

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNTY OF ORANGE, CALIFORNIA
SETTING CONTRIBUTION LIMITS CONSISTENT WITH LIMITS
FOR STATE ELECTIVE OFFICE AND ESTABLISHING A
CAMPAIGN ETHICS COMMISSION AND AMENDING SECTIONS
1-6-4, 1-6-5, 1-6-9, 1-6-10, 1-6-11, 1-6-23, AND ADDING 1-6-32 AND
1-6-33 OF THE CODIFIED ORDINANCES OF ORANGE COUNTY

The People of the County of Orange hereby ordain as follows:

SECTION 1: Section 1-6-4 of the Codified Ordinances of the County of Orange is amended to read:

Sec. 1-6-4. Definitions.

(a) 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, 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.

(b) 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, 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.

(c) State limit: "State limit" means the contribution limit imposed on candidates for state elective office as provided by California law.

(d) State elective office: "State elective office" means an elected office in the California legislature.

SECTION 2: Section 1-6-5 of the Codified Ordinances of the County of Orange is amended to read:

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 the State limit 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) Any person or committee that spends or incurs more than twenty-five (25) percent of its independent expenditures during the twelve (12) months preceding a County election on independent expenditures supporting or opposing County candidate(s) shall not accept any contribution(s) from any person in excess of the State limit during the time periods set forth in section 1-6-7 of this division.

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2 (d) The provisions of this section shall not apply to a candidate's contribution of his or her
3 personal funds to his or her own campaign committee.

4 SECTION 3: Section 1-6-6 of the Codified Ordinances of the County of Orange is amended to
5 read:

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

7 For purposes of the limitations in this division, contributions shall be aggregated as provided in
8 State law for candidates for state elected office.

9 SECTION 4: Section 1-6-9 of the Codified Ordinances of the County of Orange is amended to
10 read:

11 Sec. 1-6-9. Prohibition on Transfers.

12 (a) No contributions in excess of the State limit per election shall be accepted by any County
13 candidate or elective County officer or their controlled committees, from any other committee controlled
14 by another federal, state, or local candidate or officeholder.

15 (b) No County candidate or elective County officer and no committee controlled by a County
16 candidate or elective County officer shall make any contribution in excess of the State limit per election
17 to any other County candidate or elective County officer or to any committee supporting or opposing a
18 County candidate for office. This section shall not prohibit a County candidate or elective County officer
19 from making a contribution from his or her own personal funds to his or her own candidacy or to the
20 candidacy of any other candidate for elective County office.

21 SECTION 5: Section 1-6-11 of the Codified Ordinances of the County of Orange is repealed as
22 follows:

23 Sec. 1-6-11. Money Received by Officials Treated as Contributions.

24 (a) Any funds, property, goods or services, other than government funds, received by
25 Elective County officers or County candidates which are used, or intended by the donor or by the
26 recipient to be used, for expenses related to holding County office or running for County office, shall be
27 considered campaign contributions and shall be subject to the limitations of this division.
28 Reimbursement for reasonable travel expenses related to holding County office shall be excluded from
the provisions of this section.

(b)(1) Notwithstanding Section 1-6-8 (requiring a single campaign account) 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 or officer's legal defense if the candidate or officer is subject to
one or more civil proceedings or administrative proceedings arising directly out of the conduct of an
election campaign, the electoral process, or the performance of the officer's governmental activities and
duties. These funds may be used only to defray those attorney fees and other related legal costs.

(b)(2) A County Candidate or Elective County officer may receive contributions to this account
that are subject to the contribution limits set forth in this Ordinance. Such contributions shall not be
aggregated with any other contributions from the same contributor made to the County Candidate or
Elective County officer during the same election cycle described in Section 1-6-7. However, all such
contributions shall be reported in the same manner as required by the Fair Political Practices
Commission for reporting of legal defense funds by candidates for elective state office.

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1 (b)(3) Once the legal dispute is resolved, the County Candidate or Elective County officer shall
2 dispose of any funds remaining after all expenses associated with the dispute are discharged for one or
more the purposes set forth in paragraphs (1) to (5), inclusive, of subdivision (b) of Section 89519.

3 SECTION 6: Section 1-6-23 of the Codified Ordinances of the County of Orange is amended to
4 read:

5 Sec. 1-6-23. Amendments and Additional Requirements.

6 (a) No amendment or repeal of any provision of this division shall be effective unless the
7 proposition of its amendment or repeal shall first have been submitted to the electors of the County and
8 approved by a majority vote.

9 (b) Nothing in this division prevents the Orange County Board of Supervisors from imposing
10 additional requirements on any person if the requirements do not prevent the person from complying
11 with this division.

12 SECTION 7: Section 1-6-32 is added to the Codified Ordinances of the County of Orange to
13 read:

14 Sec.1-6-32. Campaign Ethics Commission.

15 The Orange County Board of Supervisors shall establish a Campaign Ethics Commission to
16 receive complaints, initiate and conduct investigations, and issue reports on matters regarding
17 compliance with this Ordinance within 90 days of adoption if this Ordinance by the voters. Members of
18 the Commission shall not be appointed by the Board of Supervisors.

19 SECTION 8: Section 1-6-33 is added to the Codified Ordinances of the County of Orange to
20 read:

21 Sec. 1-6-33 Electronic Filing

22 The Registrar of Voters shall design and implement a system of on-line electronic filing of
23 campaign disclosure statements within 90 days of adoption of this Ordinance by the voters. Such a
24 system shall be searchable on-line.