,000, which will continue to provide transparency of donations and expenditures that fall within or outside of the contribution limits of Ordinance No. 963. So as to ensure that candidates are aware of, and comply with, both Ordinance Nos. 913 and 963, we are also proposing an amendment to Ordinance No. 913 to add a new subsection to make clear that nothing in Ordinance No. 913 alters the campaign contribution limits in Ordinance No. 963 which must be complied with by all candidates for County Elective Office. Ordinance No. 963 contains a similar provision referring to Ordinance No. 913.

If the Board adopts its own campaign contribution limits for County Elective Offices as proposed in this agenda item in Ordinance No. 963, administration and enforcement of those limits will be the responsibility of the County per AB 571. The Fair Political Practices Commission will no longer have an enforcement role. The ordinance proposes criminal penalties for violations and recognizes the District Attorney as the primary enforcer of the ordinance, absent a conflict.

Both ordinances are proposed to take effect January 1, 2021.

IMPACT TO RESIDENTS AND BUSINESSES:

Campaign contribution limits that also provide an exemption for candidates facing deep pockets opponents will help put elections on a more even footing, while providing transparency into who is contributing to campaigns, as well as those operating independent campaigns.



Gregory E. Priarios, Director County Counsel 11/6/2020

1 ORDINANCE NO. 913.3

2
3 AN ORDINANCE OF THE COUNTY OF RIVERSIDE AMENDING ORDINANCE NO. 913
4 REQUIRING ELECTRONIC CAMPAIGN FINANCE DISCLOSURE

5
6 The Board of Supervisors of the County of Riverside ordains as follows:

7 Section 1. A new Section 10. is added to Ordinance No. 913 to read as follows:

8 “Section 10. CAMPAIGN CONTRIBUTION LIMITS FOR ELECTIVE
9 COUNTY OFFICES. Nothing in this ordinance alters the campaign contribution
10 limits in Ordinance No. 963 which shall continue to be complied with by all
11 candidates for County Elective Office.”

12 Section 2. Existing Sections 10. and 11. Of Ordinance No. 913 are renumbered as
13 Sections 11. and 12. respectively.

14 Section 3. EFFECTIVE DATE. This ordinance shall take effect January 1, 2021.

15 BOARD OF SUPERVISORS OF THE COUNTY
16 OF RIVERSIDE, STATE OF CALIFORNIA

17 By: _____
18 Chairman

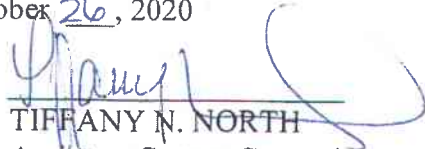
18 ATTEST:

19 CLERK OF THE BOARD:

20
21 By: _____
22 Deputy

23 (SEAL)

24 APPROVED AS TO FORM
25 October 26, 2020

26 By: 
27 TIFFANY N. NORTH
28 Assistant County Counsel

1 ORDINANCE NO. 963

2
3 AN ORDINANCE OF THE COUNTY OF RIVERSIDE REGARDING
4 CAMPAIGN CONTRIBUTION LIMITS FOR ELECTIVE COUNTY OFFICES
5

6 The Board of Supervisors of the County of Riverside ordains as follows:

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

23 Section 2. AUTHORITY. This ordinance is adopted pursuant to the provisions of
24 Government Code sections 85301, 85305, 85306, 85307, 85315, 85316, 85317, 85318, and 85702.5, as
25 amended.

26 Section 3. DEFINITIONS. As used in this ordinance, the following terms shall have
27 the following meanings:
28

- 1 a. Candidate. As defined in the Political Reform Act provided that that the
2 term shall be limited to candidates for County Elective Office for the purpose of
3 this ordinance.
- 4 b. Committee. As defined in Government Code section 82013 of the Political
5 Reform Act, as amended. A committee includes but is not limited to
6 “controlled committee” and “independent committee”.
- 7 c. Contribution. As defined in Government Code section 82015 of the
8 Political Reform Act, as amended.
- 9 d. Controlled Committee. Any committee which is controlled directly or
10 indirectly by a candidate or which acts jointly with a candidate or controlled
11 committee in connection with the making of expenditures. A candidate controls
12 a committee if he or she, his or her agent, or any other committee such
13 candidate controls has a significant influence on the actions or decisions of the
14 committee.
- 15 e. County Elective Office. The offices of Assessor-County Clerk-Recorder,
16 Auditor-Controller, Board Supervisor, District Attorney, Sheriff-Coroner and
17 Public Administrator, and Treasurer-Tax Collector.
- 18 f. Election. Unless otherwise specified in this ordinance, any primary,
19 general, special or recall election held in this state. The primary, general,
20 special or recall elections are all separate elections for the purpose of this
21 ordinance.
- 22 g. Independent Committee. All committees other than controlled committees.
- 23 h. Independent Expenditure. An expenditure made by any person including a
24 payment of public moneys by a state or local governmental agency, in
25 connection with a communication which expressly advocates the election or
26 defeat of a clearly identified candidate or the qualification, passage or defeat of
27 a clearly identified measure, or taken as a whole and in context, unambiguously
28

1 urges a particular result in an election but which is not made to or at the behest
2 of the affected candidate or committee.

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

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

9 Section 4. CAMPAIGN CONTRIBUTION LIMITS.

10 a. No person shall make to a candidate for County Elective Office, or to a
11 controlled committee of that candidate, a campaign contribution totaling more
12 than twenty thousand dollars (\$20,000) per election.

13 b. No candidate for County Elective Office, nor a controlled committee of that
14 candidate, shall accept from a person a campaign contribution totaling more
15 than twenty thousand dollars (\$20,000) per election.

16 c. A candidate for County Elective Office may transfer campaign funds
17 totaling no more than twenty thousand dollars (\$20,000) per election from one
18 controlled committee or campaign fund account to another controlled
19 committee or campaign fund account for elective state, county or city office of
20 the same candidate.

21 d. The limitations of this section do not apply to a candidate's contributions of
22 the candidate's personal funds to the candidate's own campaign.

23 e. The limitations of this section do not apply to independent expenditures.

24 f. In the event that a candidate for County Elective Office contributes more
25 than twenty thousand dollars (\$20,000) of the candidate's personal funds to the
26 candidate's own campaign, is the beneficiary of an independent expenditure of
27 more than twenty thousand dollars (\$20,000), or transfers campaign funds
28 totaling more than twenty thousand dollars (\$20,000) from one controlled

1 committee or campaign fund account to another controlled committee or
2 campaign fund account, all other candidates running in the election for that
3 same County Elective Office are exempted from the campaign contribution
4 limits of this section 4. for that election as well.

5 g. Beginning in January 2023, the campaign contribution limits in subsections
6 a., b., c., and f. of this section shall be increased by three percent (3%) on
7 January 1st of every odd-numbered year. The Registrar of Voters shall maintain
8 a record of any increased contribution limits pursuant to this subsection and
9 shall make such record available to the public and all candidates for County
10 Elective Office.

11 Section 5. CONTRIBUTION LIMITS TO OTHER CANDIDATES. A candidate for
12 County Elective Office or a controlled committee of that candidate shall not make a campaign
13 contribution to any other candidate for County Elective Office in excess of the limits set forth in section 4.
14 of this ordinance.

15 Section 6. LOANS. A candidate for County Elective Office shall not personally loan
16 to the candidate's campaign, including the proceeds of a loan obtained by the candidate from a
17 commercial lending institution, an amount, the outstanding balance of which exceeds one hundred
18 thousand dollars (\$100,000). A candidate for County Elective Office shall not charge interest on any loan
19 the candidate made to the candidate's campaign.

20 Section 7. RECALL CAMPAIGNS. An elected officer of a County Elective Office
21 may establish a committee to oppose the qualification of a recall measure, and the recall election. This
22 committee may be established when the elected officer receives a notice of intent to recall pursuant to
23 Elections Code section 11021. An elected officer of a County Elective Office may accept campaign
24 contributions to oppose the qualification of a recall measure, and if qualification is successful, the recall
25 election, without regard to the campaign contribution limits set forth in this ordinance. After the failure of
26 a recall petition or after the recall election, the committee formed by the elected officer of a County
27 Elective Office shall wind down its activities and dissolve. Any remaining funds shall be treated as
28

1 surplus funds and shall be expended within thirty (30) days after the failure of the recall petition or after
2 the recall election for a purpose specified in Government Code section 89519, subdivision (b).

3 Section 8. CONTRIBUTIONS AFTER ELECTION. A contribution for an election
4 may be accepted by a candidate for County Elective Office after the date of the election only to the extent
5 that the contribution does not exceed net debts outstanding from the election, and the contribution does
6 not otherwise exceed the applicable contribution limits for that election as set forth in section 4. of this
7 ordinance.

8 Section 9. CARRY OVER CONTRIBUTIONS. Notwithstanding section 4.
9 subsection c. of this ordinance, a candidate for County Elective Office may carry over contributions raised
10 in connection with one election for County Elective Office to pay campaign expenditures incurred in
11 connection with a subsequent election for the same County Elective Office.

12 Section 10. CONTRIBUTIONS BEFORE ELECTION. A candidate for County
13 Elective Office may raise contributions for a general election before the primary election, and for a
14 special general election before a special primary election, for the same County Elective Office if the
15 candidate sets aside these contributions for the general election or special general election. If the
16 candidate for County Elective Office is defeated in the primary election or special primary election, or
17 otherwise withdraws from the general election or special general election, the general election or special
18 general election funds shall be refunded to the contributors on a pro rata basis less any expenses
19 associated with the raising and administration of general election or special election contributions.
20 Notwithstanding Government Code section 85201, candidates for County Elective Office may establish
21 separate campaign contribution accounts for the primary and general elections or special primary and
22 special general elections.

23 Section 11. VIOLATIONS AND PENALTIES.

- 24 a. Except for elections in which section 4. subsection f. has been triggered to
25 exempt campaign contribution limits for a particular County Elective Office,
26 any person who knowingly and willfully makes or causes to make a campaign
27 contribution to a candidate for a County Elective Office, or to a controlled
28 committee of that candidate, in excess of the campaign contribution limits in

1 this ordinance shall be guilty of a misdemeanor punishable by a fine of up to
2 one thousand dollars (\$1,000) or imprisonment for up to six months, or both.

3 b. Except for elections in which section 4. subsection f. has been triggered to
4 exempt campaign contribution limits for a particular County Elective Office,
5 any candidate for County Elective Office, or any controlled committee of that
6 candidate, who knowingly and willfully obtains or receives a campaign
7 contribution in excess of the campaign contribution limits in this ordinance and
8 fails to return the excess amount of the contribution over the limits in this
9 ordinance to the contributor within a reasonable period of time shall be guilty of
10 a misdemeanor punishable by a fine of up to one thousand dollars (\$1,000) or
11 imprisonment for up to six months, or both.

12 c. Knowingly and willfully violating any provision of this ordinance shall be
13 deemed a misdemeanor punishable by a fine or up to one thousand dollars
14 (\$1,000) or imprisonment for up to six months, or both.

15 Section 12. ENFORCEMENT. The District Attorney shall enforce the provisions of
16 this ordinance. In the event there is a complaint alleging a violation of this ordinance by the District
17 Attorney, the District Attorney shall declare a conflict and request that another District Attorney's office
18 or the State Attorney General conduct the investigation and enforcement.

19 Section 13. ELECTRONIC CAMPAIGN FINANCE DISCLOSURE. Nothing in this
20 ordinance alters the requirements for electronic filing of campaign statements and the required online
21 reporting of contributions and independent expenditures in Ordinance No. 913 which shall continue to be
22 complied with by all candidates for County Elective Office.

23 Section 14. SEVERABILITY. If any provision, clause, sentence or paragraph of this
24 ordinance or the application thereof to any person or circumstance shall be held invalid, such invalidity
25 shall not affect the other provisions of this ordinance which can be given effect without the invalid
26 provision or application, and to this end, the provisions of this ordinance are hereby declared to be
27 severable.

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