

Full Text of Measure A County of Orange

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNTY OF ORANGE, CALIFORNIA, ESTABLISHING A CAMPAIGN FINANCE AND ETHICS COMMISSION AND ADDING ARTICLE VI, SECTION 601 TO THE CHARTER OF ORANGE COUNTY; ADDING ARTICLE 26 TO DIVISION 2, TITLE 1 OF THE CODIFIED ORDINANCES OF THE COUNTY OF ORANGE; AMENDING SECTIONS 1-6-1 THROUGH 1-6-12, 1-6-14, 1-6-15.2, AND 1-6-19 THROUGH 1-6-33 OF DIVISION 6 OF TITLE 1 OF THE CODIFIED ORDINANCES OF THE COUNTY OF ORANGE; DELETING SECTIONS 1-6-15.1 AND 1-6-16 THROUGH 1-6-18 OF DIVISION 6 OF TITLE 1 OF THE CODIFIED ORDINANCES OF THE COUNTY OF ORANGE; AND ADDING SECTION 1-6-11.1 TO DIVISION 6 OF TITLE 1 OF THE CODIFIED ORDINANCES OF THE COUNTY OF ORANGE

The People of the County of Orange, California, ordain as follows:

SECTION 1. Article VI, Section 601 is added to the Charter of Orange County to read as follows:

ARTICLE VI. CAMPAIGN FINANCE AND ETHICS COMMISSION

Sec. 601. Establishment of the Campaign Finance and Ethics Commission.

(a) The Board of Supervisors may by ordinance establish a Campaign Finance and Ethics Commission ("Commission") consisting of five members selected by the Board of Supervisors, to provide oversight of the County's Campaign Reform Ordinance, Lobbyist Registration and Reporting Ordinance, the Gift Ban Ordinance and sections 6 and 9 of the County Code of Ethics and Commitment to Public Service, in addition to such other duties, powers, and responsibilities as may be provided by the Board of Supervisors.

(b) In establishing a Commission, the Board of Supervisors may also provide for the appointment of its members and their terms of office, qualifications, removal, and compensation and for the Commission's jurisdiction, voting requirements, meeting schedule, staffing, and budget.

(c) In furtherance of the Commission's oversight, the Board of Supervisors may delegate to the Executive Director of the Commission, the power to issue subpoenas duces tecum to obtain bank records of the campaign account of any County Candidate or Elective County Officer as defined in section 1-6-4 of Orange County Campaign Reform Ordinance, and may delegate to hearing officers and the Chair of the Commission the power to issue subpoenas to compel the attendance of persons and things at administrative hearings.

SECTION 2. Article 26 is added to Division 2, Title 1 of the Codified Ordinances of the County of Orange to read as follows:

ARTICLE 26. CAMPAIGN FINANCE AND ETHICS COMMISSION

Sec. 1-2-100. Establishment and Purpose.

There shall be established a Campaign Finance and Ethics Commission (the "Commission") that shall have the powers, duties and responsibilities set forth in this Article.

The purpose of the Campaign Finance and Ethics Commission is to provide oversight of the County's Campaign Reform Ordinance, Lobbyist Registration and Reporting Ordinance, the Gift Ban Ordinance and Sections 6 and 9 of the County Code of Ethics and Commitment to Public Service ("Code of Ethics"). Ancillary to these purposes, the Commission will ensure that ethics training is provided to newly elected and appointed County officials in those areas for which the Commission has training responsibility.

Sec. 1-2-101. Jurisdiction.

The Commission's jurisdiction covers County Elective Officers and County Candidates as defined in the Orange County Campaign Reform Ordinance, every member of a board or commission under the jurisdiction of the Board of Supervisors, and County Lobbyists and County Lobbying Firms as defined in the County of Orange Gift Ban Ordinance.

Sec. 1-2-102. Membership and Appointment.

1. The Commission shall consist of five (5) appointed members.
2. Appointments to the Commission shall be made by each Board District and confirmed by a majority vote of the Board of Supervisors.

Sec. 1-2-103. Terms of Office.

1. Commissioners shall serve three-year terms which shall be staggered. Accordingly, the initial Commissioners shall be appointed to terms of one, two and three years respectively. Two of the initial Commissioners shall be selected by random lot to serve a three-year term; two Commissioners shall be selected by random lot to serve a two-year term; and one initial Commissioner shall be selected to serve a one-year term. Thereafter, all Commissioners shall serve a term of three years, except that members selected to fill a vacancy caused by other than the regular expiration of a term shall serve only for the remainder of that term.
2. Commissioners may not serve more than two full terms. A full term shall be defined as a remaining term of 548 days or more. No member who has served two terms shall be eligible for reappointment.

3. A Chairperson and Vice-Chairperson of the Commission shall be selected by majority vote of the members of the Commission. The Chairperson and Vice-Chairperson shall each be elected for a one-year term and may be re-elected for not more than a second one-year term.

Sec. 1-2-104. Qualifications.

1. Each Commissioner shall be a registered voter of the County.
2. During his or her tenure, a member of the Commission and the Executive Director may not hold an elected or appointed public office, including, without limitation, any elective office in any jurisdiction and shall not be an employee of any holder of an elected or appointed public office, any member of a public body whose members are appointed by an elected official, or any employee of such public body.
3. If a Commissioner, during their term of office, desires to participate in the campaign of, or publicly support or oppose, a County Candidate or Elective County Officer, such Commissioner shall first resign from the Commission. Failure to resign before such participation or support shall be grounds for removal from the Commission.
4. No Commissioner shall during their term as Commissioner or during the previous ten (10) years prior to their commencement of their term employ or be employed by a person who is acting as a County Lobbyist, as that term is defined in the County Lobbyist Registration and Reporting Ordinance or have been a registered State Lobbyist or Federal Lobbyist.
5. No Commissioner shall have been, during the previous ten (10) years, an Elective County Officer, a County Agency/Department Head, or a County Executive Manager.
6. No Commissioners shall have been, during the previous ten (10) years, an elected or appointed official of a national, state or local partisan political (central) committee.
7. A person who has been convicted of a felony or misdemeanor involving dishonesty, untruthfulness, or any crime involving an election law violation is disqualified from serving as a Commissioner.
8. No person may serve as a Commissioner whose profession, occupation, or employment consist of (i) providing services to candidates for public office or to elected officials within the County of Orange; (ii) engaging in public affairs or legislative liaison services for an employer doing business with the County of Orange, or with any Joint Powers Authority or with any Special District operating within the County of Orange; and (iii) employment within the past ten (10) years with the County of Orange, or with any Joint Powers Authority or with any Special District operating within Orange County, or with any employee representative organization whose members are employees of the County of Orange.
9. No Commissioner who has served on the Orange County Grand Jury may serve on the Commission for ten (10) years from the date of this article's enactment.
10. No person who proposed, sponsored or co-sponsored the measure establishing the Commission may serve on the Commission for ten (10) years from the date of this article's enactment.

Sec. 1-2-105. Removal.

Commissioners may be removed for substantial neglect of duty, misconduct in office, inability to discharge the powers and duties of the office or violation of the provisions of this article. A Commissioner who is the subject of a removal proceeding will be given an opportunity to address the Commission at a public hearing after written notice of the grounds on which the removal is sought and an opportunity for the Commissioner to present his or her case against removal to the Commission. If the Commission votes in favor of removal, the Commission will recommend to the Board of Supervisors that the subject Commissioner be removed. Upon recommendation of the Commission, the Board of Supervisors may remove a Commissioner by a majority vote.

Notwithstanding the foregoing provision, if the Commission fails to hold a removal hearing as described in this section, the Board of Supervisors may, by a four-fifths vote, remove a Commissioner at any time, with or without cause.

Sec. 1-2-106. Vacancies.

Appointments to fill vacancies shall be for the unexpired term of the member whom the appointee succeeds.

Sec. 1-2-107. Quorum.

Three members present shall constitute a quorum, and the affirmative vote of not less than three members shall be required to take any action.

Sec. 1-2-108. Compensation; Expenses.

The members of the Commission shall serve without compensation and shall be reimbursed for travel and other expenses incurred in the performance of their official duties in accordance with Board of Supervisors policy, as amended from time to time.

Sec. 1-2-109. Executive Director.

(a) The Board of Supervisors shall appoint an Executive Director. The salary of the Executive Director shall be set by the Board of Supervisors and shall be based on a recommendation submitted by the County Executive Officer after a review and analysis of the responsibilities and authority vested in his or her employment.

(b) The Executive Director shall enforce the County Campaign Reform Ordinance, Lobbyist Registration and Reporting Ordinance, the Gift Ban Ordinance and Sections 6 and 9 of the Code of Ethics and may investigate alleged violations of the County Campaign Reform Ordinance, Lobbyist Registration and Reform Ordinance, the Gift Ban Ordinance and Sections 6 and 9 of the Code of Ethics.

- (c) The Executive Director may receive written complaints alleging possible violations of County Campaign Reform Ordinance, the Lobbyist Registration and Reporting Ordinance, the Gift Ban Ordinance and Sections 6 and 9 of the Code of Ethics.
- (d) The Executive Director shall obtain copies of candidates' campaign statements and any other reports required by the Political Reform Act and the County's Campaign Reform Ordinance pertaining to County Candidates and County Elective Officers and to persons making independent expenditures supporting or opposing County Candidates and County Elective Officers from the Registrar of Voters.
- (e) The Executive Director may prescribe forms for reports, statements, notices and other documents required by the County Campaign Reform Ordinance and the Lobbyist Registration and Reporting Ordinance.
- (f) The Executive Director shall receive documents required to be filed pursuant to, and to otherwise administer, the provisions of the Lobbyist Registration and Reporting Ordinance.
- (g) The Executive Director shall maintain an independent tracking system of each contributor's total cumulative and aggregated contributions in an Election Cycle (as that term is defined in County Campaign Reform Ordinance) to County Candidates and County Elective Officers.
- (h) The Executive Director shall review all reports submitted pursuant to the County Campaign Reform Ordinance and the Lobbyist Registration and Reporting Ordinance, and reports from persons making independent expenditures supporting or opposing County Candidates and County Elective Officers for completeness, accuracy, and any potential violations of the County Campaign Reform Ordinance and the Lobbyist Registration and Reporting Ordinance.
- (i) The Executive Director shall have authority, if delegated by the Board of Supervisors by resolution, to issue subpoenas *duces tecum* for bank records of campaign accounts of County Elective Officers and County Candidates.
- (j) The Executive Director shall be responsible for reviewing County Conflict of Interest Code Amendments proposed by County departments and agencies before such amendments are presented to the Board of Supervisors for review and approval.
- (k) The Executive Director shall prepare a quarterly report that will provide a general overview of activity. The Executive Director shall submit this report to the Commission for review before submission to the Board of Supervisors.
- (l) The Executive Director is responsible for providing county-wide bi-annual AB 1234 ethics training.
- (m) The Executive Director shall develop an annual training program for newly elected and appointed County Elective Officers and their staff members to familiarize such individuals with the County Campaign Reform Ordinance, the Gift Ban Ordinance and Section 6 and 9 of the Code of Ethics. Such training seminars shall be mandatory for each newly elected County Elective Officer and each newly appointed staff member of a County Elective Officer.
- (n) The Executive Director shall develop a manual that summarizes, in simple, non-technical language, reporting requirements applicable to County Elective Officers and County Candidates, instructions for completing required forms, questions and answers regarding common problems and situations, and information regarding sources of assistance in resolving questions. The manual shall be updated on an annual basis to reflect changes in applicable County laws governing campaign financing, including, without limitation, the County Campaign Reform Ordinance.
- (o) The Executive Director shall submit the annual training program and manual to the Commission for review before submission to the Board of Supervisors.
- (p) The Executive Director may cause an audit to be performed of County Elective Officers and County Candidates' campaign accounts to ensure compliance with the County Campaign Reform Ordinance and Lobbyist Registration and Reporting Ordinance.
- (q) In accordance with Section 1-2-113, the Executive Director shall provide advice to any person concerning the requesting party's duties under this article.
- (r) The Executive Director may hire staff as necessary to assist him or her in the performance of his or her duties. The Executive Director may utilize support services of the Clerk of the Board.

Sec. 1-2-110. Duties and Responsibilities of the Commission.

The Commission shall have responsibility for the impartial and effective administration and implementation of the provisions of the County Campaign Reform Ordinance, Lobbyist Registration and Reporting Ordinance, the Gift Ban Ordinance and Sections 6 and 9 of the Code of Ethics. The Commission shall be a "legislative body" within the meaning of Government Code Section 54952, subdivision (b). All meetings of the Commission shall be open and public in accordance with Government Code section 54953. Specifically, the Commission shall have the following duties, powers, and responsibilities:

- (a) Notwithstanding anything herein to the contrary, the Commission shall only have jurisdiction over alleged violations by a person of the County Campaign Reform Ordinance, the Lobbyist Registration and Reporting Ordinance, the Gift Ban Ordinance and Sections 6 and 9 of the Code of Ethics.
- (b) The Commission shall serve as the appellate body for Statement of Decisions as described in Section 1-2-112 of this article.
- (c) The Commission shall review the Executive Director's quarterly reports of activity before submission to the Board of Supervisors.
- (d) The Commission shall review the Executive Director's annual training program and manual before submission to the Board of Supervisors.
- (e) The Chair of the Commission shall prepare an annual report summarizing Commission activities. This report shall be reviewed and approved by a majority vote of the Commission and presented to Board of Supervisors as an agenda item at a regularly scheduled Board meeting.
- (f) A Commissioner shall not initiate, permit, or consider ex parte communications, that is, any communications to or from the Commissioner

outside the presence of the parties concerning a pending or impending investigation, enforcement proceeding, or appeal, and shall make reasonable efforts to avoid such communications.

Sec. 1-2-111. Violation for Submitting False Claims.

Any person who knowingly submits a false complaint under this article shall be guilty of a misdemeanor and may be subject to a \$1,000 fine. In this subsection, "false complaint" means a complaint that is knowingly false and brought for the purpose of harassment, intimidation or embarrassment.

Sec. 1-2-112. Investigations and Enforcement Proceedings.

The Executive Director shall conduct investigations of alleged violations of the County Campaign Reform Ordinance, the Lobbyist Registration and Reporting Ordinance, the Gift Ban Ordinance and Sections 6 and 9 of the Code of Ethics. Any person who violates any provision of the aforementioned, or who causes any other person to violate any provision, or who aids and abets any other person in a violation, shall be subject to the provisions of this section.

(a) Definitions.

1. *Administrative Hearing* means an administrative hearing, closed to the public unless, otherwise requested by the party accused, for the purpose of ascertaining whether a violation of the County Campaign Reform Ordinance, the Lobbyist Registration and Reporting Ordinance, the Gift Ban Ordinance or Sections 6 and 9 of the Code of Ethics has been committed by the party accused.

2. *Hearing Officer* means an individual who is part of the group of attorneys maintained by the Clerk of the Board, as authorized by the Board of Supervisors, to serve as hearing officers for administrative hearings.

3. *Letter of Resolution* means a letter advising the party accused, and any person who, in writing informed or complained to the Executive Director concerning any such violation, that the alleged violation has been resolved and the manner by which it was resolved.

4. *Notice of Violation* means a document prepared by the Executive Director that identifies the laws allegedly violated by the party accused, the acts or omissions with which the party accused is charged, and the penalties the Executive Director is seeking to impose for each violation listed.

5. *Preponderance of the Evidence* means that evidence sufficient has been presented to conclude that it is more likely than not a violation of County Campaign Reform Ordinance, the Lobbyist Registration and Reporting Ordinance, the Gift Ban Ordinance and/or Sections 6 and 9 of the Code of Ethics has been committed and that the party accused committed or caused the violation.

6. *Remedial Measures* may include but is not limited to the following:

- a. file any and all reports, statements or other documents or information required by law;
- b. amend any and all reports, statements or other documents or information found deficient;
- c. return any and all amounts found to be unauthorized;
- d. pay any assessed fines.

7. *Statement of Decision* means a writing that includes a summary of evidence presented at the Administrative Hearing and findings of fact and conclusions of Hearing Officer.

(b) Investigations.

1. Any person may file a complaint with the Executive Director for alleged violations of County Campaign Reform Ordinance, the Lobbyist Registration and Reporting Ordinance, the Gift Ban Ordinance and Sections 6 and 9 of the Code of Ethics. The Executive Director shall investigate alleged violations if he or she determines that the complaint contains sufficient facts to conduct an investigation. The Executive Director shall not be required to investigate a complaint filed unless the complaint is in writing, identifies the specific alleged violation which forms the basis for the complaint and is signed by the complainant, under penalty of perjury. The Executive Director shall issue a Notice of Violation to the party accused if the investigation concludes that a violation of the County Campaign Reform Ordinance, the Lobbyist Registration and Reporting Ordinance, the Gift Ban Ordinance or Sections 6 and 9 of the Code of Ethics has been committed.

2. The investigation shall be conducted in a confidential manner. To the extent permitted by applicable law, including the California Public Records Act, Government Code Section 6250, et seq, records of any investigation shall be considered confidential information until all deliberations have concluded.

(c) Remedial Measures.

1. The Executive Director shall endeavor to resolve as many allegations as possible using Remedial Measures. If Executive Director issues a Notice of Violation, the Executive Director may, at his or her sole discretion, advise the person of Remedial Measures which may be taken to avoid further action. When feasible, the Executive Director shall offer Remedial Measures to any accused party before initiating any administrative enforcement.

2. If a person is offered and, within 15 calendar days, timely performs the Remedial Measure to the satisfaction of the Executive Director, the Executive Director shall issue a Letter of Resolution. A person may also refuse to perform any Remedial Measures offered and request a hearing on the conclusions of the investigation pursuant to Section 1-2-112 (d).

3. Excess contributions which the Executive Director determines have been accepted by mistake or accident shall be refunded to the contributor in accordance with Section 1-6-28 of the County Campaign Reform Ordinance. The number of returned contributions throughout the year shall be included in the quarterly report referenced in Section 1-2-109 (k). In the case of such returned contributions, the Executive Director shall not

be required to issue a Letter of Resolution, so long as such return is included in the quarterly report referenced in Section 1-2-109 (k).

4. If a Letter of Resolution is issued, no further proceedings, civil action or referrals shall be pursued relating to such alleged violation, and no further action by the Executive Director is required. The Executive Director shall provide a copy of each Letter of Resolution to each member of the Commission.

5. Any offer of Remedial Measures shall remain confidential. To the extent permitted by applicable law, including the California Public Records Act, Government Code Section 6250, et seq, records concerning Remedial Measures, if any, shall be considered confidential information until all deliberations have concluded.

(d) Administrative Hearing.

1. A party accused of any violation of the County Campaign Reform Ordinance, the Lobbyist Registration and Reporting Ordinance, the Gift Ban Ordinance or Sections 6 and 9 of the Code of Ethics may request an Administrative Hearing. Unless otherwise stipulated, the Executive Director and the party accused shall have an Administrative Hearing before a Hearing Officer selected by the Clerk of the Board within 21 calendar days of such request.

2. The party accused shall be given a notice of the alleged violation and the date, time and location of the Administrative Hearing by certified mail with return receipt requested. The notice shall inform the party accused that they have a right to attend the hearing, and may be represented by legal counsel or any other representative of their choosing.

3. Administrative Hearings shall be conducted by a Hearing Officer who will determine whether the Executive Director has proved, by preponderance of the evidence, that the alleged violation(s) occurred and that the party accused committed or caused the violation(s). The Hearing Officer may issue subpoenas to compel the attendance of persons and things at the Administrative Hearing. Each party shall have the right to call and examine witnesses, to introduce exhibits, to cross-examine opposing witnesses, impeach any witness, and present any relevant evidence to rebut the evidence presented against him or her. The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions. However, hearsay evidence may only be used for the purpose of supplementing or explaining other evidence and shall not be sufficient in itself to support a finding unless it would be admissible over objection in a civil or criminal action.

4. The Hearing Officer shall determine, on all the evidence presented to him or her, whether by preponderance of the evidence, an alleged violation(s) occurred and that the party accused committed or caused the violation(s) within fifteen (15) days following the conclusion of the hearing. The Hearing Officer shall notify all parties of his or her decision in writing through a Statement of Decision. In the event that the Hearing Officer determines that no violation has occurred, no further proceedings, civil action or referrals shall thereafter be filed or maintained relating to such alleged violation, and no further action by the Commission is required.

5. The Administrative Hearing shall be conducted in a confidential manner unless otherwise requested by the party accused. To the extent permitted by applicable law, including the California Public Records Act, Government Code Section 6250, et seq, records concerning the Administrative Hearing, shall be considered confidential information until all deliberations have concluded.

(e) Administrative Appeal – Commission.

1. The party accused may appeal the Hearing Officer Statement of Decision to the Commission. The Commission shall hold a *de novo* hearing within 21 days of receiving a written demand to appeal the Statement of Decision to determine whether, by preponderance of the evidence, the party accused committed an alleged violation or violations. The notice of the administrative appeal shall contain the Statement of Decision as supporting evidence for the violation. The notice shall contain the date, time and location of the appeal. The notice shall also inform the party accused that they have a right to attend the administrative appeal, and may be represented by legal counsel or any other representative of their choosing.

2. Each party shall have the right to call and examine witnesses, to introduce exhibits, to cross-examine opposing witnesses, impeach any witness, and present any relevant evidence to rebut the evidence against him or her. The Chair of the Commission may issue subpoenas to compel the attendance of persons and things at the administrative appeal. The administrative appeal need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions. However, hearsay evidence may only be used for the purpose of supplementing or explaining other evidence and shall not be sufficient in itself to support a finding unless it would be admissible over objection in a civil or criminal action.

3. The Commission shall determine, within 20 days of the conclusion of the administrative appeal whether, based on the preponderance of the evidence, that an alleged violation(s) occurred and that the party accused committed or caused the violation(s). The Commission shall notify all parties of its decision in writing including a summary of evidence presented at the administrative appeal and findings of fact and conclusions of the Commission. The Commission's determination shall be deemed final.

4. If the Commission concludes that a violation of the County Campaign Reform Ordinance, the Lobbyist Registration and Reporting Ordinance, the Gift Ban Ordinance and/or Sections 6 and 9 of the Code of Ethics has occurred and the party accused committed or caused the violations, it shall, in its writing, issue an administrative order. Such administrative order may require the offending party to perform the following actions:

- a. Comply with the penalties found in the Notice of Violation;
- b. Cease and desist the violation;
- c. File any reports, statements or other documents or information required by law;
- d. Perform Remedial Measures;

- e. Pay a monetary penalty to the General Fund of the County of up to \$5,000 for each violation or three times the amount which the violator failed to report properly or unlawfully contributed, expended, gave or received, whichever is greater.

The enforcement provisions found in Section 1-1-84 of the Lobbying Registration and Reporting Ordinance for failure to file a County lobbying firm report are not superseded by this section.

5. If two or more persons are responsible for any violation of any provision of this article, then they shall be jointly and severally liable.

6. No administrative action brought alleging a violation of any provision of this article shall be commenced more than four (4) years after the date on which the violation occurred.

- (f) Petition to the Court.

Judicial review may be had by filing a petition for a writ of mandate in accordance with the provisions of the Code of Civil Procedure. The ninety-day statute of limitations contained in California Code of Civil Procedure section 1094.6 shall apply to judicial review of enforcement decisions made by the Commission.

- (g) Civil Action to Collect Debt and Obtain Other Relief.

The County may file and prosecute a civil action in Superior Court to recover any amount(s) due and owed by any person pursuant to this section, or to enjoin any violation or otherwise compel compliance with the requirements found herein. In the event of any civil action is within the jurisdictional amount of small claims court, the County may designate the Executive Director to bring such action on its behalf.

- (h) Cost of Litigation.

In the event that either the County brings a civil action against a person who is the subject of a Commission final determination, or such person brings a petition described in Section 1-2-112 (f) above, the court may award to the prevailing party in any such action authorized by this Ordinance, the costs of litigation, which costs shall include reasonable attorney's fees.

- (i) Referrals to Other Agencies.

The Executive Director may refer matters to other agencies for purposes of enforcing Section 1-2-112 (g) of this Ordinance or Section 1-6-15 of the County Campaign Reform Ordinance and 1-1-84 (c) of the Lobbyist Registration and Reporting Ordinance.

Sec. 1-2-113. Requests for and Issuance of Advice.

Any person may request the Executive Director to provide advice with respect to the requesting party's duties under this article. The Executive Director shall, within 14 days, either issue the advice or inform the requesting party whether advice will be issued. No person who acts in good faith in accordance with advice issued to him or her by the Executive Director shall be subject to civil penalties under this article for so acting, provided that the material facts are as stated in the advice request. The Executive Director's advice shall be public record and may from time to time be published.

Sec. 1-2-114 Legal Services.

The County Counsel shall provide legal services to the Commission.

Sec. 1-2-115. Authority.

This article is adopted pursuant to California Government Code Sections 25303 and 31000.1.

Sec. 1-2-116. Amendment.

(a) No substantive repeal of any provision of this article shall be effective unless a proposition shall first have been submitted to the electors of the County and approved by a majority vote.

(b) Nothing in this article prevents the Orange County Board of Supervisors by majority vote from amending this article to make technical non-substantive changes or by a four-fifths vote from making substantive amendments to further the purposes of this article.

SECTION 3: Sections 1-6-1 through 1-6-12, 1-6-14, 1-6-15.2, 1-6-19 through 1-6-33 of Division 6 of Title 1 of the Codified Ordinances of the County of Orange are hereby amended to read as follows:

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 (the "Political Reform Act"). 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) *County Candidate*: "County eCandidate" means any person who is a candidate for Supervisor, Sheriff-Coroner, District Attorney-Public Administrator, Assessor, Treasurer-Tax Collector, County Clerk-Recorder, Auditor-Controller, Public Administrator, or Superintendent of Schools, or, in the event any of the listed consolidated eCounty offices are separated or any of the listed separate offices are consolidated, any of the individual occupying a separated or consolidated offices which are elective.

(b) *Elective County Officer*: "Elective County eOfficer" means any person who is a Supervisor, Sheriff-Coroner, District Attorney-Public Administrator, 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 eCounty offices are separated or any of the listed separate offices are consolidated, any individual occupying a separated or consolidated office which is elective.

(c) *Elective County Office*: "Elective County Office" means the office of Supervisor, Sheriff-Coroner, District Attorney-Public Administrator, Assessor, Treasurer-Tax Collector, County Clerk-Recorder, Auditor-Controller, or Superintendent of Schools, whether appointed or elected or, in the event any of the listed consolidated County offices are separated or any of the listed separate offices are consolidated, the separated or consolidated office which is elective.

Sec. 1-6-5. Contribution limitations.

(a) No person shall make to any Elective County Officer or County eCandidate, for County elective office or the his or her controlled committee of such a candidate, and no such officer, candidate or committee shall accept from any such person, a contribution or contributions totaling more than one thousand nine hundred dollars (\$1,900.00) for each of the following elections for which the person is an Elective County Officer or County eCandidate; 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 one thousand nine hundred dollars (\$1,900.00) during the time periods set forth in section 1-6-7 of this division.~~

(d) 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 a spouse of that County Candidate or Elective County Officer."

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 eCandidate or to an eElective County eOfficer (or to his or her controlled 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 nine hundred dollars (\$1,900.00) the contribution limits of this division 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-subsidiary relationship.

(c) An individual and any general or limited partnership in which the individual has a ten (10) percent or more share, or an individual and any corporation in which the individual owns a controlling interest (fifty (50) percent or more), or an individual connected with a business entity and that business entity when the individual participates in or controls in any way a decision on whether the candidate or candidates receive contributions from that business entity, regardless of the percentage of ownership, 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 a husband and wife except as set forth in section 1-6-5(d), shall be aggregated unless a contribution comes exclusively from the separate property of one (1) spouse.~~

(f) 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 ~~r~~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 ~~r~~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, which ever occurs first.

Sec. 1-6-8. Prohibition on multiple campaign committees.

~~For each Elective County Office, and respecting the will of Orange County voters when they approved this division, A~~ County eCandidate or an eElective County oOfficer 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~~shall not prevent a County eCandidate or an eElective County eOfficer from establishing ~~another~~ a separate committee, with its associated bank account, solely for the purpose of running for a state, federal, or local~~another~~ office that is not identified in section 1-6-4 of this division as long as the first bank account is closed within 60 days of establishing a second bank account.

Sec. 1-6-9. Prohibition on transfers~~contributions~~; intra-candidate transfers.

(a) ~~No funds may be transferred into any County candidate or elective County officer's campaign committee from any other campaign committee controlled by a candidate.~~ No contributions shall be accepted by any County eCandidate or eElective County oOfficer, or their controlled committees, from any other committee controlled by another federal, state, or local candidate or officeholder.

(b) No County eCandidate or eElective County oOfficer, ~~and no nor his or her controlled~~ committee, ~~controlled by a County candidate or elective County officer~~ shall make any contribution to any other County eCandidate or eElective County oOfficer or to any committee supporting or opposing a County eCandidate for office. This section shall not prohibit a County eCandidate or eElective County oOfficer 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 eElective County oOffice.

(c) This subsection shall apply to any funds transferred from a County Candidate's or Elective County Officer's controlled committee established for a different office (the "transferor committee") to the County Candidate's or Elective County Officer's controlled committee established for an Elective County Office (the "transferee committee"). Contributions originally made to the transferor committee shall be attributed to the transferee committee using a "first in-first out" or "last in-first out" accounting method. The transferor committee must make an irrevocable designation in its records at the time of its first transfer whether it elects the "first in-first out" or a "last in-first out" method of accounting for the current and future transfers. Each transferred contribution, when combined with all other contributions received by the County Candidate or Elective County Officer, or his or 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 division. 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.

Sec. 1-6-10. Loans to County eCandidates and eElective County oOfficers and their controlled committees.

(a) 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.

(b) Every loan to a County eCandidate or eElective County oOfficer or ~~their~~the controlled the controlled committees of such County Candidate or Elective County Officer shall be by written agreement which shall be filed with the campaign statement on which the loan is first reported.

(c) The proceeds of a loan made to a County eCandidate or eElective County oOfficer 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 eCandidate or eElective County oOfficer, or ~~his or her~~ controlled committee. The guarantors of such a loan shall remain subject to the contribution limits of this division.

(d) Extensions of credit (other than loans pursuant to subsection (c) of this section) for a period of more than thirty (30) days are subject to the contribution limitations of this division.

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

Sec. 1-6-11. Money received by officials treated as contributions.

Any funds, property, goods or services, other than government funds, received by ~~e~~Elective County ~~e~~Officers or County ~~e~~Candidates which are used, or ~~are~~ intended by the donor or by the recipient to be used, for expenses (including legal expenses) related to holding Elective County eOffice or running for Elective County eOffice, shall be considered campaign contributions and shall be subject to the limitations of this division. Reimbursement for reasonable travel expenses related to holding Elective County eOffice shall be excluded from the provisions of this section.

Sec. 1-6-12. Solicitation of contributions from persons who have County business dealings.

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 ~~e~~Candidate acting in furtherance of his or her own controlled committee.

Sec. 1-6-14. Disclosure of occupation and employer.

(a) No campaign contribution cumulating to one hundred dollars (\$100.00) or more shall be deposited into a campaign bank account of a County ~~e~~Candidate or ~~e~~Elective County ~~e~~Officer unless the disclosure information required by the Political Reform Act, including the name, address, occupation and employer of the contributor or, 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.

(b) In the event the required disclosure information is not obtained within sixty (60) days of receipt of the contribution or by the end of the next filing period whichever occurs last, 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-~~15-216~~. Violations and enforcement—Administrative.

~~(a) Any person who, pursuant to an appropriate administrative action, is determined by the civil prosecutor to have violated any provision of this division, purposely caused any other person to violate any provision of this division, or aided and abetted any other person in the violation of any provision of this division, shall be subject to an administrative order requiring that the person to do all or any of the following: Violations of this division shall be investigated and enforced pursuant to section 1-2-112 of the Campaign Finance and Ethics Commission Ordinance.~~

- ~~(1) Cease and desist violating this division;~~
- ~~(2) File any reports, statements, or other documents or information required by this division;~~
- ~~(3) Pay to the County a monetary penalty of up to five thousand dollars (\$5,000.00) per violation.~~

~~(b) If two or more persons are responsible for any violation of any provision of this division, then they shall be jointly and severally liable.~~

~~(c) No administrative action brought alleging a violation of any provision of this division shall be commenced more than five (5) years after the date on which the violation occurred.~~

~~**Sec. 1-6-~~1917~~. Statute of limitations.**~~

~~Civil actions and/or criminal prosecutions for violations of any provision of this division shall be commenced within four (4) years after the date on which the violation occurred.~~

~~**Sec. 1-6-~~2018~~. Applicability of other laws.**~~

~~Nothing in this division shall exempt any person from applicable provisions of any other laws of this State or jurisdiction.~~

~~**Sec. 1-6-~~2119~~. Severability.**~~

~~If any provision of this division, or the application of any such provision to any person or circumstances, shall be held invalid, the remainder of this division 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 division are severable.~~

~~**Sec. 1-6-~~2220~~. Interpretation of division.**~~

~~This division should be liberally construed to accomplish its purposes.~~

~~**Sec. 1-6-~~2321~~. Amendments and additional requirements.**~~

~~(a) The Board of Supervisors shall by ordinance adjust the contribution limitations in ~~January~~ February of ~~each odd-numbered years~~ to reflect any cumulative increase or decrease in the Consumer Price Index for ~~the State of California~~ "all urban consumers" for the Los Angeles, Riverside, Orange Counties Urban Area as announced by the United States Department of Labor ~~Bureau of Labor Statistics~~ since the last adjustment from December of the next to the prior even-numbered year to December of the prior even-numbered year. Such adjustments shall be rounded off to the nearest hundred dollars for the limitations on contributions.~~

~~(b) Except as specified in subsection (a), ~~n~~No substantive amendment or repeal of any provision of this division shall be effective unless ~~thea~~ thea proposition of its ~~amendment or repeat~~ shall first have been submitted to the electors of the County and approved by a majority vote.~~

(c) Nothing in this division prevents the Orange County Board of Supervisors by majority vote from amending this division to make technical non-substantive changes or by a four-fifths vote from imposing additional requirements on any person if the requirements do not prevent the person from complying with this division making substantive amendments to further the purposes of this division.

Sec. 1-6-2422. Slate mailers.

(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 eCandidate or Elective County Officer, 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 eCandidate or Elective County Officer.

(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 eCandidate or Elective County Officer, then:

(A) The attributable cost of production and/or distribution of the slate mailer is a contribution from the third party to the County eCandidate or Elective County Officer to the extent the attributable cost of production and/or distribution exceeds the amount, if any, paid by the County eCandidate or Elective County Officer, ~~or the his or her 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 eCandidate or Elective County Officer, ~~or the his or her controlled committee of such a candidate~~ is a contribution from the slate mailer organization to the County eCandidate or Elective County Officer, 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 eCandidate or Elective County Officer, 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 eCandidate or Elective County Officer to the extent the attributable cost of production and/or distribution exceeds the amount, if any, paid by the County eCandidate or Elective County Officer, ~~or the his or her 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 eCandidate or Elective County Officer, and the slate mailer is produced and/or distributed at the behest of an opposing County eCandidate ("the opponent"), then:

(A) If a third party has paid the slate mailer organization to oppose the County eCandidate or Elective County Officer, 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 eCandidate or Elective County Officer, 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 eCandidate or Elective County Officer 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 eCandidate or Elective County Officer, 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 eCandidate, 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 eCandidate or Elective County Officer:

(1) If the County eCandidate or Elective County Officer, or the County eCandidate's or elective County officer's controlled committee, or the County eCandidate's, Elective County Officer'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.

(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 eCandidate or Elective County Officer 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 eCandidate or Elective County Officer by, or for whom, the deposit is made.

Sec. 1-6-~~25~~23. Notice of late independent expenditures.

Any person who makes a late independent expenditure of one thousand dollars (\$1,000.00) or more in support of or in opposition to any County eCandidate(s) shall notify all candidates running for that same office at least twenty-four (24) hours prior to the first publication, distribution or broadcast of the independent expenditure communication. The Notice of Late Independent Expenditure shall be by personal delivery, telegram, facsimile, or by any other electronic means and shall include a copy of such communication.

Sec. 1-6-~~26~~24. Disclosure by persons subject to aggregation of contributions.

Any person who makes a contribution(s) that is subject to aggregation as described in section 1-6-6(b), (c) and (f) shall disclose in writing to the County eCandidate or Elective County Officer, or to his or her campaign 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 eCandidate, Elective County Officer or his/her treasurer of the obligation to use reasonable diligence in determining which contributions should be aggregated.

Sec. 1-6-~~27~~25. Reporting of current and cumulative contributions.

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 any other contributions required to be aggregated with the current contribution) during that same election cycle. Such amounts shall be reported on the required forms as provided by the Fair Political Practices Commission. The term "election cycle" as used in this section shall mean the applicable period described in section 1-6-7.

Sec. 1-6-~~28~~26. Filing of post-election campaign statements.

A post-election Campaign Statement (Fair Political Practices Commission Form 460, or successor form) shall be filed by all County eCandidates running in the current election including write-in candidates, no later than fifteen (15) days following the date of a primary, general (runoff), recall or special election covering the period from the last pre-election statement through the tenth (10th) day following the election.

Sec. 1-6-~~29~~27. Filing of amendments to campaign statements.

Upon written notification by the County Registrar of Voters that an amendment of a previously-filed campaign statement is required, said amendment shall be filed with the Registrar of Voters no later than thirty (30) calendar days following the date of the notification.

Sec. 1-6-~~30~~28. Timely return of excess contributions.

That portion of contributions accepted by the County Candidate or the Elective County Officer, or his or her controlled committee, which is in excess of the limitations imposed by this ordinance division shall be returned to the donor within seven (7) days of their discovery. A written notification showing the donor's name, the amount returned, and the date of the return shall be provided to the Registrar of Voters within seventy-two (72) hours after the return.

Sec. 1-6-~~31~~29. Candidate acknowledgment of receiving county Campaign Finance Ordinance.

The Registrar of Voters shall provide each County eCandidate and Elective County eOfficer appointed to an office which is normally elective with a copy of this division as well as copies of any subsequent amendments. Each County eCandidate and Elective County eOfficer appointed to an office which is normally elective will be required to sign a form prepared by the Registrar of Voters acknowledging receipt of a copy of this division and any subsequent amendments.

Article 2. ELECTRONIC CAMPAIGN DISCLOSURE

Sec. 1-6-~~32~~30. Electronic campaign disclosure.

(a) Whenever any County eCandidate or eElective County eOfficer, or his or her controlled committee, is required by the Political Reform Act of ~~1974~~ to file a campaign disclosure statement or report with the Registrar of vVoters and receives contributions or loans totaling more than twenty-five thousand dollars (\$25,000.00) in an election cycle, as defined in section 1-6-7 of the Orange County Campaign Reform Ordinance, the County eCandidate, eElective County eOfficer, or his or her controlled committee shall file at the same time a copy of the statement or report in an electronic format with the Registrar of vVoters, provided the Registrar of vVoters has prescribed the format at least sixty (60) days before the statement or report is due.

(b) All other candidates and officers, and their controlled committees, who are required by the Political Reform Act to file a campaign disclosure statement or report with the Registrar of Voters may voluntarily file a copy of the statement or report electronically, in the format prescribed by the Registrar of Voters.

(c) Once a County eCandidate or eElective County eOfficer, or his or her controlled committee, is subject to the electronic filing requirements imposed by subsection (a), every statement or report filed thereafter shall also be filed electronically.

(d) Each campaign disclosure statement and report filed pursuant to subsections (a) and (b) shall be maintained in an electronic database that is searchable by the public. Information that is protected from disclosure by State law shall not be available to the public.

(e) For purposes of this Article, "County candidate" and "elective County officer" shall have the same meaning as provided in section 1-6-4 of the Orange County Campaign Reform Ordinance.

- (f) The requirements of this section shall not abrogate any requirements in the Political Reform Act that paper originals and copies be filed.
- (g) This section shall become effective upon on the date set by resolution of the Board of Supervisors.

Article 3. SOLICITATION OF SIGNATURES FOR CANDIDATE NOMINATION PAPERS

Sec. 1-6-~~3331~~. Solicitation of signatures for candidate nomination papers.

- (a) No person may solicit for the nomination paper for any local, state or federal office the signature of any County employee at his or her workplace. For the purpose of this article, "workplace" shall mean any area devoted primarily to the conduct of County business but shall not include any area that is a traditional, limited, or designated public forum.
- (b) Any person who willfully violates this article is guilty of an infraction punishable in accordance with section 1-1-34.
- (c) Nothing in this article shall be construed to limit, restrict, or interfere with the access rights of a recognized employee organization under the Meyers-Milias-Brown Act (Government Code section 3500 et seq.).

SECTION 4: Sections 1-6-15.1 and 1-6-16 through 1-6-18 of Division 6 of Title 1 of the Codified Ordinances of the County of Orange are hereby deleted as follows:

~~Sec. 1-6-15.1. Enforcement by the California Fair Political Practices Commission.~~

~~Upon mutual agreement between the Fair Political Practices Commission and the County, the civil prosecutor shall be the Fair Political Practices Commission. In the absence of an agreement between the Fair Political Practices Commission and the County, the civil prosecutor shall be the District Attorney.~~

~~Sec. 1-6-16. Civil actions:~~

- ~~(a) Any person who intentionally or negligently violates any provision of this division shall be liable in a civil action brought by the civil prosecutor or by a person residing within the jurisdiction for an amount not more than three (3) times the amount the person failed to report properly or unlawfully contributed, expended, gave or received or five thousand dollars (\$5,000.00) per violation, whichever is greater.~~
- ~~(b) If two (2) or more persons are responsible for any violation, they shall be jointly and severally liable.~~
 - ~~(1) Any person, other than the civil prosecutor, before filing a civil action pursuant to this subdivision, shall first file with the civil prosecutor a written request for the civil prosecutor to commence the action. The request shall contain a statement of the grounds for believing a cause of action exists. The civil prosecutor, within thirty (30) days of receipt of the request, shall conduct an initial inquiry into the merits of the complaint. If the civil prosecutor determines in good faith that additional time is needed to examine the matter further, the complaining party shall be notified and the civil prosecutor shall automatically receive an additional sixty (60) days in order to determine the merits of the complaint. At the end of sixty (60) days the civil prosecutor shall inform the complaining party whether the civil prosecutor intends to file a civil action or refer the complaint to the District Attorney for a criminal investigation. Within thirty (30) days thereafter, if the civil prosecutor indicates in the affirmative and files a civil action or if criminal charges are filed by the District Attorney, no other action may be brought unless the action brought by the civil prosecutor or District Attorney is dismissed without prejudice.~~
- ~~(c) In determining the amount of liability, the court may take into account the seriousness of the violation and the degree of culpability of the defendant. If a judgment is entered against the defendant or defendants in an action, the plaintiff shall receive fifty (50) percent of the amount recovered. The remaining fifty (50) percent shall be deposited into the County's General Fund. In an action brought by the civil prosecutor the entire amount shall be paid to the General Fund.~~

~~Sec. 1-6-17. Injunctive relief:~~

~~Any person residing in the jurisdiction, including the civil prosecutor may sue for injunctive relief to enjoin violations or to compel compliance with the provisions of this division:~~

~~Sec. 1-6-18. Cost of litigation:~~

~~The court may award to a plaintiff, other than an agency, who prevails in any action authorized by this division, his or her costs of litigation:~~

SECTION 5: Section 1-6-11.1 is hereby added to Division 6 of Title 1 of the Codified Ordinances of the County of Orange to read as follows:

Sec. 1-6-11.1 Legal defense fund.

Nothing in this division prevents a County Candidate or an Elective County Officer from establishing a separate account for a legal defense fund, to be used for the sole purpose of defraying attorney's fees and other related legal costs incurred for the County Candidate's or Elective County Officer's legal defense if the candidate or officer is subject to one or more civil or criminal proceedings or administrative proceedings arising directly out of the conduct of an election campaign, the electoral process, or the performance of the officer's governmental activities and duties. The legal defense fund shall be subject to Government Code sections 85304 and 85304.5 and section 18530.45 of title 2 of the California Code of Regulations, as may be amended from time to time. Contributions to the legal defense fund shall not be subject to the contribution limitations of this division.