

ORDINANCE NO. SCC 2019-07

**AN ORDINANCE OF THE BOARD OF SUPERVISORS OF
THE COUNTY OF SHASTA
ADDING CHAPTER 2.05,
“LOCAL POLITICAL CAMPAIGN DISCLOSURE AND REPORTING
REQUIREMENTS,”
TO THE SHASTA COUNTY CODE**

The Board of Supervisors of the County of Shasta ordains as follows:

SECTION I.

Chapter 2.05 of the Shasta County Code is enacted to read in its entirety as follows:

Chapter 2.05

**LOCAL POLITICAL CAMPAIGN DISCLOSURE AND REPORTING
REQUIREMENTS**

Sections:

2.05.010	Purpose
2.05.020	Authority
2.05.030	Relationship to the Political Reform Act of 1974
2.05.040	Definitions
2.05.050	Application of Ordinance
2.05.060	Pre-Election Statements
2.05.070	Administrative Penalties
2.05.080	Enforcement

2.05.010 Purpose.

The purpose of this chapter is to require the filing of campaign statements regarding elections of candidates to county offices in addition to what is currently required under the Political Reform Act, (commencing with California Government Code sections 84200 et seq.) in order to facilitate review and maximize the availability of this information to the public.

2.050.020 Authority.

This chapter is adopted pursuant to California Government Code section 81013 which authorizes local agencies to impose additional requirements on any person so long as the requirements do not prevent the person from complying with the Political Reform Act.

2.05.030 Relationship to the Political Reform Act of 1974.

This chapter is intended to supplement the Political Reform Act as amended. Unless a word or term is specifically defined in this chapter or the contrary is stated or clearly appears from the context, words and terms shall have the same meaning as when they are used in Title 9 of the California Government Code, in which the Political Reform Act is codified, and as supplemented by the Regulations of the Fair Political Practices Commission as set forth in Title 2, Division 6 of the California Code of Regulations ("regulations"), as well as any amendments to the act or to the regulations. If any provision of this chapter is held invalid, the terms of the act and its regulations control and supersede the terms of this chapter to the extent necessary to bring this chapter into full compliance therewith.

2.05.040 Definitions.

The following definitions used in this chapter shall have the meanings as set forth below.

"Candidate" shall be defined as set forth in the Political Reform Act provided that the term shall be limited to candidates for county office.

"Committee" shall be defined as set forth in the Political Reform Act.

"Controlled committee" means a committee that is controlled directly or indirectly by a candidate or that acts jointly with a candidate in connection with the making of expenditures. A candidate controls a committee if he or she, his or her agent, or any other committee he or she controls has a significant influence on the actions or decisions of the committee. A "political party" committee, as defined in Government Code section 85205, is not a "controlled committee."

"County Office" means the following offices in Shasta County: County Supervisor, District Attorney, Sheriff-Coroner, Auditor-Controller, Assessor-Recorder, Treasurer-Tax Collector/Public Administrator, County Clerk/Registrar of Voters, and Superintendent of Schools.

"Election" and/or "county election" means any primary, general, special or recall election held in the County of Shasta. The primary and general or special elections are separate elections for purposes of this chapter.

"Political Reform Act" means the California Political Reform Act of 1974 (Government Code sections 81000 et seq., as amended).

2.05.050 Application of Ordinance.

The provisions of this chapter shall only apply to candidates seeking election to a county office in the County of Shasta, their controlled committees, and to committees formed or existing primarily to support or oppose a candidate. In the event a county candidate also runs for election for a state, federal, city, special district or other non-county office, the provisions of this chapter do not apply to the county candidate's campaign for such other office, nor to any committee established solely for the purpose of running for such state, federal, city, special district, or other non-county office.

2.05.060 Pre-Election Statements.

- A. All candidates appearing on the ballot to be voted on at the March 3, 2020 primary election, their controlled committees, and committees primarily formed to support or oppose a candidate, shall file the following pre-election campaign statement.
 - 1. For the period ending 83 days before the election, the statement shall be filed no later than December 20, 2019.

- B. All candidates appearing on the ballot to be voted on at every election following the March 3, 2020 primary election, their controlled committees, and committees primarily formed to support or oppose a candidate, shall file the following pre-election campaign statement.
 - 1. For the period ending 83 days before the election, the statement shall be filed no later than 78 days before the election.

- C. The form, content, and requirements of pre-election campaign statements under this chapter shall be governed by the provisions of the Political Reform Act.

- D. The provisions of this section shall be in addition to the pre-election campaign statements required by Government Code sections 84200.5 and 84200.8, as they now exist and as they may be amended.

2.05.070 Administrative Penalties.

If any person violates any provision of this chapter, he or she shall be liable to the Registrar of Voters in the amount of ten dollars (\$10.00) per day of violation, in addition to any other legal remedies provided by law. This amount shall be deemed a penalty in accordance with Government Code section 91013. The following procedures shall govern the imposition, enforcement, collection and administrative review of administrative penalties.

- A. Notice of violation. If any person subject to this chapter fails to comply with any provision herein, a notice of violation may be issued by the Registrar of Voters or his or her designee.
- B. Content of notice of violation. The notice of violation shall contain the information listed below:
 - (1) Date, location and approximate time the violation was observed or discovered.
 - (2) The ordinance section violated and a brief description of the violation.
 - (3) The amount of the penalty imposed for the violation.
 - (4) Instructions for the payment of the penalty, the time period by which it shall be paid, and the consequences of failure to pay the penalty within this time period.
 - (5) Instructions on how to appeal the notice of violation.
 - (6) The signature of the Registrar of Voters or his or her designee.
- C. Service of notice of violation. Service of notice of violation shall be effective upon deposit in United States mail in accordance with this chapter. A copy of the notice of violation shall be mailed by certified mail, return receipt requested to the person who has violated the ordinance, at the address listed for the Person on the Fair Political Practices Commission Form 410 Statement of Organization.
- D. Penalties.
 - (1) The penalties assessed for each violation shall be ten dollars (\$10.00) per day, and shall not exceed the cumulative amount stated in the late statement or report, or one hundred dollars (\$100.00), whichever is greater.
 - (2) Payment of the penalty shall not excuse the failure to correct the violation nor shall it bar further enforcement action.
 - (3) The penalties assessed shall be payable to the County of Shasta.
- E. Administrative appeal.
 - (1) Notice of appeal. The recipient of a notice of violation carrying a penalty may appeal by filing a written notice of appeal with the Registrar of Voters. The written notice of appeal must be filed within twenty (20) days of the service of the notice of violation. Failure to file a written notice of appeal within this

time period shall constitute a waiver of the right to appeal. The notice of appeal shall contain the following information:

- a) A brief statement setting forth appellant's interest in the proceedings;
 - b) A brief statement of the material facts which appellant claims supports his/her contention that no violation has occurred, no administrative penalty should be imposed or that an administrative penalty of a different amount is warranted;
 - c) An address at which the appellant agrees notice of any additional proceeding or an order relating to the imposition of the administrative penalty may be received by mail.
 - d) The signature of the appellant.
- (2) The Registrar of Voters, or his or her designee, shall review the appeal and issue a notice of decision within thirty (30) days of receipt of the notice of appeal. The notice of decision shall be final.
 - (3) In addition to any other available remedies, the Registrar of Voters may bring a civil action and obtain a judgment in Superior Court for the purposes of collecting any unpaid monetary penalties, fees, or civil penalties imposed pursuant to Government Code section 91013.5.

2.05.080 Enforcement.

- A. The Registrar of Voters, or his or her designee, shall be the enforcing officer for this chapter and have the primary responsibility to monitor compliance with this chapter at his or her discretion, to investigate alleged violations of this chapter, to issue notices of violations as appropriate, to review appeals to the notices of violations, and to collect administrative penalties as set forth herein. The Registrar of Voters is also authorized to refer any complaint or allegation of violation of this Chapter or the Political Reform Act to the Fair Political Practices Commission, the State's Attorney General, or such other officer or agency with authority to enforce the provisions of State or County laws.
- B. For alleged violations by the County Clerk/Registrar of Voters, the Shasta County Clerk of the Board shall be the enforcing officer. For such enforcement purposes, all references in Section 2.05.070 of this chapter to the Registrar of Voters shall mean the Shasta County Clerk of the Board.

SECTION II.

If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

SECTION III.

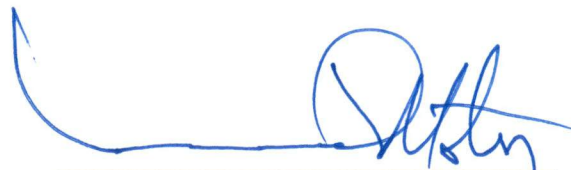
All former ordinances and resolutions, or parts thereof, conflicting or inconsistent with the provisions of this ordinance are hereby repealed. The adoption of this ordinance shall not in any manner affect any action or prosecution for violation of ordinances, which violations were committed prior to the effective date hereof, be construed as a waiver of any license, fee, or penalty required by or resulting from any such ordinance, or affect the validity of any bond (or cash deposit in lieu thereof) required to be posted, filed, or deposited pursuant to such ordinance.

SECTION IV.

This ordinance shall take effect and be in full force and effect 30 days after its passage. The Clerk shall cause this ordinance to be published as required by law.

DULY PASSED AND ADOPTED this 19th day of November, 2019, by the Board of Supervisors of the County of Shasta by the following vote:

AYES: Supervisors Chimenti, Moty, Rickert, Morgan, and Baugh
NOES: None
ABSENT: None
ABSTAIN: None
RECUSE: None



LEONARD MOTY, CHAIRMAN
Board of Supervisors
County of Shasta
State of California

ATTEST:
LAWRENCE G. LEES
Clerk of the Board of Supervisors

By  Deputy