Interpretation of the Orange County Campaign Reform Ordinance

The Office of County Counsel has issued the following interpretation of the Orange County Campaign Reform Ordinance, Orange County Ordinance Code, title 1, division 6, section 1-6-1, et seq.*

- The Ordinance permits an Elective County Officer who is in his or her last term of office and does not plan to run for another County office to accept campaign contributions, as long as the contributions are properly attributed and the contribution limit is not exceeded

- Although Section 1-6-9 (a) of the Ordinance prohibits transfers of funds between different committees, the California Attorney General has opined that the provision is unconstitutional to the extent it pertains to transfers of funds between different committees of the same candidate (intra-candidate transfers). 85 Op. Cal. Att'y Gen. 43 (2002). The District Attorney has indicated that his office will follow the Attorney General's opinion.

- Under the language of Section 1-6-8 of the Ordinance, an Elective County Officer may not establish an additional campaign committee or bank account to run for the County offices of Supervisor, Sheriff-Coroner, District Attorney, Assessor, Treasurer-Tax Collector, County Clerk-Recorder, Auditor and Public Administrator, as well as the Superintendent of Schools. However, there are questions about the constitutionality of this provision, and the District Attorney has asked for an opinion from the California Attorney General.

*Note: This interpretation solely pertains to the County Campaign Reform Ordinance. County elected officials should consult with their personal campaign attorneys about campaign finance law in general, including the campaign finance provisions of the Political Reform Act of 1974.

October 8, 2008