ORDINANCE NO. 4510
AMENDMENTS TO AN ORDINANCE OF THE VENTURA COUNTY BOARD OF SUPERVISORS, REPEALING AND REENACTING ARTICLE 6, CHAPTER 2, DIVISION 1 OF THE VENTURA COUNTY ORDINANCE CODE, SECTION 1261 ET SEQ., REGARDING LOCAL CAMPAIGN FINANCE REFORM

The Board of Supervisors of the County of Ventura ordains as follows:

Section 1. Repeal of Existing Ventura County Campaign Finance Reform Ordinance

Section 2 of Ordinance No. 4506 of the County of Ventura, which amended and reenacted section 1261 through 1306 of Article 6 of Chapter 2 of Division 1 of the Ventura County Ordinance Code, is hereby repealed.

Section 2. Enactment of Ventura County Campaign Finance Reform Ordinance

Sections 1261 through 1306 of Article 6 of Chapter 2 of Division 1 of the Ventura County Ordinance Code are hereby amended and reenacted as follows:

Section 1261. Name of Ordinance

This ordinance shall be known and cited as the "Ventura County Campaign Finance Reform Ordinance."

Section 1262. Purpose of the Ordinance

The purpose of this ordinance is to promote public trust in governmental institutions and the electoral process, and to eliminate the possibility of quid pro quo corruption or the appearance of quid pro quo corruption in which money is exchanged for official acts. The purpose of this ordinance is also to promote the timely and accurate release of appropriate campaign finance information before an election so that the public has knowledge of this information before voting.

To further these purposes, this ordinance is written to reduce the potential for quid pro quo corruption or the appearance of quid pro quo corruption resulting from large campaign contributions to candidates, committees supporting candidates, or independent expenditure committees that contribute to (or coordinate expenditures with or on behalf of) candidates and thus to promote the integrity of the process of electing Ventura County candidates and the integrity of Ventura County government.

To further these purposes, this ordinance assigns duties and responsibilities that pertain to the timely release and publishing of campaign finance information. Finally, to further these purposes, this ordinance provides full and fair enforcement of all its provisions.

The above stated purposes are furthered by limiting contributions passed through intermediaries, "bundling," or, through contributions to multiple committees. Intermediaries who could potentially bundle multiple contributions into aggregate amounts exceeding the contribution limits of this ordinance would pose the appearance of quid pro quo corruption resulting from large contributions, whereas the contribution limits of this ordinance could be functionally evaded by contributing to multiple committees which then contribute to a candidate. The above stated purposes are furthered by requiring the timely reporting of appropriate campaign information and the timely investigation of allegations of campaign violations.

The Board of Supervisors finds that online or electronic filing of required reports and the posting of reports is necessary to properly inform the public, the press, and candidates and is herein approved by the Board. The Board further finds that the online or electronic filing system will operate securely and effectively and would not unduly burden filers.

Section 1263. Relationship to the Political Reform Act of 1974

This ordinance is intended to supplement the Political Reform Act as amended. Unless a word or term is specifically defined in this ordinance or the contrary is stated or clearly appears from the context, words and terms shall have the same meaning as when they are used in Title 9 of the California Government Code, in which the Political Reform Act 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 well as any amendments to the Act or to the Regulations of the Fair Political Practices Commission. If any provision of this ordinance is in conflict with provisions of the Act or its Regulations, the terms of the Act and its Regulations control and preempt the terms of this ordinance to the extent necessary to bring this ordinance into full compliance therewith.

The Political Reform Act is applicable to local campaigns, and violations of the Act may be criminally prosecuted by the District Attorney's office, including such violations as failing to report contributions or expenditures, laundering contributions, or failing to make required disclosures or file required forms or reports.

Section 1264. Definitions

(a) "County candidate" or "candidate" means, as required by the context of its use, any individual who is a candidate for Supervisor, Sheriff, District Attorney, County Clerk, Treasurer-Tax Collector, Auditor, County Superintendent of Schools, or Assessor. The provisions of Government Code Section 82007 shall also apply to such individuals.

(b) "Elective county officer" means any individual who is a Supervisor, Sheriff, District Attorney, County Clerk, Treasurer-Tax Collector, Auditor, County Superintendent of Schools, or Assessor.

(c) "County-wide office" means the office of Sheriff, District Attorney, County Clerk, Treasurer-Tax Collector, Auditor, County Superintendent of Schools, or Assessor.

(d) "Participating candidate" means a candidate who has agreed to limit his or her expenditures pursuant to Section 1265.

(e) "Non-participating candidate" means a candidate who has not agreed to limit his or her expenditures pursuant to Section 1265.

(f) "Clerk" means the Office of the County Clerk.

(g) "Independent Expenditure Committee" means any committee not controlled by the candidate that contributes to or expends funds for or against a candidate, including a multipurpose organization that qualifies as a committee pursuant to Government Code Section 84222,

(h) "Non-benefiting participating candidate" means a candidate who has agreed to limit his or her expenditures pursuant to Section 1265 and who has been opposed by independent expenditures, or whose opponent has been supported by independent expenditures.

(i) "Primary Election Cycle" is the period of time that starts one year before the primary election for a County Candidate and ends the day before the primary election, unless there is no general (run-off) election for that candidate, in which case the Primary Election Cycle ends 90 days after the primary election.

(j) "General Election Cycle" is the period of time that starts the day of the primary election for a County Candidate and ends 90 days after the general (run-off) election (if there is a general election for that candidate).

(k) "Violator" means any person, committee, group of people, agency, department, office or other entity that violates any provision of this ordinance.

Section 1265. Expenditure Limits

(a) No candidate for the office of Supervisor who voluntarily accepts expenditure limits and no controlled committee of such a candidate shall make campaign expenditures of more than two hundred thousand dollars ($200,000) per primary election and two hundred and fifty thousand dollars ($250,000) for general elections

(b) No candidate for countywide office who voluntarily accepts expenditure limits and no controlled committee of such a candidate shall make campaign expenditures of more than six hundred and fifty five thousand dollars ($655,000) per primary election and seven hundred and fifty five thousand dollars ($755,000) for general elections.

(c) The Clerk shall adjust the expenditure limits in January of every odd-numbered year to reflect any increase or decrease in the Consumer Price Index. These adjustments shall be rounded off to the nearest five thousand dollars ($5,000) for limitations on expenditures.

Section 1266. Acceptance of Expenditure Limits

Each county candidate shall file with the Clerk a statement of acceptance or rejection of the voluntary expenditure limits set forth in Section 1265 before accepting any contributions. If he or she agrees to the spending limits, the candidate shall not be subject to the contribution limitations in Section 1267, but shall be subject to the contribution limitations in Section 1268.

Section 1267. Contribution Limitations for Non-Participating Candidates

(a) Except as provided in Section 1268, no person shall make to any county candidate, or the controlled committee of such a candidate or elective county officer, and no such county candidate, or controlled committee of such candidate shall accept from a person any contribution totaling more than three hundred and seventy five dollars ($375) for each of the following elections for which the individual is a candidate: a primary election or a general (runoff) election.

(b) The provisions of this section do not apply to a candidate's contributions of personal and community property funds to the candidate's own campaign, but shall apply to contributions from the candidate's spouse or registered domestic partner of the spouse's or registered domestic partner's separate property.

Section 1268. Contribution Limitations for Participating Candidates

(a) No person shall make to any participating candidate for elective county office or the controlled committee of such a candidate, and no such participating candidate for elective county office, or controlled committee of such a candidate shall accept from a person any contribution totaling more than seven hundred and fifty dollars ($750) per election for each of the following elections for which the individual is a candidate: a primary election, or a general (runoff) election.

(b) The provisions of this section do not apply to a participating candidate's contributions of personal and community property funds to the candidate's own campaign, but shall apply to contributions from the candidate's spouse or registered domestic partner of the spouse's or registered domestic partner's separate property.

Section 1269. Contributions to Candidates and Committees that Contribute to Candidates

(a) The combined total amount a person is allowed to contribute to a candidate's election committee and all other committees that contribute to or

coordinate expenditures with or on behalf of that candidate shall be no more than seven hundred and fifty dollar ($750) over the election cycle. A willful or knowing violation of this subdivision shall violate the Ordinance and section 1298 shall apply.

(b) No committee shall knowingly accept a contribution in excess of fifty dollars ($50) that will cause this seven hundred and fifty dollar ($750) limit to be exceeded by any individual contributor.

(c) If a committee discovers that it has accepted a contribution in excess of fifty dollars ($50) that has caused a contributor's seven hundred and fifty dollar ($750) limit to be exceeded, the committee shall return the contribution within 5 business days of the discovery.

(d) An aggregate contribution over the election cycle to a committee that is not controlled by the candidate which is under fifty dollars ($50) shall be exempted from the seven hundred and fifty dollar ($750) limit referred to in this section only.

Section 1270. Reporting of Contributions Made to Independent Expenditure Committees

On the same dates and in the same manner as required by the Political Reform Act, Article 2 of Chapter 4 of Title 9 of the Government Code (Section 84200 et seq.), any Independent Expenditure Committee that contributes to or expends funds for or against a County Candidate shall disclose each contribution made to it that individually or cumulatively totals fifty dollars ($50) or more per contributor. This Section shall apply only to independent expenditure committees that are County General Purpose Committees or that are formed or exist primarily to support or oppose a County Candidate or to support or oppose the qualification of, or passage of, a ballot measure that will be voted on exclusively in Ventura County.

A Committee is not excused from complying with this ordinance because it files as a State General Purpose Committee where the Committee does not meet the qualifications of a State General Purpose Committee. Any such Committee shall be governed by this ordinance for all time periods as if the Committee were not a State General Purpose Committee, and shall be subject to the penalties and other enforcement measures provided for in this ordinance.

Section 1271. Disclosure of Spending by Non-Participating Candidates

(a) If a non-participating candidate's total expenditures are twenty percent (20%) or more of the expenditure limits, the candidate shall notify and declare to the Clerk and opposing candidates within twenty-four (24) hours of the time such a total is reached.

(b) The Clerk or a candidate may make their own determination as to whether such expenditures have been made by non-participating candidates.

(c) Upon receiving a declaration or accurately determining that a non-participating candidate has spent twenty percent (20%) or more of the expenditure limits, any non-benefiting participating candidate(s) shall thereafter no longer be bound by the voluntary expenditure limits. Upon making (or verifying) any such determination, the Clerk shall inform within one (1) working day the opposing participating candidate(s) that they are no longer bound by the voluntary expenditure limits.

(d) Nothing in this section shall affect or change the contribution limits set forth in Sections 1267 and 1268.

Section 1272. Election Cycles

(a) For purposes of the limits of this ordinance and reporting procedures, if there is a general (runoff) election, contributions or expenditures made at any time from the beginning date a candidate may commence receiving contributions pursuant to Section 1280 to the day before the primary election shall be considered primary election contributions. For the general (runoff) election, contributions made from the date of the primary election through 90 days after the general (runoff) election shall be considered general (runoff) election contributions.

(b) For purposes of the limits of this ordinance and reporting procedures if there is not a general (runoff) election, contributions or expenditures made at any time from the beginning date a candidate may commence receiving contributions pursuant to Section 1280 through 90 days after the date of the primary election shall be considered primary election contributions.

Section 1273. Loans

(a) The provisions of this ordinance regarding loans apply to extensions of credit, including accrued expenses, 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) If a candidate makes a loan to his or her campaign or controlled committee, the outstanding loan balance may not exceed twenty thousand dollars ($20,000) after the election. Any excess above twenty thousand dollars ($20,000), which remains outstanding after the election, shall be deemed a non-recoverable contribution made on the date the loan was made. A candidate may not charge interest on any loan made by the candidate to the candidate's campaign.

(c) Extensions of credit, other than candidate loans and loans by commercial lending institutions to a candidate pursuant to subsection (a), for a period of more than 30 days are subject to the contribution limits of this ordinance.

(d) Every loan to a county candidate or elective county officer or his or her

controlled committees shall be by written agreement. Each county candidate or elective county officer shall maintain in his or her committee's records a copy of the written loan agreement.

(e) This section shall apply only to loans and extensions of credit used or intended for use for campaign purposes or which are otherwise connected with the holding of public office.

Section 1274. Family Contributions

(a) Contributions made by a husband and wife or by registered domestic partners shall not be aggregated and shall be attributed to each individual as required by the Political Reform Act and regulations of the Fair Political Practices Commission.

(b) A contribution of fifty dollars ($50) or more made by a child less than eighteen (18) years of age is presumed to be a contribution from the parent or guardian of the child. For donation tracking purposes, if the parents or guardians of the child are married or have joint legal custody of child, the contribution shall be divided equally between them; if one parent or guardian has primary or sole legal custody of the child, then the contribution shall be attributed to that parent or guardian. The committee or candidate accepting a contribution from a child under the age of eighteen (18) shall obtain the information concerning parental attribution.

Section 1275. Independent Expenditures, Independent Expenditure Committees

(a) At the same time and in the same manner as required by the Political Reform Act, each Independent Expenditure Committee shall file electronically/online the same Statement of Organization with the Clerk, unless the Statement of Organization has been filed electronically with the Secretary of State.

(b) In addition to any other report required by the Political Reform Act, a committee that makes independent expenditures of one thousand dollars ($1,000) or more during an election cycle for or against a candidate for elective county office shall file a report with the Clerk disclosing the making of each such independent expenditure. The report shall include the name and full street address of the committee, the Secretary of State identification number of the committee, the name of the treasurer of the committee, the names of committee officers with authority to make expenditures, the names, addresses and occupations of the three largest contributors to the Independent Expenditure Committee during the election cycle, and shall identify the candidate supported or opposed by the expenditure. The report shall state the cumulative total amount expended during the election cycle. This report shall disclose the same information required by subdivision (b) of Government Code Section 84204 and shall be filed within twenty-four (24) hours of the time the independent expenditure is made. A full, accurate, and readable copy or transcript of any material published or broadcast shall also be included. This Section shall apply only to Independent Expenditure Committees that are County

General Purpose Committees or that are formed or exist primarily to support or oppose a County Candidate or to support or oppose the qualification of, or passage of, a ballot measure that will be voted on exclusively in Ventura County.

(c) Each report to the Clerk shall include a signed statement under penalty of perjury by the person or persons making the independent expenditure identifying the candidate or candidates whom the independent expenditure is intended to help elect or defeat and affirming that the expenditure is independent and that it is not coordinated with a county candidate. The statement may be on a separate form from the remainder of the report as provided by the Clerk, and will be considered timely if postmarked by the date required for filing the report to the Clerk.

(d) Any individual or organization that fails to file the required report(s) with the Clerk within the timeframe set forth in subsection (a) or (b) or (c) or provides materially false information in a report filed pursuant to subdivisions (a), (b) or (c) may be fined up to three times the amount of the independent expenditure.

(e) If a single independent expenditure committee spends in support or opposition to a candidate more than twenty percent (20%) of the amount of the voluntary expenditure limit pertaining to the candidate, the committee must report that fact to the Clerk within twenty-four (24) hours.

(f) Upon independently and accurately determining, or receiving a report from the Clerk to the effect, that the aggregate total of any and all expenditures made (1) by any committee or committees not controlled by the candidate and/or (2) by any political party(s) spent in support of or opposition to a candidate is more than twenty-percent (20%) of the voluntary expenditure limit in that race, any non-benefiting participating candidate(s) shall thereafter no longer be bound by the voluntary expenditure limits. Upon receipt of one or more reports that establish that more than twenty percent (20%) of the voluntary expenditure limit in a race has been spent in support of or opposition to any candidate, the Clerk shall inform any non-benefitting participating candidate(s) of that fact within one (1) working day. For the purposes of this subdivision, the costs of a political party's direct mail and other membership communications shall be included in the total of such expenditures if spent in support of or opposition to a county candidate regardless of whether or not such funds were spent for general public advertising such as broadcasting, billboards, or newspaper advertisements.

(g) A controlled committee of a county candidate may not make independent expenditures and may not contribute funds to another committee for the purpose of making independent expenditures to support or oppose other county candidates.

Section 1276. Notice and Posting of Reports of Independent Expenditures

Upon receiving any official report that an independent expenditure has been made or obligated to be made, the Clerk shall inform within one (1) working day all other candidates in the race and shall cause the report to be posted online within

three working days of receipt.

Section 1277. Multiple Campaign Committees and Bank Accounts Prohibited

A county candidate or elective county officer shall have no more than one (1) controlled campaign committee for election to county office. Such a committee shall have only one (1) bank account out of which all qualified campaign expenses shall be made. This section does not prevent a county candidate or elective county officer from establishing another committee solely for the purpose of running for a state, federal, city, special district or other office, or solely formed to support or oppose a ballot measure.

Section 1278. Legal Defense Account

(a) A candidate for elective county office or an elected county officer may establish a separate account to defray attorney's fees and other related legal costs incurred for the candidate's or officer's legal defense if the candidate or officer is subject to one or more civil or criminal proceedings or administrative proceedings arising directly out of the conduct of an election campaign, the electoral process, or the performance of the officer's governmental activities and duties. These funds may be used only to defray those attorney's fees and other related legal costs.

(b) A candidate for an elective county office or an elected county officer may receive contributions of up to three hundred dollars ($300) per person per calendar year in the aggregate for accounts in subdivision (a). All contributions shall be reported in a manner prescribed by the Clerk. Contributions to such funds shall not be considered campaign contributions.

(c) In regards to the legal defense accounts, once the legal dispute is resolved, the candidate shall dispose of any funds remaining after all expenses associated with the disputes are discharged, for one or more the of purposes set forth in paragraphs (1) to (5), inclusive, of subdivision (b) of Government Code Section 89519.

Section 1279. Electronic Filing of Campaign Statements, Posting by Clerk

(a) Any county candidate and the candidate's controlled committee that raises or spends at least one thousand dollars ($1,000), or any independent expenditure committee that raises or spends at least one thousand dollars ($1,000) in any county election in support of or opposition to a county candidate, shall file all campaign statements in a format that is approved by the Clerk for electronic filing, including direct online/electronic filing if available. In any instance in which the original of a statement, report or other document is required to be filed with the Secretary of State, and a copy of that statement, report, or other document is required to be filed with the Clerk, the filer may file that statement, report, or other document with the Clerk online/electronically.

(b) Any committee that raises or spends at least one thousand dollars ($1,000) in support of or opposition to a local ballot measure that is to be submitted for a countywide vote shall file all campaign statements in a format that is approved by the Clerk for electronic filing, including direct online/electronic filing if available. In any instance in which the original of a statement, report or other document is required to be filed with the Secretary of State, and a copy of that statement, report, or other document is required to be filed with the Clerk, the filer may file that statement, report, or other document with the Clerk online/electronically. This Section shall apply only to committees that are County General Purpose Committees or that are formed or exist primarily to support or oppose passage of a countywide ballot measure that will be voted on exclusively in Ventura County.

(c) The Clerk shall cause to be placed on the County's web site a copy of each campaign statement required by subdivision (a) or (b) within three working days of the statement's filing with the Clerk, unless the statement has already been filed online and posted on the County website

(d) If the Clerk becomes aware that a committee has not filed online when it has met the threshold for online filing, the Clerk shall notify both the committee and the County Executive Office of this responsibility within one working day of becoming aware of this failure to file online.

Section 1280. When Contributions May Be Collected

Neither a county candidate, elected county officials, nor any committee controlled by the candidate may receive any contributions more than one year before and 90 days after an election on which the candidate is on the ballot except for contributions of the candidate's own money to the candidate's controlled committee account.

Section 1281. Deposit of Contributions

A county candidate, elective county officer, or the controlled committee of such a candidate or elective county officer, shall not deposit and shall return within 20 days of receipt any contribution of twenty-five dollars ($25) or more for which the candidate, elective county officer, or controlled committee does not have on file in the records of the candidate, elective county officer or controlled committee the name, address, occupation, and employer of the contributor.

Section 1282. Return of Contributions

(a) A county candidate may return all or part of any contribution to the donor who made the contribution at any time, whether or not other contributions are returned. Such contributions, if deposited, shall be reported and the return of the contribution shall be reported.

(b) A county candidate, elective county officer, or committee may return a

contribution pursuant to subdivision (a) after the date that the candidate, elective county officer, or committee has reported the contribution.

Section 1283. Contributions Funneled Through Intermediary

All contributions by a person made to a county candidate, including contributions which are in any way earmarked or otherwise directed to the candidate through an intermediary or conduit, are contributions from the person to the candidate. A person may not make any contribution to any person on the condition or with the agreement that it will be contributed to any particular candidate unless the contribution is fully disclosed pursuant to Government Code Section 84302. Such a contribution shall be subject to all the provisions of this ordinance.

Section 1284. Laundered Contributions

Any county candidate or committee that intentionally or negligently makes or receives a contribution in violation of Government Code Section 84301 shall pay to the General Fund of the County up to three times the amount of the contribution. Payment to the County for violation of this provision shall be made as long as the person responsible or the committee controlled by such person has any funds sufficient to pay the fine.

Section 1285. Bundling of Contributions

Contributions made directly or indirectly to a particular county candidate through an intermediary or conduit shall be treated as contributions from both the contributor and the intermediary or conduit to the candidate for the purposes of this limitation. This limitation does not apply to an intermediary or conduit who is one of the following:

(a) The candidate's campaign treasurer, provided the candidate has only one officially recorded treasurer.

(b) A volunteer, presenting contributions raised by hosting a single fundraising event per election cycle outside the volunteer's place of business wherein guests are invited to a specified place at a specified time.

Provided, however, that a volunteer as set forth in (b), above, does not include the following:

(1) An officer, employee or agent of another political action committee acting on behalf of the committee;

(2) A person registered as a lobbyist with the government agency for which the candidate is running or is an officeholder;

(3) An officer, employee or agent of a corporation or labor union acting on behalf of the corporation or labor union.

Section 1286. Investigation of Money Laundering

Because Sections 1283, 1284, and 1285 address the most common ways to avoid the campaign limits of this ordinance and are among the most difficult provisions to investigate and enforce, the Compliance Officer shall review complaints of violations of these sections to determine if the complaint is alleging conduct that would also potentially constitute a violation of State Fair Political Practice laws or regulations. If so, the Compliance Officer shall contact the FPPC to see if there can be coordinated investigation of potential violations of both State law/regulation and this ordinance.

Section 1287. Disclosure of Contributions

(a) On the same dates and in the same manner as required by the Political Reform Act, Article 2 of Chapter 4 of Title 9 of the Government Code (Section 84200 et seq.), County Candidates or the controlled committees of such candidates shall disclose each contribution that individually or cumulatively totals $50 or more per contributor.

(b) Contributions to a committee from each contributor shall be totaled over the election cycle and reported in a manner prescribed by the Clerk. The term "election cycle" as used in this section shall mean the applicable period described in Section 1272.

(c) Contributions of goods and services shall be reported at the fair market value of the contribution and covered by the contribution limits of this ordinance.

(d) Contributions received between the final filing period prior to an election and the election day, in excess of two hundred fifty dollars ($250), must be reported to the Clerk within twenty-four (24) hours of receipt of the contribution but shall not be deposited until the committee has the name, address, occupation and employer of the contributor.

Section 1288. Cash Contributions

Notwithstanding Government Code Section 84300, all contributions of twenty-five dollars ($25) or more, other than in-kind contributions, made to any county candidate, or the controlled committee of such a candidate, shall be made in the form of a written instrument containing the name of the donor and the name of the payee.

Section 1289. Anonymous Contributions

Notwithstanding Government Code Section 84304, the total amount of anonymous contributions that may be accepted by any county candidate, or the controlled committee of such a candidate or elective county officer, shall not exceed

a total of five hundred dollars ($500) over the election cycle.

Section 1290. Aggregation of Contributions

(a) All contributions made by a sponsored committee to a county candidate or to a committee controlled by such a candidate or elective county officer shall be combined with those contributions made by the sponsor or sponsors of the committee.

(b) For purposes of the contribution limits contained in this ordinance, two or more entities shall be treated as one person when any of the following circumstances apply:

(1) The entities share the majority of their boards of directors;

(2) The entities share two or more officers;

(3) The entities are owned or controlled by the same majority shareholder or shareholders;

(4) The entities are in a parent-subsidiary relationship;

(5) Any individual and any partnership in which the individual is a general partner or an individual and any corporation in which the individual owns a controlling interest [fifty percent (50%) or more], or an individual and any entity in which the individual has the authority to direct and control the contribution decisions of the entity;

(6) Any contributions made by a committee in support of or in opposition to a county candidate shall be aggregated with the contributions made by any other committee in support of or in opposition to the same county candidate if a majority of the officers of such committees are the same individuals.

(c) Candidates and candidate controlled committees shall provide, upon request by the Clerk, information sufficient to allow the Clerk to determine whether any of the circumstances set forth in subsections (b)(1) – (6) exist.

Section 1291. Campaign Advertisements

(a) All broadcast and print advertisements placed by county candidates or their controlled committees shall include a clear written or spoken statement indicating that the candidate has approved of the contents of the advertisement.

(b) Any advertisement (including mailers) supporting or opposing a county candidate that is paid for by an independent expenditure shall include a disclosure statement that identifies both of the following:

1. The name of the committee or person making the independent expenditure.

2. For committees, the names of the persons from whom the committee making the independent expenditure has received the three highest cumulative contributions over the election cycle of three thousand dollars ($3,000) or more. If the committee can show, on the basis that contributions are spent in the order they are received, that contributions received from the three highest contributors have been used for expenditures unrelated to the candidate featured in the communication, the committee shall disclose the contributors making the next largest cumulative contributions of three thousand dollars ($3,000) or more.

(c) In addition to the requirements of section (b) above, the committee placing the advertisement or persons acting in concert with the committee shall be prohibited from creating or using a noncandidate controlled committee or a nonsponsored committee to avoid, or that results in avoidance of, the disclosure of any person or entity as a major funding source.

(d) Any disclosure statement required by this section shall be printed clearly and legibly in no less than 12-point type and in a conspicuous manner as defined by the Commission, or, if the communication is broadcast, the information shall be spoken or otherwise appropriately conveyed for the hearing impaired.

Section 1292. Committees Supporting or Opposing Candidates; Name or Phrase Identifying Major Contributors

(a) Any committee that supports or opposes a county candidate shall name and identify itself using a name or phrase that clearly identifies the economic or other special interest of its major donors of three thousand dollars ($3,000) or more in any reference to the committee required by law, including, but not limited to, its statement of organization filed pursuant to State law.

(b) If the major donors of three thousand dollars ($3,000) or more share a common employer, the identity of the employer shall also be included.

(c) Any committee that supports or opposes a county candidate shall print or broadcast its name as provided in this section as part of any advertisement or other paid public statement.

Section 1293. Paid Spokespersons; Statement; Expenditure Report

(a) A committee that makes an expenditure of $500 or more to an individual for his or her appearance in an advertisement to support or oppose a county candidate shall file a report within 10 days of the expenditure. The report shall identify the candidate, the date of the expenditure, the name of the recipient, and the amount expended. This Section shall apply only to County Candidates and their controlled committees or committees formed or existing primarily to support or oppose their candidacies, and to committees that are formed or exist primarily to support or oppose a County Candidate or to support or oppose the qualification of, or passage of, a ballot measure that will be voted on exclusively in Ventura County, and to County General Purpose Committees.

(b) The advertisement shall include the statement "(spokesperson's name) is being paid by this campaign or its donors" in highly visible roman font shown continuously if the advertisement consists of printed or televised material, or spoken in a clearly audible format if the advertisement is a radio broadcast or telephone message.

Section 1294. Payment and Disclosure of Payment for Goods and Services

(a) An expenditure is made on the date the payment is made, the date the county candidate or committee receives the goods or services, or the date the county candidate or committee commits to pay for the goods or services, whichever is earlier.

(b) No person who supplies goods or services to a county candidate or committee for use in connection with the campaign of such a candidate or supporting or opposing a county candidate shall refuse to divulge or disclose to the Compliance Officer or Commission his or her records of any expenditures made by the county candidate or committee for such goods or services.

Section 1295. Application of Ordinance to Other Elections

(a) In the event a county candidate also runs for election for a state, federal, city, special district or other non-county office, the provisions of this ordinance do not apply to the county candidate's campaign for such other office nor to any committee established solely for the purpose of running for such state, federal, city, special district, or other non-county office, or committee controlled by the candidate and formed solely to support or oppose ballot measures.

(b) The contribution and expenditure limits of this ordinance shall not apply to recall elections but all other provisions shall apply to recall elections.

Section 1296. Prohibition on Transfers

(a) No committee controlled by a county candidate shall make any contributions to any other committee supporting or opposing any other county candidate or elective county officer.

(b) No contributions shall be accepted by any county candidate, or by any committee controlled by such county candidate, from any other committee controlled by a federal, state, or local candidate or officeholder that exceed the contribution limits of this ordinance. Notwithstanding this prohibition, a controlled committee formed by a county candidate in compliance with Title 2, Section 18521 of the California Code of Regulations, or any successor section, for candidacy for a Ventura County office may transfer and accept any contributions received in compliance with this ordinance into the county candidate's controlled committee for any office defined in Section 1264 for which the candidate has filed.

(c) The provisions of this section do not apply to a county candidate's contributions of personal funds to any campaign but the contribution limits of this ordinance shall apply.

Section 1297. Access to Records

Each county candidate and committee shall deliver, on demand, to the Compliance Officer or Commission and any public officer having authority to enforce this division a written authorization permitting the officer to have access to all records pertaining to the campaign contribution checking account.

Section 1298. Penalties

(a) Notwithstanding sections 13 through 13-2 of the enforcement provisions of the Ventura County Ordinance Code, remedies for violations of this ordinance shall be limited to those made available by this section and by the terms of Sections 1299 through 1302, below.

(b) Any person who intentionally or negligently violates any provision of this ordinance shall be liable in an administrative hearing brought before the Commission, or a civil action brought by a person residing in the jurisdiction for an amount not more than three times the amount or value not properly reported or improperly received, contributed, or expended.

(c) No civil action alleging a violation of this ordinance may be filed against a person if the Compliance Officer has filed an administrative action for the same violation. No civil action may be filed later than three years after the date of the alleged violation.

(d) Before filing a civil action for any alleged violation of this ordinance, any person must first file a complaint pursuant to Section 1299. A civil action may be filed by the complainant only if the Compliance Officer fails to process the complaint pursuant to Section 1300 or the complaint is dismissed pursuant to Section 1300.

(e) With respect to the duties of Clerk, after a matter has been heard by the Commission, the Commission may direct the Clerk to perform required duties and/or seek a judicial order to compel performance by the Clerk, however, the Clerk may not be assessed monetary penalties by the Commission.

(f) With respect to the duties of the Compliance Officer, Commission, County Executive Office, County Counsel, or their designees, the Commission may issue a written finding of non-compliance but no monetary penalties may be assessed in either administrative or civil actions.

Section 1299. Filing of and Initial Review of Complaints

(a) Complaints alleging violation of this ordinance may be filed within three years of the date of the alleged violation by residents of Ventura County, the Compliance Officer, or the Clerk. Complaints shall be filed in writing with the Clerk of the Board of Supervisors on a form provided by that office and (except for those Complaints filed by the Compliance Officer or Clerk) shall be signed by the Complainant under penalty of perjury. The Complainant must file with the complaint all available credible evidence supporting the allegations in the complaint. Any resident seeking to file a complaint must pay a filing fee of thirty five dollars ($35) per complaint. No fee shall be charged to the Clerk or Compliance Officer. The Clerk of the Board of Supervisors shall not accept complaints filed later than three years after the date of the alleged violation.

(b) Upon the filing of a complaint, the County Executive Office shall provide a copy of the complaint to the party alleged to have committed the violation and a copy to the Compliance Officer.

Section 1300. Compliance Officer

The Board of Supervisors shall appoint a Compliance Officer. The Compliance Officer shall not be a Ventura County employee and should have a commitment to the full and fair enforcement of this ordinance. The Compliance Officer may be a volunteer or may be compensated. A Compliance Officer must recuse him or herself from any matter pertaining to an election for County office if the Compliance Officer, or his or her spouse, has ever made a campaign contribution to (1) a candidate who is running for the County office in question, (2) a candidate who was opposed to any of the candidates for the County office in question, or (3) an Independent Expenditure Committee, as defined in Section 1264 (g), that has contributed to or expended funds for against any person identified in (1) or (2). Disqualifying contributions include contributions made in connection with any campaign for elective office, at any time. The County Executive Office shall provide the Compliance Officer with staff support as needed, including engaging the service of attorneys or investigators as may be needed by and approved by the Compliance Officer. The Compliance Officer has the following responsibilities:

(a) Receive and coordinate investigations of complaints and augment complaints as necessary to address any violations as may be identified.

(b) Review campaigns and campaign filings when the Compliance Officer has reasonable suspicion of a possible violation(s) and process any violations or complaints in accordance with this ordinance.

(c) Provide to candidates, committees, and complainants written advice regarding ordinance compliance.

(d) The Compliance Officer shall perform an initial review of each complaint to determine whether the complaint alleges facts that, if true, would constitute a violation of the ordinance and whether there is any credible evidence supporting the allegation in the complaint. During the initial review the Compliance Officer should review evidence submitted with the complaint, evidence submitted by the alleged violator, and other evidence identified in the course of the initial investigation and make a good faith effort to issue to the Commission a written opinion within 5 working days of its receipt of a complaint as to whether the complaint merits further investigation or should be dismissed. If the Compliance Officer cannot issue an opinion within 5 working days, he/she shall notify the Commission in writing as to when he/she believes he/she will be able to complete the initial review.

(e) If the Compliance Officer's initial investigation finds that a complaint fails to allege facts that, if true, would constitute a violation of the ordinance, and/or that

there is no credible evidence to justify further investigation of the complaint, or if adequate exculpatory evidence is identified, he or she shall recommend to the Commission that it dismiss the Complaint. Before finalizing his/her recommendation, the Compliance Officer shall have a discussion of the case with the complainant. Both the Complainant and the subject of the complaint shall be promptly notified of the Compliance Officer's findings and recommendation. The Compliance Officer shall strive to submit the recommendation for dismissal to the Commission within 40 days of his or her receipt of a complaint. If additional time is required, the Compliance Officer shall report the reasons to the Commission.

(f) For any complaint not recommended for dismissal pursuant to subsections (d or e) above the Compliance Officer shall conduct an investigation and determine whether sufficient evidence exists to establish that a violation of the ordinance has occurred. The Compliance Officer shall consider the allegations of the complaint as well as any other information discovered during the investigation that would indicate whether a violation of the Ordinance has or has not occurred.

(g) If the Compliance Officer concludes that either the evidence is insufficient to establish that a violation of the ordinance has occurred or that the evidence establishes that no violation of the ordinance has occurred, the Compliance Officer shall prepare a written report of that conclusion and shall recommend to the Commission that it dismiss the complaint. The Compliance Officer shall strive to submit the recommendation for dismissal to the Commission within 40 days of his/her receipt of a complaint. If additional time is required, the Compliance Officer shall report the reasons to the Commission.

(h) If the Compliance Officer concludes on the basis of further investigation that sufficient evidence exists to establish that a violation of the ordinance has occurred, he or she shall offer to enter a proposed voluntary settlement agreement with the alleged violator. The proposed settlement may include all or some of the following:

(1) Cease and desist violation of this ordinance;
(2) File any reports, statements, or other documents or information required by this ordinance;
(3) Pay a monetary penalty of up to five thousand dollars ($5,000) per violation to the General Fund of the County;
(4) Pay a fine up to three times the amount or value not properly reported or improperly received or expended.

The Compliance Officer shall primarily consider the deterrent effect of the settlement on future violations by others. If no proposed voluntary settlement agreement is reached in a timely manner, then the Compliance Officer shall refer the matter for an evidentiary hearing before the Commission and shall present to the Commission at the evidentiary hearing the evidence supporting the charges.

Before agreeing to a settlement agreement, the Compliance Officer shall

have a discussion with the Complainant to explain the proposed settlement rationale and fairly consider the input of the Complainant.

(i) If a proposed voluntary settlement agreement is reached, the Compliance Officer shall (a) provide a copy of the proposed settlement to the complainant and (b) submit to the Commission within 40 days of his or her receipt of a complaint a written report of his or her findings and a stipulation to the proposed settlement signed by the Compliance Officer and the alleged violator. A proposed settlement agreement shall become final and effective only upon acceptance by the Commission. If the Commission does not accept the proposed settlement agreement, it shall schedule a hearing on the matter and then may take any action allowed by this ordinance. If the Compliance Officer needs more time to complete his or her investigation and settlement discussion than the 40 days referenced above in this section, he or she shall submit a written report to the Commission identifying the reason for the delay and when the Compliance Officer believes the report will be ready.

(j) The Compliance Officer shall have the power and authority to require by subpoena the production of any books, papers, records, documents or other items material to the performance of the Compliance Officer's duties or exercise of his/her powers. All costs related to the subpoena, including witness and mileage fees, shall be borne by the party requesting the subpoena. Failure to obey a subpoena constitutes contempt. The Compliance Officer shall establish procedures for issuing subpoenas.

Section 1301. Ventura County Campaign Finance Ethics Commission

(a) This Ordinance shall create the Ventura County Campaign Finance Ethics Commission ("Commission").

The Commission shall be appointed by the Board of Supervisors.

The Commission members shall not be Ventura County employees and should, if possible, have knowledge and experience in campaign finance law. The Commission members should possess dedication to impartial and exacting enforcement of the terms of the ordinance. The Commission members may be volunteers or may be compensated.

(b) The Commission shall consist of five (5) members. One appointment shall be made from each Supervisor's nomination. Each appointee to the Commission shall be a registered voter of Ventura County. Appointees shall not hold any other public office, serve as an officer of any political party, campaign committee, or partisan organization, employ or be employed as a county lobbyist, nor seek election to public office during the term of appointment.

(c) When selecting candidates for the Commission, consideration should be given to the independence of the candidate and experience in any of the following areas: judicial experience, membership in good standing with the California Bar Association, member or representative from a neutral political studies organization, educator, and community service that has demonstrated the candidate's integrity.

(d) A Commissioner must recuse himself or herself from any matter pertaining to an election for County office if either of the following applies:

1) the Commissioner, or his or her spouse, has ever made a campaign contribution to (A) a candidate in that election for the County office in question, (B) a candidate who was opposed to any of the candidates for the County office in question, or (C) an Independent Expenditure Committee, as defined in Section 1264(g), that has contributed to or expended funds for or against any person identified in (A) or (B). Disqualifying contributions include contributions made in connection with any campaign for elective office, at any time.

2) the matter involves an election in which the Supervisor who nominated the Commissioner for appointment to the Commission is or was a candidate.

(e) The Board shall appoint the members of the Commission within 30 days of the effective date of this Ordinance or by April 11, 2017, whichever is later.

(f) Each member shall serve for a term that coincides with the appointing Supervisor's term. Commissioners may be removed for good cause by a majority vote of the Board of Supervisors. If a member is unable to complete his or her full term, or when the appointee's term expires, the Board of Supervisors shall appoint a replacement nominated by the Supervisor whose appointee is no longer serving.

(g) The Chair and Vice Chair of the Commission shall be selected annually by the Commissioners.

(h) The Commission shall be subject to the Ralph M. Brown Act, Government Code Section 54950 et.seq.

(i) The Commission shall operate in as cost effective a manner as possible.

(j) The Commission may recommend to the Board of Supervisors amendments to the rules and regulations contained in this Ordinance.

(k) The Commission shall receive recommendations from the Compliance Officer for dismissal of complaints and adoption of voluntary settlement agreements. In the absence of a voluntary settlement agreement, the Commission shall preside as the trier of fact and law at the evidentiary hearing and shall make determinations concerning the issuance of fines or penalties(l) The Commission shall be provided with staff support by the County Executive Office and legal services by the County Counsel.

(m) The Commission shall have the power and authority to: issue subpoenas to compel the attendance and testimony of witnesses, administer oaths and affirmations, to take evidence and require by subpoena the production of any books, papers, records, documents or other items material to the performance of the Commission's duties or exercise of its powers. All costs related to the subpoena, including witness and mileage fees, shall be borne by the party requesting the subpoena. Failure to obey a subpoena constitutes contempt. The Commission shall

establish procedures for issuing subpoenas and may delegate to other attorneys involved in matters before the Compliance Officer or Commission the power and authority to issue subpoenas.

(n) At least 72 hours before a hearing before the Commission, notice of the hearing and the agenda of the matters to be heard at the hearing shall be posted in the same manner as agendas are posted of Ventura County boards and commissions that are governed by the Ralph M. Brown Act, Government Code Section 54950 et seq.

(o) A proposed settlement agreement shall become final and effective only upon signed acceptance by the Commission following a public hearing. If the Commission does not accept the proposed settlement agreement, it shall schedule an evidentiary hearing of the matter and then may take any action allowed by this ordinance.

(p) Following public hearing and the consideration of recommendations, reports, testimony, and evidence, the Commission shall make a determination of the facts and law and render a final disposition of all matters before him or her. Prior to making such a determination, the Commission may, if it deems it necessary, request additional information or investigation, or remand a matter to the Compliance Officer for further investigation and/or reconsideration.

(q) The Commission shall make any written reports and proposed settlements that are public information available to the public and affected parties at least five calendar days in advance of acting upon a complaint or settlement.

(r) When the Commission determines on the basis of a public hearing that a violation of this ordinance has occurred, it may require the violator to do all or any of the following:

(1) Cease and desist violation of this ordinance;
(2) File any reports, statements, or other documents or information required by this ordinance;
(3) Pay a monetary penalty of up to five thousand dollars ($5,000) per violation to the General Fund of the County;
(4) Pay a fine up to three times the amount or value not properly reported or improperly received or expended.

(s) When the Commission determines that no violation has occurred, it shall publish a declaration so stating.

(t) The Board of Supervisors shall adopt rules and procedures for the conduct of evidentiary hearings before the Commission. The Commission may propose to adopt, amend, and rescind rules and procedures to carry out the purposes and provisions of this ordinance. Any such adoption, amendment, or rescission shall be subject to the approval of the Board of Supervisors. The Commission may

unilaterally adopt any and all forms that it deems appropriate for carrying out its authorized purposes after review by County Counsel.

Section 1302. Last Eight Weeks of Campaign

(a) In the last eight weeks of the campaign, there is greater urgency for the timely and accurate reporting of appropriate campaign finance information. A primary goal of the Ordinance and those charged with encouraging compliance with the ordinance is to get the timely and accurate reporting of appropriate campaign information to the public prior to the election. Violations occurring during this time period are to be considered more serious and merit greater penalties than violations during other periods.

(b) One of the prime duties of the Compliance Officer and the Commission is to encourage the timely and accurate release of appropriate campaign finance information before an election takes place. The timely and accurate release of appropriate information in the 8 weeks prior to an election is an important aspect of a fair election and a goal of this ordinance. The Officers and Commissioners should strive to resolve complaints and violations, particularly in the area of full disclosure, sufficiently in advance of County elections whenever possible.

Section 1303. Cost Effective Operations

The Compliance Officer, Commission, and their staff shall operate in a cost effective a manner while focusing on the timely and accurate release of appropriate campaign finance information.

Section 1304. Report of Activities to Board of Supervisors

The County Executive Officer shall provide a report of activities under this ordinance to the Board of Supervisors at least once every two years, beginning January 31st, 2017.

Section 1305. Duties of the County Clerk

The Clerk shall:

(a) Shall promote the timely and accurate filing of all required campaign finance information in a manner that recognizes the importance of the public having full access to appropriate campaign finance information before an election affected by this ordinance.

(b) Supply the necessary forms and manuals prescribed by the ordinance, Compliance Officer, or Commission.

(c) Determine whether required documents have been filed and, if so, whether they conform on their face with the requirements of this ordinance.

(d) Notify within one working day of becoming aware of a failure all persons and known committees who have failed to file a report or statement in the form and at the time required by this ordinance.

(e) Report apparent violations of this ordinance to the appropriate entities including the County Executive Office.

(f) Compile and maintain a current list of all reports and statements filed with this office, and timely post reports and statements online that are required by this ordinance.

(g) Adjust the amounts of the Expenditure Limits as specified in Section 1265.

Section 1306. Severability

If any provision of this ordinance, or the application of any such provision to any person or circumstances, shall be held invalid, the remainder of this law to the extent it can be given effect, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected, and to this extent the provisions of this ordinance are severable.

Section 1307. Construction

This ordinance shall be liberally construed to accomplish its purposes.

PASSED AND ADOPTED this 25th day of April, 2017, by the following vote:

AYES: Supervisors Bennett, Parks, Long, Foy, Zaragoza
NOES: none
ABSENT: none

Chair, Board of Supervisors

ATTEST: MICHAEL POWERS
Clerk of the Board of Supervisors,
County of Ventura, State of California

By: Lori Harris
Deputy Clerk of the Board

COUNTY OF VENTURA * CALIFORNIA *