



Local Campaign Regulations

October 10, 2023
Council Chambers



Introduction

- April 19, 2023 City Council Meeting
Discussion on Local Campaign Contribution Regulations
- The Council voted to appoint a limited term ad hoc to work with staff on drafting a final ordinance to bring back to the City Council for consideration

Ad Hoc



Paloma Aguirre
Mayor



Mitch McKay
Councilmember
District 3

Support Staff

Jennifer Lyon, City Attorney
Reyna Ayala, Mangt. Associate

Jacque Kelly, City Clerk
Erika Cortez-Martinez, CAO

State Default



Regulation 18545(a)

\$5,500

As of January 1, 2021 (AB 571) default contribution limits for elections occurring between 1/1/23 and 12/31/24

Applies to individuals, business entity, committee, small contributor committee, and political party

Chapter 2.55 Campaign Regulations and Contribution Limits

Sections:

2.55.010	Purpose and Scope.
2.55.020	Definitions.
2.55.030	Campaign Statements.
2.55.040	Form of Monetary Contribution.
2.55.050	Limitation on Amount of Contributions.
2.55.060	Regulations Associated with Contributors.
2.55.070	Prohibitions.
2.55.080	Appointment of Special Counsel.
2.55.090	Enforcement
2.55.100	Penalties.

2.55.010 Purpose and Scope.

Participation in fair and inclusive elections is the cornerstone to effect local government. The purpose of this chapter is to ensure all candidates and their supporters are provided with rules and guidelines that are clear, unbiased, and objective. Additionally, contribution limits have been established to ensure that qualified candidates have an opportunity to engage in the political process even if they possess different fiscal resources. The ideal is for each candidate to be motivated by community interests without even the appearance of influence from large financial contributors.

The contents of this chapter are intended to be consistent with and supplement the requirements of California State law regarding election protocols. Specifically, the provisions of Article XI, Section 7 of the California Constitution and California Government Code Section 81013 support the finding that municipal elections are municipal affairs; the regulation of campaign contributions and expenditures in municipal elections is not preempted by general state law; and such activity is the proper subject of municipal regulation under the authority granted to cities by the State of California. Should any provision of this chapter be determined to be invalid for any reason, the remainder shall be severed therefrom and shall remain in full force and effect.

2.55.020 Definitions.

A. For the purpose of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this subsection:

“Campaign statement” means an itemized report prepared on a form provided by the City Clerk that provides the information required by this chapter.

“Candidate” means an individual listed on the ballot or qualified to receive write-in votes counted by election officials for nomination or election to the position of Mayor or member of the City Council, or who receives a financial contribution or makes an expenditure or gives his or her consent for any other person to receive a contribution or make an expenditure with the intention of bringing about his or her nomination or election to the position of Mayor or member of the City Council, whether or not the specific elective office is known at the time the contribution is received or the expenditure is made and whether

City of Coronado
As an example

SB 1439

New Rules on Campaign Contribution Disclosure

- Became effective January 1, 2023
- Prohibits officials from accepting, soliciting or directing a campaign contribution or more than \$250 from any "party" to or "participant," in a proceeding involving a license, permit or other entitlements
- FPPC adopted an opinion concluding that the regulations apply to contributions received after January 1, 2023
- City Council members would have to recuse themselves from any proceeding if the member received campaign contributions of more than \$250 within the previous 12 months



Purpose: To establish a safe, fair, accessible, and orderly campaign process and political forum in our City which encourages the public to participate and provides for full and fair enforcement of the regulations.



Definitions

- "Political action committee" means a committee often shares a common affiliation among its contributors and makes political expenditures sponsored by an entity or organization, such as a labor union, trade association, or business entity pursuant to Government Section 82027.5.
- "Political party committee" means the state central committee or county central committee of an organization that meets the requirements for recognition as a political party pursuant to Section 5100 or 5151 of the Elections Code

*Each City has different definitions related to committees

Contribution Limits

Political Action Committees, Entities, Unions

- Local regulations can place limits on or prohibit contributions from political action committees, unions, corporations, etc, if deemed necessary in the local jurisdiction
- Many local jurisdictions like Coronado, San Diego, Chula Vista, Poway prohibit campaign contributions from anyone other than an individual or a “political party committee” as defined in State law (ie, they prohibit contributions from PAC’s, unions, etc.)
- National City puts a limit of \$2,000 on contributions from PAC’s

Contribution Limits

- Carlsbad - \$1,000 Council; \$3,300 Mayor*
- Chula Vista - \$410; \$1,410 for PPC
- Coronado - \$200
- Del Mar - \$200; \$2,000 PPC
- El Cajon - \$10,000*
- Encinitas - \$250
- Escondido - \$1,000 Council; \$1,750 Mayor*
- Lemon Grove - \$1,170*
- National City - \$1,000; \$2,000 PPC/PAC*
- Poway - \$250
- San Diego - \$500 Council & \$1,000 Mayor; \$10,000 Council & \$20,000 Mayor PPC*
- San Marcos - \$250; \$500 PPC
- Santee - \$700
- Solana Beach - \$220; \$6,710 combined other than individual*
- Vista - \$500

La Mesa &
Oceanside
No Limits -
State Default

* Adjusted for CPI or other method

Not the
FPFC

City's with established Ordinances become the Enforcement Authority

- City reviews and investigates complaints of alleged violations
- Special counsel conducts the investigation



Current Council & Terms



Mayor Paloma Aguirre
At-large
Term ends: December 2026



Mayor Pro Tem, District 4
Matthew Leyba-Gonzalez
Term ends: December 2024



Councilmember, District 3
Mitch McKay
Term ends: December 2026



Councilmember, District 1
Carol Seabury
Term ends: December 2026



Councilmember, District 2
Jack Fisher
Term ends: December 2024

Timeline

- Community Outreach - June 28th & September 19th
- Bring forward an Ordinance to the City Council for consideration no later January 2024 effective March 2024
- Filing period begins July 2024
- November 4, 2024 next Election Day



Survey

15 Cities were informally surveyed (two cycles)

- Workload and enforcement
- Cost of special counsel
- Complaint process
- Community survey by agencies



Staff Workload

- Hiring of additional staff not required
- Limited increase on staff workload



Cost of Special Counsel & Complaints

2020	Complaints	Cost
Agency 1*	3	See note
Agency 2	3	Less than \$5k
Agency 3	1	Unknown

2022	Complaints	Cost
Agency 1*	2	See note
Agency 2	1	None - invalid
Agency 3	1	Less than \$10k

* same agency 3/5 = \$17k

Complaint Process

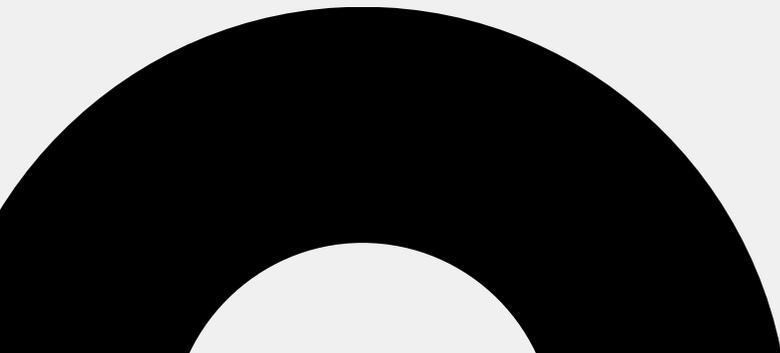
- Written letter or email to the City Clerk's Office or City Attorney that gets routed to Special Counsel

Community Survey by Agencies

- None
- Unknown
- Ballot measure

Campaign Signs

- The First Amendment protects a candidate's right to political speech and what they can include on their campaign signs
- Local regulations do not address the content of campaign signs
- State rules from the Fair Political Practices Commission require disclosures to be put on campaign communications that identify the committee that paid for or authorized the communication
- The City does not allow the placement of campaign signs in the public right of way pursuant to the IBMC and such signs are removed by the City
- Defacing, damaging, or destroying campaign signs is considered a crime and criminal charges for vandalism can be filed and prosecuted by the DA's office
- The City can encourage public awareness of the crime of defacing campaign signs and encourage residents to report information of crimes to appropriate authorities





public comments

Next Meeting

October 21, 2023 at
9:00 a.m. at the
Farmers Market



comments@imperialbeachca.gov



www.imperialbeachca.gov



(619) 423-8616



Thank You