

1                   **ORANGE COUNTY CAMPAIGN REFORM ORDINANCE**  
2                   **FAIR CAMPAIGN PRACTICES COMMISSION**

3  
4                   **SUMMARY**

5  
6                   The Orange County Campaign Reform Finance Ordinance Number 3862 (commonly  
7                   referred to as TINCUP, an acronym for Time Is Now, Clean Up Politics) has been in  
8                   effect since 1978 and was last updated in 1992. The ordinance sets specific limits for  
9                   campaign contributions for County government’s elected officials and candidates, with  
10                  biennial adjustments in odd numbered years in amounts compared to the consumer price  
11                  index. It delineates the regulations for donations and receipt of donations to campaigns  
12                  during an election cycle. The penalty for violating this ordinance is punishable as a  
13                  misdemeanor with enhanced sentencing guidelines. The District Attorney’s office is  
14                  charged with prosecuting criminal violations of this ordinance. However, it has not filed  
15                  any charges in response to numerous complaints since 1992.

16  
17                  On February 5, 2008, the Board of Supervisors denied a request by a 3-2 vote to put two  
18                  ballot initiatives before the voters for the June election regarding campaign finance  
19                  reform. The first initiative, if passed by the voters, would have amended portions of the  
20                  TINCUP ordinance. The second initiative is a charter amendment that, if passed by the  
21                  voters, would have created the Fair Campaign Practices Commission (FCPC) to enforce  
22                  the regulations of the TINCUP ordinance, and which would have decriminalized the  
23                  ordinance and removed the misdemeanor sanctions.

24  
25                  Subsequent to its presentation to the Board of Supervisors, both the TINCUP ordinance  
26                  and the FCPC charter amendment have undergone additional amendments. The TINCUP  
27                  amendment would delete the biennial consumer price index adjustment for contribution  
28                  limits, and this issue would instead be reviewed by the FCPC every five years. Subpoena  
29                  power is removed from the FCPC charter amendment. The Grand Jury recommends that  
30                  this subpoena power now be vested in the Office of County Counsel. Liability for  
31                  violations is reattached to campaign treasurers and campaign donors.

32  
33                  The Grand Jury supports the recommended amendments to the TINCUP ordinance and  
34                  the formation of a FCPC to oversee compliance, in lieu of the District Attorney’s office.  
35                  This would ensure transparency in government and fair play for campaign contributions  
36                  to County government elected officials and candidates. The Grand Jury recommends that  
37                  the Board of Supervisors order these initiatives to be placed on the ballot for the  
38                  November 4, 2008, general election.

39

1 **REASON FOR INVESTIGATION**

2  
3 Although the District Attorney is charged with enforcing the ordinance, no criminal  
4 charges have ever been filed for any alleged violations. Oversight of this ordinance has  
5 depended primarily upon voluntary watchdog efforts or rival candidates' complaints.

6  
7 The TINCUP ordinance was passed overwhelmingly by voters in 1978 at time of great  
8 mistrust in County government, primarily due to biases that were shown by elected  
9 officials or their staff members in favor of major political donors. The TINCUP  
10 ordinance was amended in 1992 but is not compatible with current campaign law.

11  
12 **METHOD OF INVESTIGATION**

13  
14 The Grand Jury reviewed the proposed amendments to the TINCUP ordinance and other  
15 supporting documentation. The recommended changes to the FCPC charter amendment  
16 were also reviewed. Statistical information was received from the District Attorney's  
17 office regarding the number of referrals for investigation and prosecution. A video of the  
18 Board of Supervisors February 5, 2008, meeting regarding placing the initiatives on the  
19 June ballot was reviewed. Comments of all speakers on this issue were considered.

20  
21 **BACKGROUND AND FACTS**

22  
23 The TINCUP ordinance was passed by Orange County voters in June of 1978, primarily  
24 in response to the "pay-to-play" attitude of some County government elected officials.  
25 County voters wanted to rein in elected officials and their major contributors, who bought  
26 influence in County government via their large campaign contributions. The ordinance  
27 was updated during a 1992 election. Another attempt to update TINCUP was defeated in  
28 a 2002 election due to a wording error on the ballot. Voters were erroneously led to  
29 believe that by voting for the initiative they would be repealing the TINCUP ordinance  
30 and allowing an increase in campaign contributions.

31  
32 The TINCUP ordinance has withstood the test of time and in today's political climate  
33 levels the playing field for persons desiring to run for a County elected office, while still  
34 keeping major political donors in check. However, due to changes in State campaign  
35 finance law, the TINCUP ordinance needs to be amended.

36  
37 **Subsequent Amendments**

38  
39 On February 5, 2008, the Board of Supervisors rejected a proposal to order the two  
40 initiatives to be placed on the June ballot. Those two initiatives would have amended and  
41 updated sections of the TINCUP ordinance and would have created a County commission  
42 to ensure compliance. Subsequently, the initiatives have undergone additional changes  
43 regarding:

- 44  
45
  - 46 • Commission subpoena power
  - 47 • Biennial campaign donation limit adjustments
  - Restored liability for violations by campaign treasurers and donors

1 Some supervisors were reluctant to grant the FCPC subpoena power. The Grand Jury  
2 believes that the best solution is to vest FCPC subpoena power with the Office of County  
3 Counsel.

4  
5 The Grand Jury believes that the biennial consumer price index adjustment to the  
6 campaign donation limits is not warranted. The current campaign contribution limit to a  
7 candidate or incumbent county official is \$1,600 per person, per election cycle (within  
8 certain TINCUP ordinance parameters). Only Contra Costa County has a higher limit  
9 (\$1675) per election cycle. Compared to the current limits in the City of Los Angeles at  
10 \$200, San Diego County at \$500 and Ventura County at \$600, Orange County elected  
11 officials and serious candidates are able to raise campaign funds more easily.  
12 Traditionally, serious challengers receive about one-third of the maximum contributions  
13 that most incumbents receive. The Grand Jury recommends that the consumer price index  
14 adjustment be removed from the TINCUP ordinance and replaced by a cost analysis  
15 every five years by the FCPC to determine if raising the campaign limits is warranted.

16  
17 Liability for campaign treasurers and donors was erroneously removed from the original  
18 TINCUP ordinance when the amended version was presented to the Board of Supervisors  
19 on February 5, 2008. The Grand Jury believes that campaign treasurers and campaign  
20 donors should continue to be subject to the regulations of this ordinance.

21  
22 The proposed amendments to the TINCUP ordinance and the FCPC charter amendment  
23 are summarized and incorporated as Addendum I of this report. The amendments include  
24 new sections, revised sections, retained sections and omitted sections. The proposed and  
25 revised TINCUP ordinance is incorporated as Addendum II. The proposed and revised  
26 charter amendment establishing the FCPC to oversee compliance with the TINCUP  
27 ordinance is incorporated as Addendum III.

### 28 29 **Fair Campaign Practices Commission**

30  
31 The proposed and amended TINCUP ordinance eliminates the misdemeanor violation.  
32 Currently, the District Attorney's office is charged with prosecuting violations of the  
33 TINCUP ordinance. Since 1992, there have been 11 citizen-generated complaints for  
34 investigation and prosecution. The District Attorney's office referred one complaint to  
35 the State Fair Political Practices Commission and took no action on the other 10  
36 complaints. The District Attorney's office supposedly would prosecute misdemeanor  
37 violations of this ordinance which, upon conviction, carry an enhanced sentence. The  
38 enhancement stipulates that any person or entity found guilty of violating the TINCUP  
39 ordinance shall not be a candidate for a County office or act as a County lobbyist or as a  
40 County contractor for four years following sentencing.

41  
42 Compliance with the TINCUP ordinance has been primarily accomplished by voluntary  
43 watchdog efforts or rival candidate's complaints. The ordinance has been administered as  
44 more regulatory than criminal, and there is currently no appointed oversight committee.  
45 In today's political climate with esoteric rules and sophisticated campaign laws, it is time  
46 for a duly appointed, apolitical commission to ensure compliance with the TINCUP  
47 ordinance. It is a disservice to the voters who demand accountability in campaign finance

1 to shoulder the onus of enforcement with other than an official body. It is time that the  
2 Board of Supervisors displays the leadership that taxpayers expect of them and order the  
3 initiatives to go before the voters in the November 4, 2008, general election.

4  
5 **CONCLUSION**

6  
7 The TINCUP ordinance needs to be amended so that it is compatible with current  
8 campaign finance law. The District Attorney's office has shown little interest in  
9 enforcing voter-approved campaign finance violations. A County commission would do  
10 just that. Accountability and authority go hand-in-hand with our elected leaders. The  
11 Board of Supervisors must place the initiatives on the November 4, 2008, ballot. The  
12 voters in Orange County expect no less from their leaders.

13  
14 **ACKNOWLEDGEMENT**

15  
16 *"All that is required for evil to prevail is for good men [and women] to do nothing."*  
17 -- Edmund Burke, British statesman

18  
19 The Grand Jury commends Orange County resident Shirley Grindle, the author of the  
20 previous TINCUP ordinances and the two proposed initiatives referred to in this report.  
21 Ms. Grindle has been the primary volunteer watchdog in County campaign finance law  
22 for decades.

23  
24 **FINDINGS**

25  
26 In accordance with California Penal Code sections 933 and 933.05, each finding will be  
27 responded to by the government entity to which it is addressed. The responses are to be  
28 submitted to the Presiding Judge of the Superior Court. The 2007-2008 Orange County  
29 Grand Jury has arrived at the following findings:

30  
31 **F-1** The current Orange County Campaign Reform Finance Ordinance Number 3862  
32 is not compatible with current campaign finance law.

33  
34 **F-2** There is no oversight commission to enforce the regulations of the Orange County  
35 Campaign Reform Finance Ordinance 3862.

36  
37 **Responses to findings F-1 and F-2 are required from the Orange County Board of**  
38 **Supervisors**

1 **RECOMMENDATIONS**

2  
3 In accordance with California Penal Code sections 933 and 933.05, each recommendation  
4 will be responded to by the government entity to which it is addressed. The responses are to  
5 be submitted to the Presiding Judge of the Superior Court. Based on the findings of this  
6 report, the 2007-2008 Orange County Grand Jury makes the following recommendations:  
7

8 **R-1** The Board of Supervisors should allow the voters to resolve the incompatibility  
9 issue by ordering that the amended Orange County Campaign Reform Finance  
10 Ordinance be placed on the November 4, 2008, ballot.  
11

12 **R-2** The Board of Supervisors should allow the voters to decide whether an official,  
13 apolitical oversight commission should be established by ordering the proposed  
14 Fair Campaign Practices Commission charter amendment be placed on the  
15 November 4, 2008, ballot.  
16

17 **Responses to recommendations R-1 and R-2 are required from the Orange County**  
18 **Board of Supervisors**

19  
20 **REQUIRED RESPONSES:**

21  
22 The California Penal Code specifies the required permissible responses to the findings and  
23 recommendations contained in this report. The specific sections are quoted below:  
24

25 §933.05

26 (a) For purposes of subdivision (b) of Section 933, as to each grand jury finding, the  
27 responding person or entity shall indicate one of the following:

- 28 (1) The respondent agrees with the finding.  
29 (2) The respondent disagrees wholly or partially with the finding, in which case  
30 the response shall specify the portion of the finding that is disputed and shall  
31 include an explanation of the reasons therefore.

32 (b) For purposes of subdivision (b) of Section 933, as to each grand jury  
33 recommendation, the responding person or entity shall report one of the following  
34 actions:

- 35 (1) The recommendation has been implemented, with a summary regarding the  
36 implemented action.  
37 (2) The recommendation has not yet been implemented, but will be implemented  
38 in the future, with a timeframe for implementation.  
39 (3) The recommendation requires further analysis, with an explanation and the  
40 scope and parameters of an analysis or study, and a timeframe for the matter  
41 to be prepared for discussion by the officer or head of the agency or  
42 department being investigated or reviewed, including the governing body of  
43 the public agency when applicable. This timeframe shall not exceed six  
44 months from the date of publication of the grand jury report.  
45 (4) The recommendation will not be implemented because it is not warranted or is  
46 not reasonable, with an explanation therefore.  
47

1 **Addendum I**

2  
3 **COMPARISON OF PROPOSED ORDINANCE**  
4 **TO BOARD-PROPOSED CHARTER AMENDMENT, TINCUP ORDINANCE**  
5 **NO. 3862 AND FAIR CAMPAIGN PRACTICES COMMISSION ORDINANCE**  
6

7 **Section Numbers refer to sections in the Board-Proposed Documents**

8  
9 Charter Amendment to Establish an FCPC

10 Item (d) has been changed to eliminate subpoena power by the FCPC (but to retain FCPC  
11 power to administer oaths).

12  
13 Campaign Reform (TINCUP) Ordinance No. 3862

- 14 1. Section 1-6-27(c) has been deleted in its entirety. Anyone who violates the  
15 provisions of the Ordinance (including candidates, officeholders,  
16 **contributors**, and Treasurers) should be held liable for their violations.  
17 Liability should not be restricted to just candidates, officeholders and their  
18 campaign committees. State law also holds candidates, officeholders and  
19 treasurers liable for reporting/disclosure violations.
- 20 2. Section 1-6-32(a) allows the Board to apply a COLA increase in the  
21 contribution limit every other year. This section has been deleted in favor of  
22 having the FCPC perform an analysis of the contribution limits every 5 years  
23 and determine whether the limit should be increased/decreased. (See Section  
24 1-6-52(h) of FCPC Ordinance).
- 25 3. Section 1-6-32(b) has been renumbered to 1-6-32(a).
- 26 4. Section 1-6-32(b) has been put back in the ordinance (it is Section 1-6-23(c)  
27 in the existing TINCUP Ordinance No. 3862). It is believed that it was  
28 inadvertently omitted in the Board-proposed Ordinance.

29  
30 Fair Campaign Practices Commission Ordinance

31 Several changes have been made as follows:

- 32 1. Section 1-6-52 (f) has been changed to use the existing subpoena power of the  
33 County Counsel's office instead of giving the Commission subpoena power.
- 34 2. Section 1-6-52(g) has been added to give the Commission the ability to  
35 administer oaths.
- 36 3. Section 1-6-52(h) has been added to enable the Commission to review the  
37 contribution limits every 5 years and to increase/decrease as needed.
- 38 4. Old Sections 1-6-52(g) and (h) are renumbered to (i) and (j)
- 39 5. Section 1-6-56(b) – the last sentence has been deleted so that the Treasurer is  
40 still held responsible for reporting/disclosure violations in accordance with the  
41 State Political Reform Act.
- 42 6. Section 1-6-59 refers to an incorrect section number, it has now been  
43 corrected to refer to Section 1-6-50(b).
- 44



1 **Revised Sections:**

- 2
- 3 1-6-9. Notice of Independent Expenditures.  
4 Requires the Executive Director of the FCPC to notify affected candidate within 3  
5 business days of an Independent Expenditure being made for/against the affected  
6 candidate INSTEAD of requiring the person who makes the Independent  
7 Expenditure to notify all candidates 24 hours prior to making the expenditure.  
8
- 9 1-6-14(a) Loans – requires candidate who makes a loan to his committee to identify the  
10 source of the loan (i.e., mortgage on private residence, bank, credit cards, etc.)  
11
- 12 1-6-14(b) – Extensions of Credit -Used State language to define when an extension of  
13 credit becomes an in-kind contribution; extended the time to pay campaign  
14 expenses from 45 days (State timetable) to 90 days.  
15
- 16 1-6-18. Disclosure of Occupation and Employer.  
17 Requires a contribution to be returned to the contributor by the end of the  
18 reporting period instead of within 60 days from receipt of the contribution in  
19 those cases where the required disclosure information has not been obtained  
20 within 60 days of receipt of the contribution.  
21

22 **Retained Sections:**

- 23 Sections 1-6-1 through 1-6-5 a, b, c  
24 Sections 1-6-6 through 1-6-8  
25 Section 1-6-10  
26 Section 1-6-13 (a) and (b)  
27 Sections 1-6-15 through 1-6-17  
28 Section 1-6-19  
29 Section 1-6-20  
30 Section 1-6-22  
31 Section 1-6-24(a)  
32 Section 1-6-26  
33 Sections 1-6-29 through 1-6-32 (a) and (b)  
34

35 **Omitted Sections:**

- 36 Husband and Wife Aggregation – Old Section 1-6-6(e)  
37 Criminal Misdemeanor Actions – Old Section 1-6-15  
38 Civil Actions – Old Section 1-6-16  
39 Injunctive Relief – Old Section 1-6-17  
40 Cost of Litigation – Old Section 1-6-18  
41 Statute of Limitations – Old Section 1-6-19 – Moved to FCPC Ordinance  
42 Amendments and Additional Requirements – Old Section 1-6-23(a) – Eliminated  
43 Biennial Consumer Price Index adjustment of contribution limit in favor of FCPC  
44 review of limits every 5 years (see Section 1-6-52(h) in FCPC Ordinance).  
45  
46



1 **Addendum II**

2  
3  
4 ORDINANCE NO. \_\_\_\_\_

5  
6 AN ORDINANCE OF THE COUNTY OF ORANGE,  
7 CALIFORNIA, AMENDING THE COUNTY  
8 CAMPAIGN REFORM ORDINANCE  
9

10  
11 The People of the County of Orange, California, hereby ordain as follows:  
12

13 SECTION 1. Article 1 of Division 6 of Title 1 of the Codified Ordinances of the  
14 County of Orange is hereby amended as follows:  
15

16 ARTICLE 1. GENERAL PROVISIONS  
17

18 **Sec. 1-6-1. Name.**  
19

20 This division shall be known and may be cited as the "Orange County Campaign  
21 Reform Ordinance."  
22

23 **Sec. 1-6-2. Purpose.**  
24

25 The purpose of this division is to ensure that the financial strength of certain  
26 individuals or organizations does not permit them to exercise a disproportionate or  
27 controlling influence on the election of Orange County candidates. To achieve this  
28 purpose, this division is designed to minimize the opportunity for corruption, to minimize  
29 the appearance or perception of corruption, to prevent evasion of the contribution limit,  
30 and to maintain public trust in governmental institutions and the electoral process.  
31

32 **Sec. 1-6-3. Relation to Political Reform Act of 1974.**  
33

34 This division is intended to supplement the Political Reform Act of 1974. Unless  
35 the term is specifically defined in this division or the contrary is stated or clearly appears  
36 from the context, words and phrases shall have the same meaning as when they are used  
37 in Title 9 of the California Government Code, in which the Political Reform act of 1974  
38 is codified, as the same may be, from time to time, amended.  
39

40 **Sec. 1-6-4. Definitions.**  
41

42 (a) *Commission.* "Commission" means the Fair Campaign Practices  
43 Commission.  
44

45 (b) *County Candidate:* "County Candidate" means any person who is a  
46 candidate for Supervisor, Sheriff-Coroner, District Attorney, Assessor, Treasurer-Tax  
47 Collector, County Clerk-Recorder, Auditor-Controller, Public Administrator, or

1 Superintendent of Schools, or, in the event any of the listed consolidated county offices  
2 are separated, any of the separated offices which are elective.

3  
4 (c) *Elective County Officer*: "Elective County Officer" means any person  
5 who is a Supervisor, Sheriff-Coroner, District Attorney, Assessor, Treasurer-Tax  
6 Collector, County Clerk-Recorder, Auditor-Controller, Public Administrator, or  
7 Superintendent of Schools, whether appointed or elected or, in the event any of the listed  
8 consolidated county offices are separated, any individual occupying a separated office  
9 which is elective.

10  
11 **Sec. 1-6-5. Contribution Limitations.**

12  
13 (a) No person shall make to any candidate for County Elective Office or the  
14 controlled committee of such a candidate, and no such candidate or committee shall  
15 accept from any such person, a contribution or contributions totaling more than one  
16 thousand six hundred dollars (\$1,600.00) for each of the following elections for which  
17 the person is a candidate: a primary election, a special election, or a general (runoff)  
18 election.

19  
20 (b) The contribution limitations set forth in subsection (a) shall also apply to  
21 any committee which collects contributions for the purpose of making expenditures in  
22 support of or opposition to the recall of the Elective County Officer, and to contributions  
23 received by the Elective County Officer during the time period set forth in section 1-6-  
24 7(b) of this division.

25  
26 (c) The provisions of this section shall not apply to a candidate's contribution  
27 of his or her personal funds to his or her own campaign committee, but shall apply to  
28 contributions from the separate property of the spouse of that candidate.

29  
30 (d) An Elective County Officer who is not a County Candidate may accept  
31 contributions following their last election to County office in amounts not to exceed those  
32 allowed by subsection (a). Such contributions may only be used for the purpose of paying  
33 expenses associated with holding the office. Such contributions must be placed in a  
34 separate account and may not be transferred to any account for any candidate for office or  
35 other campaign account. Not later than 60 days after the Elective County Officer vacates  
36 that office, he or she shall dispose of any remaining funds in such account in the same  
37 manner provided in Section 1-6-11(c) of this Ordinance.

38  
39 **Sec. 1-6-6. Aggregation of Contributions.**

40  
41 For purposes of the limitations in this division, the following shall apply:

42  
43 (a) All contributions made by a sponsored committee to a County Candidate  
44 or to an Elective County Officer (or to a committee controlled by such candidate or  
45 officer) shall be combined with those contributions made by the sponsor(s) of the  
46 committee, and the combined amount shall not exceed one thousand six hundred dollars  
47 (\$1,600) within the time periods set forth in section 1-6-7 of this division.

1 (b) Two (2) or more entities shall be treated as one (1) person when any of the  
2 following circumstances apply:

- 3  
4 (1) The entities share the majority of members of their boards of directors.  
5 (2) The entities share two (2) or more officers.  
6 (3) The entities are owned or controlled by the same majority shareholder or  
7 shareholders.  
8 (4) The entities are in a parent-subsiidiary relationship.  
9

10 (c) An individual and any business entity in which the individual owns a  
11 controlling interest (fifty percent (50%) or more), or an individual connected with a  
12 business entity and that business entity when the individual controls a decision on  
13 whether the candidate or candidates receive contributions from that business entity,  
14 regardless of the percentage of ownership of the individual, shall be treated as one (1)  
15 person.  
16

17 (d) No committee which supports or opposes a candidate for County office  
18 shall have as a majority of its officers individuals who serve as the majority of officers on  
19 any other committee which supports or opposes the same candidate. No such committee  
20 shall act in concert with, or solicit or make contributions on behalf of, any other  
21 committee. This subdivision shall not apply to treasurers of committees if these treasurers  
22 do not participate in or control in any way a decision on whether the candidate or  
23 candidates receive contributions.  
24

25 (e) Contributions by children under eighteen (18) years of age shall be  
26 presumed to be contributions by their parents or legal guardians, allocated equally to each  
27 living parent or living guardian of the child.  
28

29 **Sec. 1-6-7. Election Cycles.**

30  
31 (a) *Primary and general (runoff) elections:* For purposes of the limits of this  
32 division, contributions made at any time between the final date for contributions to the  
33 last primary or general (runoff) election (whichever occurred last) for that same Elective  
34 County Office and June 30 of the present election year shall be considered primary  
35 election contributions. If there is a general (runoff) election, then contributions made  
36 from July 1 through December 31 of the election year shall be considered general  
37 (runoff) election contributions.  
38

39 (b) *Recalls:* For purposes of the limits of this division, contributions made at  
40 any time after a committee has been formed, pursuant to the provisions of the Political  
41 Reform Act, in support of a recall election, or after the Registrar of Voters has approved a  
42 recall petition for circulation and gathering of signatures, whichever occurs first, shall be  
43 considered contributions during a recall election cycle. A recall election cycle shall end  
44 whenever any of the following occur:  
45

- 46 (1) The recall proponents fail to return signed petitions to the Registrar of  
47 Voters within the time limits set forth in the California Elections Code.

1 (2) All committees formed in support of the recall have been terminated  
2 pursuant to the provisions of the Political Reform Act.  
3

4 (3) Ten (10) days after a recall election has been held.  
5

6 (c) *Special Elections:* For purposes of the limits of this division,  
7 contributions made at any time after a committee has been formed, pursuant to the  
8 provisions of the Political Reform Act, in support of a candidate for a special election  
9 shall be considered contributions during a special election cycle. A special election cycle  
10 shall end on June 30 or December 31 following the special election, which ever occurs  
11 first.  
12

13 **Sec. 1-6-8. Slate Mailers. (Previously Sec. 1-6-24)**  
14

15 (a) The provisions of Government Code Section 82048.4 are not incorporated  
16 in, and shall not be used in the interpretation of, the Orange County Campaign Reform  
17 Ordinance.  
18

19 (b) If a slate mailer is produced and/or distributed other than at the behest of a  
20 County Candidate, then it is an independent expenditure, and is not subject to the  
21 contribution limitations of this division.  
22

23 (c) The following provisions shall apply only to slate mailers in which more  
24 than twenty-five (25) percent of the surface area of the slate mailer (exclusive of the area  
25 used for address and postage) expressly advocates or opposes the election of an  
26 individual County Candidate.  
27

28 (1) If a third party has provided funds to the slate mailer organization that are  
29 used for the production and/or distribution of a slate mailer at the behest  
30 of a County Candidate, then:  
31

32 (A) The attributable cost of production and/or distribution of the slate mailer  
33 is a contribution from the third party to the County Candidate to the  
34 extent the attributable cost of production and/or distribution exceeds the  
35 amount, if any, paid by the County Candidate or the controlled committee  
36 of such a candidate, up to the total of the funds provided by the third  
37 party, and this contribution is subject to the contribution limitations of  
38 this division, and  
39

40 (B) The attributable cost of production and/or distribution of the slate mailer  
41 that exceeds the total of the funds provided by the third party and any  
42 funds paid by the County Candidate or the controlled committee of such a  
43 candidate is a contribution from the slate mailer organization to the  
44 County Candidate, and this contribution is subject to the contribution  
45 limitations of this division.  
46

- 1 (2) If a slate mailer is produced or distributed at the behest of a County  
2 Candidate, without any contribution from a third party, then the  
3 attributable cost of production and/or distribution is a contribution from  
4 the slate mailer organization to the County Candidate to the extent the  
5 attributable cost of production and/or distribution exceeds the amount, if  
6 any, paid by the County Candidate or the controlled committee of such a  
7 candidate to the slate mailer organization, and this contribution is subject  
8 to the contribution limitations of this division.  
9
- 10 (3) If a slate mailer expressly opposes the election of a County Candidate,  
11 and the slate mailer is produced and/or distributed at the behest of an  
12 opposing County Candidate ("the opponent"), then:  
13
- 14 (A) If a third party has paid the slate mailer organization to oppose the County  
15 Candidate, then:  
16
- 17 (i) The attributable cost of production and/or distribution of the slate  
18 mailer is a contribution from the third party to the opponent to the  
19 extent it exceeds any payment to the slate mailer organization  
20 from the opponent or the controlled committee of such opponent  
21 up to the total amount paid to the slate mailer organization by the  
22 third party to oppose the County Candidate, and this contribution  
23 is subject to the contribution limitations of this division, and  
24
- 25 (ii) The attributable cost of production and/or distribution of  
26 the slate mailer that exceeds the total of the payment made to the  
27 slate mailer organization by the third party to oppose the County  
28 Candidate and any payment made to the slate mailer organization  
29 by the opponent or the controlled committee of such opponent is a  
30 contribution from the slate mailer organization to the opponent,  
31 and this contribution is subject to the contribution limitations of  
32 this division.  
33
- 34 (B) If no third party has paid the slate mailer organization to oppose the  
35 County Candidate, then the attributable cost of production and/or  
36 distribution is a contribution from the slate mailer organization to the  
37 opponent to the extent the attributable cost of production and/or  
38 distribution exceeds the amount, if any, paid by the opponent or the  
39 controlled committee of such opponent to the slate mailer organization,  
40 and this contribution is subject to the contribution limitations of this  
41 division.  
42

1 (d) "Attributable cost of production and/or distribution" is computed by  
2 multiplying the total cost of production and/or distribution of the slate mailer by a  
3 fraction, the numerator of which is the number of square inches of the mailer that  
4 expressly advocates or opposes the election of a County Candidate, and the denominator  
5 of which is the number of square inches of the mailer devoted to all candidates.

6  
7 (e) A slate mailer is produced and/or distributed at the behest of a County  
8 Candidate:

9  
10 (1) If the County Candidate, or the County Candidate's controlled committee,  
11 or the County Candidate's or committee's agent or consultant pays any of  
12 the costs for the slate mailer, or provides any information or photographs  
13 used in the mailer, or consults or confers with the slate mailer  
14 organization in any manner regarding the content, timing, or distribution  
15 of the slate mailer, or

16  
17 (2) Under any of the circumstance described in section 18225.7(a) and  
18 section 18225.7(b) of Title 2 of the California Code of Regulations, as  
19 those sections exist as of June 1, 2002, or

20  
21 (3) A nonrefundable deposit made to a slate mailer organization shall not be  
22 considered a payment within the meaning of subsections (e)(1) or (e)(2)  
23 above, if (A) the deposit is made by, or on behalf of, a County Candidate  
24 who is not opposed in the County election, or (B) if the deposit is made as  
25 consideration for a written agreement whereby the slate mailer  
26 organization obligates itself to not produce a slate mailer in which more  
27 than twenty-five (25) percent of the surface area of the slate mailer  
28 (exclusive of the area used for address and postage) expressly advocates  
29 or opposes the election of the County Candidate by, or for whom, the  
30 non-refundable deposit is made.

31  
32 **Sec. 1-6-9. Notice of Independent Expenditures. (Previously Sec. 1-6-25)**

33  
34 Any person who makes or incurs an independent expenditure of one thousand  
35 dollars (\$1,000.00) or more in support of or in opposition to any County Candidate(s)  
36 shall notify the Fair Campaign Practices Commission within twenty-four (24) hours each  
37 time one or more payments which meet this threshold are incurred. The Notice of  
38 Independent Expenditure shall be by personal delivery, telegram, facsimile, or by any  
39 other electronic means and shall include a copy of such communication and shall name  
40 the candidate supported or opposed by the expenditure (the "affected candidate"). A  
41 communication includes radio or television advertisements, telephone calls, signs,  
42 posters, billboards, newspaper ads, internet banners/advertisements, door hangers, e-  
43 mails, campaign buttons, bumper stickers and campaign literature. The Fair Campaign  
44 Practices Commission staff shall notify the affected candidate by phone, fax or e-mail of  
45 the independent expenditure and its contents within three (3) business days after  
46 receiving the Notice of Independent Expenditure of \$1,000 or more.

1 **Sec. 1-6-10. Prohibition on Multiple Campaign Committees. (Previously Sec. 1-6-8)**  
2

3 A County Candidate or an Elective County Officer shall have no more than one  
4 (1) campaign committee which shall have only one (1) bank account out of which all  
5 qualified campaign and office holder expenses related to that County office shall be  
6 made. This section does not prevent a County Candidate or an Elective County Officer  
7 from establishing another committee solely for the purpose of running for a state, federal,  
8 or local office that is not identified in section 1-6-4 of this division.  
9

10 Notwithstanding the above, this subsection shall not prohibit the establishment of  
11 savings accounts or certificates of deposit, provided that no campaign expenditures may  
12 be made from them.  
13

14 **Sec. 1-6-11. Legal Defense Fund.**  
15

16 (a) A County Candidate or Elective County Officer may establish a separate  
17 account to defray attorney's fees and other related legal costs incurred for the candidate's  
18 legal defense if, and only if, there are one or more civil proceedings challenging the  
19 results of a certified election in which the Registrar of Voters declared and certified the  
20 County Candidate or Elective County Officer as the winner of the election. These funds  
21 may be used only to defray those attorney fees and other related legal costs.  
22

23 (b) A County Candidate or Elective County Officer shall establish a separate  
24 controlled committee for the legal defense account. Contributions to this account are  
25 subject to all the contribution limits set forth in this division, except that any person who  
26 has contributed to the County Candidate or Elective County Officer for the election  
27 which is the subject of the civil proceeding challenging the election shall not count any  
28 contributions made to the County Candidate or Elective County Officer in that Election  
29 Cycle against the contribution limits on the fund permitted by this section. All  
30 contributions and expenditures shall be reported by the County Candidate or Elective  
31 County Officer at the same times and in the same places as it would be required to do for  
32 any other controlled committee formed by the County Candidate or Elective County  
33 Officer.  
34

35 (c) Once the civil proceeding is resolved, funds remaining in the legal defense  
36 account after all attorney's fees and expenses associated with the civil proceeding are  
37 discharged shall be disposed of by either of the two methods listed below. The legal  
38 defense account and committee shall be terminated within 30 days of paying all expenses.  
39

- 40 (1) Repayment of contributions, on a *pro rata* basis if the total  
41 remaining funds are less than the total funds contributed to the  
42 separate account; or  
43  
44 (2) Donations to any bona fide charitable, educational, civic, religious,  
45 or similar tax-exempt, nonprofit organization, where no substantial  
46 part of the proceeds will have a material financial effect on the  
47 County Candidate or Elective County Officer, any member of his or

1 her immediate family, or his or her campaign treasurer or campaign  
2 consultant.

3  
4 (d) This Section shall apply both to any election held after the adoption of this  
5 Ordinance and, with respect to any County Candidate or Elective County Officer, to the  
6 election most immediately preceding the adoption of this Ordinance.

7  
8 **Sec. 1-6-12 Outstanding Debt Retirement.**

9  
10 (a) Any Elective County Officer or former County Candidate (the “indebted  
11 former County Candidate”), or any controlled committee of any such officer or candidate,  
12 accepting any contribution(s) for the purpose of retiring outstanding debt from a prior  
13 County election, shall at the time required for the reporting of such contributions on  
14 Schedule A of Form 460 or any successor form thereto, and in addition to any other  
15 reporting requirements under state law, clearly designate on said Schedule A which  
16 contributions were received for the purpose of retiring outstanding debt from a prior  
17 County election and for which prior election such contributions were received.

18  
19 (b) No person shall make, and no Elective County Officer or indebted former  
20 candidate or any controlled committee of any Elective County Officer or indebted former  
21 candidate shall solicit or accept, any contributions for the purpose of retiring outstanding  
22 debt from a prior county election which would cause the total amount contributed by such  
23 person to such Elective County Officer or indebted former candidate or his or her  
24 controlled committee to exceed the contribution limit set forth in Section 1-6-5 of this  
25 ordinance for the election in which the outstanding debt is incurred, regardless of when  
26 the contribution is made or received.

27  
28 (c) Any contribution accepted for the purpose of retiring outstanding debt  
29 from a prior county election shall be applied to reduce or retire said outstanding debt in  
30 the same reporting period in which such contribution was accepted. The application of  
31 any contribution to retire outstanding debt from a prior county election shall be itemized  
32 and identified on the appropriate schedules and on the Summary Page of Form 460 or any  
33 successor form thereto, provided by the State Fair Political Practices Commission.

34  
35 (d) Except as provided in subsection (e) below, no Elective County Officer or  
36 former County Candidate, or any controlled committee of any such officer or candidate,  
37 shall use any contributions received for the purpose of retiring outstanding debt from a  
38 prior county election for any purpose other than for the retirement of outstanding debt  
39 remaining from the prior county election for which such contribution was received.

40  
41 (e) Following the retirement of all outstanding debt from the election for  
42 which such contributions were collected, any remaining funds which were collected for  
43 the purpose of retiring outstanding debt shall be: (1) returned to the contributors; (2)  
44 deposited in the County’s General Fund; or (3) donated to any *bona fide* charitable,  
45 educational, civic, religious, or similar tax-exempt not-for-profit organization, where no  
46 substantial part of the proceeds will have a material financial effect on the former



1 candidate or officeholder, any member of his or her immediate family, or his or her  
2 campaign treasurer.

3  
4 (f) This Section shall apply both to outstanding debt from any election held  
5 after the adoption of this Ordinance and, with respect to any County Candidate or  
6 Elective County Officer, to outstanding debt from the election most immediately  
7 preceding the adoption of this Ordinance.

8  
9 **Sec. 1-6-13. Prohibition on Contributions. (Previously Sec. 1-6-9)**

10  
11 (a) No contributions shall be accepted by any County Candidate or Elective  
12 County Officer or their controlled committees, from any other committee controlled by  
13 another federal, state, or local candidate or officeholder.

14  
15 (b) No County Candidate or Elective County Officer and no committee  
16 controlled by a County Candidate or Elective County Officer shall make any contribution  
17 to any other County Candidate or Elective County Officer or to any committee supporting  
18 or opposing a County Candidate or Elective County Officer for office. This section shall  
19 not prohibit a County Candidate or Elective County Officer from making a contribution  
20 from his or her own personal funds to his or her own candidacy or to the candidacy of any  
21 other candidate for elective County office.

22  
23 (c) Any funds transferred from a candidate's controlled committee established  
24 for a different County office, a state or other local office (the 'transferor committee') to a  
25 committee established to run for a County office (the 'transferee committee'), shall be  
26 accompanied by a written statement attesting to the fact that each contributor of said  
27 transferred funds was notified at least 30 days in advance of the transfer that their  
28 contribution(s) was going to be used for running for the County office being sought. No  
29 contribution may be transferred if the contributor objects to the transfer of his/her  
30 contribution(s). Said notification and sworn statement shall be filed with the Fair  
31 Campaign Practices Commission along with the Campaign Statement in which the  
32 transferred contributions are reported. Contributions originally made to the transferor  
33 committee shall be transferred to the transferee committee on a 'last in-first out' basis.  
34 Each transferred contribution, when combined with all other contributions received by  
35 the candidate or officeholder for his/her controlled committee from that contributor  
36 during the election cycle in which the funds are transferred, shall be subject to the  
37 contribution limitations of this chapter. Transferred contributions shall be deemed  
38 contributions made to the transferee committee in the election cycle in which such  
39 contributions are received by the transferee committee. Contributions received by the  
40 transferor committee on or after the date the County Candidate formed a committee to  
41 run for County office, may not be transferred to the transferee committee established to  
42 run for that County office.

1 **Sec. 1-6-14. Loans and Extensions of Credit.**

2  
3 (a) Loans.

- 4  
5 (1) A loan shall be considered a contribution from the maker and the  
6 guarantor of the loan and shall be subject to the contribution limitations of  
7 this division.  
8  
9 (2) Every loan to a County Candidate or Elective County Officer or their  
10 controlled committees shall be by written agreement which shall be filed  
11 with the campaign statement on which the loan is first reported. In the  
12 case of a loan from the candidate to his or her committee for which the  
13 candidate is personally liable, the written agreement shall identify the  
14 initial source of the loan (i.e., credit cards, a third party, a commercial  
15 lending institution, etc.).  
16  
17 (3) The proceeds of a loan made to a County Candidate or Elective County  
18 Officer by a commercial lending institution in the regular course of  
19 business on the same terms available to members of the public shall not  
20 be subject to the contribution limitations of this division if the loan is  
21 made directly to the County Candidate or elective County officer or his or  
22 her controlled committee. The guarantors of such a loan shall remain  
23 subject to the contribution limits of this division.  
24

25 (b) Extensions of Credit.

- 26  
27 (1) Except as provided in subsection 2 below, an extension of credit consists  
28 of a receipt of goods or services pursuant to an agreement between the  
29 provider of the goods or services and a candidate or committee, and  
30 where payment is not made until a later date, it is a contribution subject to  
31 the contribution limitations of this division.  
32  
33 (2) For purposes of this Ordinance, an extension of credit is not a  
34 contribution made by the provider of the goods or services or a  
35 contribution accepted by the candidate or committee if either subdivision  
36 (2)(A) or (2)(B) below is met.  
37  
38 A. Payment is made on or before the earlier of the following dates:  
39  
40 i. 90 days after the date of the invoice; or  
41 ii. 90 days from the date the goods or services are delivered; or  
42 iii. For services ongoing in nature, 90 days after the date of the  
43 invoice, where services are billed no less frequently than on a  
44 three-month billing cycle.  
45  
46 B. All of the following requirements of subsections (i) – (v) are met:  
47

- 1 i. The credit arrangement is recorded in a written instrument;
- 2 ii. It is a regular business of the provider of goods or services to
- 3 provide similar goods or services;
- 4 iii. The provider provides the goods or services in the ordinary course
- 5 of business and on the same terms and conditions offered to
- 6 customers generally;
- 7 iv. The provider of goods or services enters into the agreement with
- 8 the intent that the candidate or committee be required to pay in
- 9 accordance with terms of the agreement and does not have actual
- 10 knowledge that the candidate or committee would not be able to
- 11 pay in accordance with those terms; and
- 12 v. The provider of goods or services makes reasonable efforts to
- 13 collect the full amount of the payment owed within four months
- 14 of the date that the payment for the goods or services is due under
- 15 the terms of the agreement. Reasonable efforts to collect the full
- 16 amount of the payment may be demonstrated even if:
- 17 aa. The provider does not exhaust all available legal options; or
- 18 bb. The provider accepts less than the full amount of the
- 19 payment owed by the candidate or committee.
- 20

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

24  
25 **Sec. 1-6-15. Money Received by Officials Treated as Contributions.**  
26 **(Previously Sec. 1-6-11)**  
27

28 Except as otherwise provided in Section 1-6-11, any funds, property, goods or  
29 services, other than government funds, received by Elective County Officers or County  
30 Candidates which are used, or intended by the donor or by the recipient to be used, for  
31 expenses (including legal expenses) related to holding County office or running for  
32 County office, shall be considered campaign contributions and shall be subject to the  
33 limitations of this division. Reimbursement for reasonable travel expenses related to  
34 holding County office shall be excluded from the provisions of this section.

35  
36 **Sec. 1-6-16. Solicitation of Contributions from Persons who have County Business**  
37 **Dealings. (Previously Sec. 1-6-12)**  
38

39 No nonelected County public official or County employee shall solicit, direct or  
40 receive a contribution from any person, or his or her agent, who has a proceeding  
41 involving legislative or administrative action pending before the County public official or  
42 County employee or has had such a matter pending during the preceding twelve (12)  
43 months. This section does not apply to a nonelected County public official or County  
44 employee who is a County Candidate acting in furtherance of his own controlled  
45 committee.

1 **Sec. 1-6-17. Transmittal of Campaign Contributions in County Office Buildings.**  
2 **(Previously Sec. 1-6-13)**  
3

4 (a) No person shall receive or personally deliver or attempt to deliver a  
5 contribution in any office which the County owns or for which the County pays the  
6 majority of the rent.

7  
8 (b) For purposes of this section:  
9

10 (1) *Personally deliver* means delivery of a contribution in person or causing a  
11 contribution to be delivered in person by an agent or intermediary, other  
12 than the United States Mail.

13  
14 (2) *Receive* includes the receipt of a campaign contribution delivered in  
15 person.  
16

17 **Sec. 1-6-18. Disclosure of Occupation and Employer. (Previously Sec. 1-6-14)**  
18

19 (a) No campaign contribution cumulating to one hundred dollars (\$100.00) or  
20 more shall be deposited into a campaign bank account of a County Candidate or Elective  
21 County Officer unless the disclosure information required by the Political Reform Act,  
22 including the name, address, occupation and employer of the contributor and, if self-  
23 employed, the name of the business under which the individual is self-employed, is on  
24 file in the records of the recipient of the contribution. Said disclosure information shall be  
25 included in the campaign disclosure statement in which the contribution is reported.  
26 Contributions disclosed in the campaign disclosure statement without the required  
27 information shall be forfeited to the County's General Fund within thirty (30) calendar  
28 days from the date of filing the campaign disclosure statement.  
29

30 (b) In the event the required disclosure information is not obtained by the end  
31 of the current reporting period, the contribution shall be returned to the contributor. If the  
32 whereabouts of the contributor cannot be ascertained, the contribution shall be deposited  
33 in the Orange County General Fund or transferred to a charity that is exempt from  
34 taxation under Section 501(c)(3) of the Internal Revenue Code.  
35

36 **Sec. 1-6-19. Disclosure by Persons Subject to Aggregation of Contributions.**  
37 **(Previously Sec. 1-6-26)**  
38

39 Any person who makes a contribution(s) that is subject to aggregation as  
40 described in section 1-6-6(b), (c) and (e) shall disclose in writing to the County Candidate  
41 or Elective County Officer or to his or her committee at the time a contribution is made,  
42 any other prior contributions with which their current contribution must be aggregated.  
43 This subsection does not relieve the County Candidate or Elective County Officer or  
44 his/her treasurer of the obligation to use reasonable diligence in determining which  
45 contributions should be aggregated.  
46

1 **Sec. 1-6-20. Reporting of Current and Cumulative Contributions.**  
2 **(Previously Sec. 1-6-27)**  
3

4 Contributions received from any contributor during a reporting period which have  
5 a cumulative total of one hundred dollars (\$100.00) or more shall be itemized along with  
6 the cumulative total of contributions received from that contributor (including monetary  
7 and non-monetary contributions) during the election cycle. Such amounts shall be  
8 reported on the required forms as provided by the Fair Political Practices Commission  
9 (Form 460 or any successor form). The term "election cycle" as used in this section shall  
10 mean the applicable period described in section 1-6-7.  
11

12 **Sec. 1-6-21. Returning Contributions.**  
13 **(Previously Sec. 1-6-30)**  
14

15 (a) That portion of a contribution that is accepted by the County Candidate or  
16 the Elective County Officer or his/her controlled committee which is in excess of the  
17 limitations imposed by this Ordinance and which is otherwise a legal contribution shall  
18 be returned to the donor within 7 days of discovery that the contribution is over the limit.  
19 A written notification showing the donor's name, the amount returned, and the date of the  
20 return shall be provided to the Fair Campaign Practices Commission within three  
21 business days of making the return.  
22

23 (b) Monetary and/or non-monetary contributions made by a candidate to  
24 his/her controlled committee may not be returned to that candidate with the exception of  
25 officeholder expenses that may be reimbursed to the candidate per Section 89511.5 of the  
26 Political Reform Act.  
27

28 **Sec. 1-6-22. Filing of Post-Election Campaign Statements. (Previously Sec. 1-6-28)**  
29

30 A post-election campaign statement (Fair Political Practices Commission Form  
31 460 or any successor form) shall be filed by all County Candidates running in the current  
32 election including write-in candidates, no later than 15 days following the date of a  
33 primary, general (runoff), recall or special election. The post-election report shall cover  
34 the period from the last pre-election statement through the 10th day following the  
35 election.  
36

37 **Sec. 1-6-23. Electronic Filing.**  
38

39 Upon the availability of a County electronic filing system, all County Candidates  
40 who receive or expend contributions, or make or receive loans in connection with a  
41 campaign to which this Ordinance applies, of \$25,000 or more shall file their campaign  
42 disclosure statements electronically with the Fair Campaign Practices Commission, as  
43 well as filing a paper version of the signed original and one copy. Candidates who are  
44 below this threshold of funds are required to file only paper versions of the signed  
45 original and one copy with the Fair Campaign Practices Commission..  
46

1 **Sec. 1-6-24. Fines for Late Filing of Amendments and Campaign Statements.**  
2 **(Previously Sec. 1-6-29)**  
3

4 (a) Upon written notification by the Fair Campaign Practices Commission  
5 that an amendment of a previously filed campaign statement is required, said amendment  
6 shall be filed with the Fair Campaign Practices Commission no later than 30 calendar  
7 days following the date of the notification.  
8

9 (b) If any County Candidate or Elective County Officer files a Campaign  
10 Statement, report or amendment after any deadline imposed by this Ordinance or by the  
11 Political Reform Act, he or she shall, in addition to any other penalties or remedies  
12 established by this Ordinance, be personally liable to the Fair Campaign Practices  
13 Commission in the amount of \$25 per day after the deadline until the statement, report or  
14 amendment is filed. Liability need not be enforced by the Commission if it determines  
15 that the late filing of the statement, report or amendment was not willful and that  
16 enforcement of the liability will not further the purposes of this Ordinance, except that no  
17 liability shall be waived if a statement, report or amendment is not filed within 30 days.  
18 Should the State Fair Political Practices Commission fine any County Candidate or  
19 Elective County Officer for filing of a Campaign Statement, report or amendment after  
20 any deadline imposed by this Ordinance or by the Political Reform Act, the Fair  
21 Campaign Practices Commission shall credit the amount of such State fine against the  
22 fine imposed by the Fair Campaign Practices Commission on such County Candidate or  
23 Elective County Officer for the same late filing.  
24

25 **Sec. 1-6-25 Payment to the General Fund of Laundered Contributions.**  
26

27 A County Candidate, Elective County Officer or their controlled committee that  
28 receives a contribution(s) in violation of Government Code Section 84301 shall pay the  
29 General Fund of Orange County the amount of said contribution(s) that the candidate or  
30 committee received in violation of Government Code Section 84301. The payment to the  
31 County's General Fund must be made within 60 days of notification by either the source  
32 or contributor of the laundered funds, or by the Fair Campaign Practices Commission, the  
33 County District Attorney, the Attorney General, the Fair Political Practices Commission,  
34 or a civil prosecutor that the candidate or committee received a contribution(s) in  
35 violation of Government Code Section 84301.  
36

37 **Sec. 1-6-26. Candidate Acknowledgment of Receiving County Campaign Finance**  
38 **Reform Ordinance No. 3862 as Amended. (Previously Sec. 1-6-31)**  
39

40 The Fair Campaign Practices Commission shall provide each County Candidate,  
41 Elective County Officer, and any person appointed to a County office which is normally  
42 elective with a copy of this Ordinance as well as copies of any subsequent amendments.  
43 Each recipient will be required to sign a form prepared by the Fair Campaign Practices  
44 Commission acknowledging receipt of a copy of this Ordinance and any subsequent  
45 amendments.  
46

1 **Sec. 1-6-27. Enforcement of Ordinance. (Previously Sec. 1-6-15)**

2  
3 (a) **No Criminal Penalties.** Notwithstanding any other provision of the  
4 Codified Ordinances of the County of Orange, any violation of any provision of this  
5 Ordinance shall be enforceable solely as provided in this section.  
6

7 (b) **Civil Action.** The Fair Campaign Practices Commission shall conduct  
8 investigations of alleged violations and enforce the provisions of this Ordinance in  
9 accordance with Article 2 of Division 6 entitled “Fair Campaign Practices Commission”.  
10 Complaints alleging violations of this ordinance shall be submitted to the Fair Campaign  
11 Practices Commission in accordance with the procedures set forth in said Article.  
12

13 **Sec. 1-6-28. Reliance Upon Advice.**

14  
15 The Fair Campaign Practices Commission shall have the authority to make  
16 interpretations of the provisions of this Ordinance. Reliance on the advice, or the failure  
17 of the staff to provide the advice within 21 working days of its receipt of the request, or  
18 within the extended time for response, shall be a complete defense in any enforcement  
19 proceeding conducted by the Commission, and evidence of good faith conduct in any  
20 other civil or criminal proceeding if the requester, at least 21 working days prior to the  
21 alleged violation, requested written advice from the staff in good faith, disclosed  
22 truthfully all the material facts, and committed the acts complained of either in reliance  
23 on the advice or because of the failure of the staff to provide advice within 21 days of the  
24 request or such later extended time.  
25

26 **Sec. 1-6-29. Applicability of Other Laws. (Previously Sec. 1-6-20)**

27  
28 Nothing in this Ordinance shall exempt any person from applicable provisions of  
29 any other laws of this state or jurisdiction.  
30

31 **Sec. 1-6-30. Severability. (Previously Sec. 1-6-21)**

32  
33 If any provision of this Ordinance, or the application of any such provision to any  
34 person or circumstances, shall be held invalid, the remainder of this Ordinance to the  
35 extent it can be given effect, or the application of such provision to persons or  
36 circumstances other than those as to which it is held invalid, shall not be affected thereby,  
37 and to this extent the provisions of this Ordinance are severable.  
38

39 **Sec. 1-6-31. Interpretation of Ordinance. (Previously Sec. 1-6-22)**

40  
41 This Ordinance shall be liberally construed to accomplish its purposes.

42 **Sec. 1-6-32. Amendments and Additional Requirements. (Previously Sec. 1-6-23)**

43  
44 (a) No amendment or repeal of any provision of this Ordinance shall be  
45 effective unless the proposition of its amendment or repeal shall first have been submitted  
46 to the electors of the County and approved by a majority vote.

1 (b) Nothing in this Ordinance prevents the Orange County Board of Supervisors  
2 from imposing additional requirements on any person if the requirements do not prevent  
3 the person from complying with this Ordinance.

4  
5 **Sec. 1-6-33. Relationship to Orange County Campaign Reform Ordinance**  
6 **No. 3862; Operative Date.**

7  
8 The provisions of this Ordinance shall be operative beginning on either July 1 or  
9 January 1, whichever occurs first following its adoption by the voters of Orange County  
10 and shall amend Orange County Campaign Reform Ordinance No. 3862.

11



1 **Addendum III**

2  
3  
4 ORDINANCE NO. \_\_\_\_\_

5  
6 AN ORDINANCE OF THE COUNTY OF ORANGE,  
7 CALIFORNIA, ESTABLISHING A FAIR CAMPAIGN  
8 PRACTICES COMMISSION AND ADDING ARTICLE III,  
9 SECTION 301 TO THE CHARTER OF ORANGE COUNTY

10  
11  
12 The People of the County of Orange, California, hereby ordain as follows:

13  
14 SECTION 1: Article III, Section 301 is added to the Charter of Orange County to  
15 read:

16  
17 **ARTICLE III. FAIR CAMPAIGN PRACTICES COMMISSION**

18  
19 Sec. 301. Establishment of the Fair Campaign Practices Commission; Duties  
20 of the Commission.

21  
22 The Board of Supervisors shall establish a Fair Campaign Practices Commission  
23 (“Commission”) to oversee compliance with the Orange County Campaign Reform  
24 Ordinance No. 3862 as from time to time amended. In particular, the Commission shall  
25 have authority to:

- 26  
27 (a) Audit campaign disclosure statements and amendments thereto  
28 filed by County Candidates and County Elected Officials as  
29 defined in the Orange County Campaign Reform Ordinance No.  
30 3862 as from time to time amended, investigate alleged violations  
31 of such ordinance as from time to time amended, and if necessary,  
32 report the findings to appropriate State of California enforcement  
33 authorities;
- 34  
35 (b) Initiate complaints and receive written complaints alleging  
36 possible violations of Orange County Campaign Reform  
37 Ordinance No. 3862 as from time to time amended;
- 38  
39 (c) Enforce provisions of County laws pertaining to campaign finance  
40 disclosure and impose fines for violations of such laws; and
- 41  
42 (d) To administer oaths.

43  
44 The Board of Supervisors shall by ordinance establish the above-stated authority  
45 and duties and additional authority and duties of the Commission; its enforcement  
46 powers, voting requirements, meeting schedule, staffing and budget; its members’ terms  
47 of office, qualifications, compensation and removal; and appointment of members.  
48