

**The voters of Orange County do hereby amend the County Campaign Reform Ordinance:**

**Title 1**  
**Division 6**  
**CAMPAIGN REFORM**  
(Ordinance No. 3862 as amended through \_\_\_\_\_, 2008)

ARTICLE 1. GENERAL PROVISIONS

**Sec. 1-6-1. Name.**

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

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

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

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

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

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

- (a) *Commission.* "Commission" means the Fair Campaign Practices Commission.
- (b) *County Candidate:* "County Candidate" means any person who is a candidate for Supervisor, Sheriff-Coroner, District Attorney, Assessor, Treasurer-Tax Collector, County Clerk-Recorder, Auditor-Controller, Public Administrator, or Superintendent of Schools, or, in the event any of the listed consolidated county offices are separated, any of the separated offices which are elective.
- (c) *Elective County Officer:* "Elective County Officer" means any person who is a Supervisor, Sheriff-Coroner, District Attorney, Assessor, Treasurer-Tax Collector, County Clerk-Recorder, Auditor-Controller, Public Administrator, or Superintendent of Schools,

whether appointed or elected or, in the event any of the listed consolidated county offices are separated, any individual occupying a separated office which is elective.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Sec. 1-6-8 Slate Mailers. (previously Sec. 1-6-24)**

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

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

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

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

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

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

(2) If a slate mailer is produced or distributed at the behest of a County Candidate, without any contribution from a third party, then the attributable cost of production and/or distribution is a contribution from the slate mailer organization to the County Candidate to the extent the attributable cost of production and/or distribution exceeds the amount, if any, paid by the County Candidate or the controlled committee of such a candidate to the slate mailer organization, and this contribution is subject to the contribution limitations of this division.

(3) If a slate mailer expressly opposes the election of a County Candidate, and the slate mailer is produced and/or distributed at the behest of an opposing County Candidate ("the opponent"), then:

(A) If a third party has paid the slate mailer organization to oppose the County Candidate, then:

(i) The attributable cost of production and/or distribution of the slate mailer is a contribution from the third party to the opponent to the extent it exceeds any payment to the slate mailer organization from the opponent or the controlled committee of such opponent up to the total amount paid to the slate mailer organization by the third party to oppose the County Candidate, and this contribution is subject to the contribution limitations of this division, and

(ii) The attributable cost of production and/or distribution of the slate mailer that exceeds the total of the payment made to the slate mailer organization by the third party to oppose the County Candidate and any payment made to the slate mailer organization by the opponent or the controlled committee of such opponent is a contribution from the slate mailer organization to the opponent, and this contribution is subject to the contribution limitations of this division.

(B) If no third party has paid the slate mailer organization to oppose the County Candidate, then the attributable cost of production and/or distribution is a contribution from the slate mailer organization to the opponent to the extent the attributable cost of production and/or distribution exceeds the amount, if any, paid by the opponent or the controlled committee of such opponent to the slate mailer organization, and this contribution is subject to the contribution limitations of this division.

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

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

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

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

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

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

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

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

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

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

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

- (a) A County Candidate or Elective County Officer may establish a separate account to defray attorney's fees and other related legal costs incurred for the candidate's legal defense if, and only if, there are one or more civil proceedings challenging the results of a certified election in which the Registrar of Voters declared and certified the County Candidate or Elective County Officer as the winner of the election. These funds may be used only to defray those attorney fees and other related legal costs.
- (b) A County Candidate or Elective County Officer shall establish a separate controlled committee for the legal defense account. Contributions to this account are subject to all the contribution limits set forth in this division, except that any person who has contributed to the County Candidate or Elective County Officer for the election which is the subject of the civil proceeding challenging the election shall not count any contributions made to the County Candidate or Elective County Officer in that Election Cycle against the contribution limits on the fund permitted by this section. All contributions and expenditures shall be reported by the County Candidate or Elective County Officer at the same times and in the same places as it would be required to do for any other controlled committee formed by the County Candidate or Elective County Officer.
- (c) Once the civil proceeding is resolved, funds remaining in the legal defense account after all attorney's fees and expenses associated with the civil proceeding are discharged shall be disposed of by either of the two methods listed below. The legal defense account and committee shall be terminated within 30 days of paying all expenses.
  - (1) Repayment of contributions, on a *pro rata* basis if the total remaining funds are less than the total funds contributed to the separate account; or
  - (2) Donations to any bona fide charitable, educational, civic, religious, or similar tax-exempt, nonprofit organization, where no substantial part of the proceeds will have a material financial effect on the County Candidate or Elective County

Officer, any member of his or her immediate family, or his or her campaign treasurer or campaign consultant.

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

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

- (a) Any Elective County Officer or former County Candidate (the “indebted former County Candidate”), or any controlled committee of any such officer or candidate, accepting any contribution(s) for the purpose of retiring outstanding debt from a prior County election, shall at the time required for the reporting of such contributions on Schedule A of Form 460 or any successor form thereto, and in addition to any other reporting requirements under state law, clearly designate on said Schedule A which contributions were received for the purpose of retiring outstanding debt from a prior County election and for which prior election such contributions were received.
- (b) No person shall make, and no Elective County Officer or indebted former candidate or treasurer of any controlled committee of any Elective County Officer or indebted former candidate shall solicit or accept, any contributions for the purpose of retiring outstanding debt from a prior county election which would cause the total amount contributed by such person to such Elective County Officer or indebted former candidate or his or her controlled committee to exceed the contribution limit set forth in Section 1-6-5 of this ordinance for the election in which the outstanding debt is incurred, regardless of when the contribution is made or received.
- (c) Any contribution accepted for the purpose of retiring outstanding debt from a prior county election shall be applied to reduce or retire said outstanding debt in the same reporting period in which such contribution was accepted. The application of any contribution to retire outstanding debt from a prior county election shall be itemized and identified on the appropriate schedules and on the Summary Page of Form 460 or any successor form thereto, provided by the State Fair Political Practices Commission.
- (d) Except as provided in subsection (e) below, no Elective County Officer or former County Candidate, or any controlled committee of any such officer or candidate, shall use any contributions received for the purpose of retiring outstanding debt from a prior county election for any purpose other than for the retirement of outstanding debt remaining from the prior county election for which such contribution was received.
- (e) Following the retirement of all outstanding debt from the election for which such contributions were collected, any remaining funds which were collected for the purpose of retiring outstanding debt shall be: (1) returned to the contributors; (2) deposited in the County’s General Fund; or (3) donated to any *bona fide* charitable, educational, civic, religious, or similar tax-exempt not-for-profit organization, where no substantial part of the proceeds will have a material financial effect on the former candidate or officeholder, any member of his or her immediate family, or his or her campaign treasurer.

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

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

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

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

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

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

(a) Loans.

(1) A loan shall be considered a contribution from the maker and the guarantor of the loan and shall be subject to the contribution limitations of this division.

(2) Every loan to a County Candidate or Elective County Officer or their controlled committees shall be by written agreement which shall be filed with the campaign statement on which the loan is first reported. In the case of a loan from the candidate to his or her committee for which the candidate is personally liable, the written agreement shall identify the initial source of the loan (i.e., credit cards, a third party, a commercial lending institution, etc.).

(3) The proceeds of a loan made to a County Candidate or Elective County Officer by a commercial lending institution in the regular course of business on the same terms available to members of the public shall not be subject to the contribution limitations of this division if the loan is made directly to the County Candidate or elective County officer or his or her controlled committee. The guarantors of such a loan shall remain subject to the contribution limits of this division.

(b) Extensions of Credit.

(1) Except as provided in subsection 2 below, an extension of credit consists of a receipt of goods or services pursuant to an agreement between the provider of the goods or services and a candidate or committee, and where payment is not made until a later date, it is a contribution subject to the contribution limitations of this division.

(2) For purposes of this Ordinance, an extension of credit is not a contribution made by the provider of the goods or services or a contribution accepted by the candidate or committee if either subdivision (2)(A) or (2)(B) below is met.

A. Payment is made on or before the earlier of the following dates:

- i. 90 days after the date of the invoice; or
- ii. 90 days from the date the goods or services are delivered; or
- iii. For services ongoing in nature, 90 days after the date of the invoice, where services are billed no less frequently than on a three-month billing cycle.

B. All of the following requirements of subsections (i) – (v) are met:

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

by the candidate or committee.

(c) 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.

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

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

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

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

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

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

(b) For purposes of this section:

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

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

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

(a) No campaign contribution cumulating to one hundred dollars (\$100.00) or more shall be deposited into a campaign bank account of a County Candidate or Elective County Officer unless the disclosure information required by the Political Reform Act, including the name, address, occupation and employer of the contributor and, if self-employed, the name of the business under which the individual is self-employed, is on file in the records of the recipient of the contribution. Said disclosure information shall be included in the campaign disclosure statement in which the contribution is reported. Contributions disclosed in the campaign disclosure

statement without the required information shall be forfeited to the County's General Fund within thirty (30) calendar days from the date of filing the campaign disclosure statement.

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

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

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

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

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

**Sec. 1-6-21. ~~Timely Return of Excess Contributions.~~ Returning Contributions. (Previously Sec. 1-6-30)**

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

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

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

A post-election campaign statement (Fair Political Practices Commission Form 460 or

any successor form) shall be filed by all County Candidates running in the current election including write-in candidates, no later than 15 days following the date of a primary, general (runoff), recall or special election. The post-election report shall cover the period from the last pre-election statement through the 10th day following the election.

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

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

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

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

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

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

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

**Sec. 1-6-26. Payment of Fines and Penalties**

Campaign funds may not be used to pay for fines and penalties incurred due to violation of the state and/or local campaign laws in those cases where the candidate, officeholder or their treasurer are responsible for the violation as determined by either the Fair Campaign Practices Commission, the Fair Political Practices Commission, the District Attorney, the Attorney General, or a court of competent jurisdiction.

**Sec. 1-6-27. Candidate Acknowledgment of Receiving County Campaign Finance Reform Ordinance No. 3862 as Amended. (Previously Sec. 1-6-31)**

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

**Sec. 1-6-28. Enforcement of Ordinance. (Previously Sec. 1-6-15)**

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

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

**Sec. 1-6-29. Reliance Upon Advice.**

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

**Sec. 1-6-30. Applicability of Other Laws. (Previously Sec. 1-6-20)**

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

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

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 Ordinance 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 thereby, and to this extent the provisions of this Ordinance are severable.

**Sec. 1-6-32. Interpretation of Ordinance. (Previously Sec. 1-6-22)**

This Ordinance shall be liberally construed to accomplish its purposes.

**Sec. 1-6-33. Amendments and Additional Requirements. (Previously Sec. 1-6-23)**

(a) The Board of Supervisors shall by ordinance adjust the contribution limitations in January of odd numbered years to reflect any cumulative increase or decrease in the Consumer Price Index for the State of California as announced by the United States Department of Labor since the last adjustment. Such adjustments shall be rounded off to the nearest hundred dollars for the limitations on contributions.

(b) Except as specified in subsection (a) above, no amendment or repeal of any provision of this Ordinance shall be effective unless the proposition of its amendment or repeal shall first have been submitted to the electors of the County and approved by a majority vote.

**Sec. 1-6-34 Relationship to Orange County Campaign Reform Ordinance No. 3862; Operative Date.**

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