

ORDINANCE NO. 2300

**CITY OF SOUTH GATE
LOS ANGELES COUNTY, CALIFORNIA**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOUTH GATE AMENDING SECTIONS 1.52.010 (SHORT TITLE), 1.52.020 (PURPOSES OF CHAPTER), 1.52.030 (APPLICATION AND SCOPE OF CHAPTER), 1.52.040 (INTERPRETATION OF CHAPTER), 1.52.050 (DUTIES OF CITY CLERK/ELECTIONS OFFICIAL), 1.52.060 (CAMPAIGN CONTRIBUTION LIMITATIONS), 1.52.070 (REQUIRED NOTICES ON REPRODUCED CAMPAIGN MATERIAL), 1.52.080 (DISCLOSURE OF CAMPAIGN CONTRIBUTIONS), 1.52.090 (CAMPAIGN EXPENDITURE LIMITATIONS), 1.52.100 (ENFORCEMENT), 1.52.110 (INJUNCTIVE RELIEF) AND ADDING SECTIONS 1.52.051 (CANDIDATE INFORMATION SHEET), 1.52.052 (BALLOT DESIGNATION FOR CANDIDATES), 1.52.053 (BALLOT ORDER), 1.52.054 (CANDIDATE STATEMENT), 1.52.055 (DISTRIBUTION OF INFORMATION FOR CANDIDATES AND COMMITTEES), 1.52.056 (ELECTION FILING REQUIREMENTS), 1.52.057 (VOTE BY MAIL BALLOTS), 1.52.061 (AGGREGATION OF CONTRIBUTIONS LOANS), 1.52.062 (LOANS TO CAMPAIGNS), 1.52.063 (NONMONETARY CONTRIBUTIONS – LIMITS, RECEIPTS, RETENTION), 1.52.085 (INDEPENDENT EXPENDITURE COMMITTEE FILINGS), 1.52.086 (LATE CONTRIBUTION EXPENDITURE FILINGS), 1.52.091 (ELECTION CYCLE), 1.52.092 (CAMPAIGN ACCOUNT), 1.52.093 (OFFICEHOLDER ACCOUNTS), 1.52.094 (EXCESS CAMPAIGN FUNDS), 1.52.095 (FILING OF POST-ELECTION CAMPAIGN STATEMENTS), 1.52.096 (FINES FOR LATE FILINGS OF CAMPAIGN STATEMENTS AND AMENDMENTS), 1.52.101 (ENFORCEMENT), 1.52.102 (INJUNCTIVE RELIEF), 1.52.103 (STATUTE OF LIMITATIONS), 1.52.110 (CANDIDATE ACKNOWLEDGMENT OF RECEIVING ORDINANCE), 1.52.120 (OPERATIVE DATE); AND DELETING SECTION 1.52.130 (OPERATIVE DATE) OF CHAPTER 1.52 (MUNICIPAL ELECTIONS) OF TITLE 1 (ADMINISTRATION AND PERSONNEL) OF THE SOUTH GATE MUNICIPAL CODE

WHEREAS, on November 13, 2012, the South Gate City Council conducted a duly noticed public hearing to consider amending certain Sections and adding new Sections and Subsections within Chapter 1.52 (Municipal Elections) of Title 1 (Administration and Personnel) of the South Gate Municipal Code (Code); and

WHEREAS, Code Sections of Chapter 1.52 (Municipal Elections) of Title 1 (Administration and Personnel) has not been revised for more than 20 years, since 1991; and

WHEREAS, the City finds the proposed amendments to Code Sections in Chapter 1.52 (Municipal Elections) will include minor revisions to portions of existing Codes for clarity and consistency, and will allow for more substantive additions which require greater transparency and disclosure requirements of candidates running for elective office; and

WHEREAS, the proposed additional Code Sections to Chapter 1.52 (Municipal Elections) derived from other cities which have updated their respective election codes to also bring clarity and transparency in the conduct of elections to promote greater safeguards in campaign contribution reporting, including nonmonetary contributions, and last minute campaign contribution and expenditure filings, and require independent expenditure committees to comply with State law and concurrently submit required filings both to the State and the City Clerk's Office; and

WHEREAS, these proposed amendments and additions to the Code Sections in Chapter 1.52 (Municipal Elections) are aligned with existing California campaign finance laws and will encourage civic engagement and participation in the political process;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SOUTH GATE DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Sections 1.52.010 (Short Title), 1.52.020 (Purposes of Chapter), 1.52.030 (Application and Scope of Chapter), 1.52.040 (Interpretation of Chapter), 1.52.050 (Duties of City Clerk/Elections Official), 1.52.060 (Campaign Contribution Limitations), 1.52.070 (Required Notices on Reproduced Campaign Material), 1.52.080 (Disclosure of Campaign Contributions), 1.52.090 (Campaign Expenditure Limitations), 1.52.100 (Enforcement), 1.52.110 (Injunctive Relief) are amended; Sections 1.52.051 (Candidate Information Sheet), 1.52.052 (Ballot Designation for Candidates), 1.52.053 (Ballot Order), 1.52.054 (Candidate Statement), 1.52.055 (Distribution of Information for Candidates and Committees), 1.52.056 (Election Filing Requirements), 1.52.057 (Vote by Mail Ballots), 1.52.061 (Aggregation of Contributions Loans), 1.52.062 (Loans to Campaigns), 1.52.063 (Nonmonetary Contributions – Limits, Receipts, Retention), 1.52.085 (Independent Expenditure Committee Filings), 1.52.086 (Late Contribution Expenditure Filings), 1.52.091 (Election Cycle), 1.52.092 (Campaign Account), 1.52.093 (Officerholder Accounts), 1.52.094 (Excess Campaign Funds), 1.52.095 (Filing of Post-Election Campaign Statements), 1.52.096 (Fines for Late Filings of Campaign Statements and Amendments), 1.52.101 (Enforcement), 1.52.102 (Injunctive Relief), 1.52.103 (Statute of Limitations), 1.52.110 (Candidate Acknowledgment of Receiving Ordinance), 1.52.120 (Operative Date) are added; and Section 1.52.130 (Operative Date) is deleted from Chapter 1.52 (Municipal Elections) of Title 1 (Administration and Personnel) of the South Gate Municipal Code and are hereby amended in its entirety to read as follows:

Chapter 1.52
MUNICIPAL ELECTIONS*

Sections:

- 1.52.010 Short Title
- 1.52.020 Purposes of Chapter
- 1.52.030 Application and Scope of Chapter
- 1.52.040 Interpretation of Chapter
- 1.52.050 Duties of City Clerk/Elections Official
- 1.52.051 Candidate Information Sheet
- 1.52.052 Ballot Designation for Candidates
- 1.52.053 Ballot Order
- 1.52.054 Candidate Statement
- 1.52.055 Distribution of Information for Candidates and Committees
- 1.52.056 Election Filing Requirements
- 1.52.057 Vote by Mail Ballots
- 1.52.060 Campaign contribution limitations
- 1.52.061 Aggregation of Contributions
- 1.52.062 Loans to Campaigns
- 1.52.063 Nonmonetary Contributions – Limits, Receipts, Retention
- 1.52.070 Required Notices on Reproduced Campaign Material.
- 1.52.080 Disclosure of Campaign Contributions.
- 1.52.085 Independent Expenditure Committee Filings
- 1.52.086 Late Contribution-Expenditure Filings
- 1.52.090 Campaign Expenditure Limitations.
- 1.52.091 Election Cycle
- 1.52.092 Campaign Account
- 1.52.093 Officeholder Accounts
- 1.52.094 Excess Campaign Funds
- 1.52.095 Filing of Post-Election Campaign Statements
- 1.52.096 Fines for Late Filings of Campaign Statements & Amendments
- 1.52.100 Violations
- 1.52.101 Enforcement
- 1.52.102 Injunctive Relief
- 1.52.103 Statute of Limitations
- 1.52.110 Candidate Acknowledgement of Receiving Ordinance
- 1.52.120 Operative Date

* Prior ordinance history: Ord. 1224.

1.52.010 Short Title.

This chapter shall be known and may be cited as the "City of South Gate Election Code."

(Ord. 1895 § 2 (part), 12-2-91)

1.52.020 Purposes of Chapter.

The city council enacts this chapter in order to accomplish the following:

- A. To promote honesty, integrity and fairness in the electoral process by establishing and enforcing reasonable disclosure requirements and limitations on campaign contributions and campaign expenditures which will not deprive or restrict any person in the exercise of rights guaranteed by the United States Constitution or the California Constitution;
- B. To insure that voters will be fully informed and to inhibit improper campaign practices by requiring the full and truthful disclosure in election campaigns of certain contributions which are received by candidates for elective city office;
- C. To enhance participation in municipal elections by establishing and enforcing reasonable limitations on campaign contributions to and campaign expenditures by, candidates for elective city office;
- D. To limit overall expenditures in campaigns for elective city office, thereby reducing the pressure on candidates for elective city office to raise large campaign war chests beyond the amount necessary to communicate reasonably with voters;
- E. To insure that municipal elections will be the expression of the will of a well-informed electorate and, subject to state and federal law, to maintain trust in government and avoid creating circumstances that which lead to an unprecedented and historic recall election in January 2003 which resulted in the ouster of three councilmembers and a city treasurer; to promote the highest level of integrity in municipal elections; and to avoid the onset of corrupt practices which have affected neighboring communities since that election.
- F. To promote transparency with respect to independent expenditure committees consistent with state and federal law.

(Ord. 1895 § 2 (part), 12-2-91)

1.52.030 Application and Scope of Chapter.

- A. To the extent that this chapter imposes reporting requirements additional to or different from those set forth in Chapter 4 of Title 9 of the Government Code (Sections 84100--84400) for elections held in this city, such additional or different reporting requirements shall apply only to candidates seeking an elective city office, their controlled committees, committees formed or existing primarily to support or oppose their candidacies, and to committees formed or existing primarily to support or oppose a candidate being voted on, or a then pending ballot measure affecting only the electorate of the city, and to general purpose committees active only in this city.
- B. Nothing in this chapter shall exempt or excuse any person from compliance with all applicable provisions of the laws of this state, including the Political Reform Act of 1974, as amended (Government Code Sections 81000--91015).

(Ord. 1895 § 2 (part), 12-2-91)

I.52.040 Interpretation of Chapter.

A. Except as otherwise set forth in this section, the words, terms and phrases used herein shall have the same meanings as defined in the Political Reform Act of 1974, as amended, which definitions are contained in Chapter 2 of Title 9 of the Government Code Section 82000 et seq.

B. The definitions set forth below shall be applied in the interpretation and construction of this chapter:

1. "Committee" means and includes, without limitation, the following:
 - (a) "Controlled committee," as defined in Government Code Section 82016;
 - (b) "General purpose committee," as defined in Government Code Section 82027.5;
 - (c) "Primarily formed committee," as defined in Government Code Section 82047.5;
 - (d) "Sponsored committee," as defined in Government Code Section 82048.7;
 - (e) "Political committee," as defined in Government Code Section 85102(C);
 - (f) "Broad based political committee," as defined in Government Code Section 85102(d);
2. Communication or "communicating" means a communication authorized by a candidate or a candidate's controlled committee as defined in Section 82016 of the Government Code, or by a committee making independent expenditures, as defined in Section 82031 of the Government Code, or by a committee formed primarily to support or oppose ballot measure, as defined in Section 82047.5 of the Government Code, for the purpose of advocating the election or defeat of a qualified candidate or ballot measure through any broadcasting station, newspaper, magazine, outdoor advertising facility, direct mailing, or any other type of general, public, political advertising.
3. "Contribution" means and includes monetary and non-monetary contributions. A monetary contribution includes a check written to the campaign committee, cash contributions (which may not exceed \$25.00), a credit card charge made to the campaign committee, a money order written to the campaign committee (which may not exceed \$99.00), loans made to the campaign committee, or an enforceable promise to make a payment (such as a loan guarantee). A non-monetary contribution are non-cash, in-kind items provided to the campaign committee, or paid for at the behest of a candidate or the campaign committee, of property, services or anything else of value, whether tangible or intangible. Typically a non-monetary contribution includes food, beverages, flowers, decorations donated for a fundraiser; printer donated printing/ mailing costs of a campaign mailer; an expenditure made at the behest of the candidate of the campaign committee; a discount or rebate that is not generally extended to the public; the transfer of anything of value to a campaign committee without full consideration provided in return; or the reproduction, broadcast, or distribution of any material belonging to a candidate.

4. "Elective city office" means and includes the office of member of the city council, city clerk, and city treasurer.
5. "Independent expenditure" is an expenditure made in connection with a communication (e.g., a billboard, advertisement, mailing) that expressly advocates the nomination, election, or defeat of a clearly identified candidate, or the qualification, passage, or defeat of a clearly identified measure, or taken as a whole and in context, unambiguously urges a particular result in an election but which is not made to—or at the behest of—the affected candidate or committee.
6. "Late contribution" or "late expenditure" means a monetary or nonmonetary contribution or expenditure, including a loan, or a combination of monetary and nonmonetary contributions and loans, that (a) totals \$1,000 or more from a single source that is made to or received by a candidate, a controlled committee, or a committee primarily formed to support or oppose a candidate(s) or measure(s); and (b) is made or received during the 16 days immediately preceding the election in which the recipient candidate or measure is to be voted on.
7. "Qualified campaign expenditure" means and includes all of the following:
 - (a) Any expenditure made by a candidate for elective city office, or by a committee controlled by such a candidate, for the purpose of communicating, influencing or attempting to influence the actions of the voters for or against the election of any candidate for elective city office or city ballot measure;
 - (b) Any transfer of anything of value made by the candidate's controlled committee to any other committee; any funds, property, goods or services received by a candidate which are used, or are intended by the donor or by the recipient to be used, for expenses related to holding elective office or running for office, shall be considered campaign contributions and shall be subject to the limitation of this ordinance.
 - (c) A nonmonetary contribution provided at the request of or with the approval of the candidate, or a committee controlled by the candidate, or a committee formed to support or oppose a city ballot measure.
 - (d) That portion of a slate mailing or other campaign literature produced or authorized by more than one candidate for elective city office, or a committee formed to support or oppose a city ballot measure which is the greater cost actually paid by the committee or controlled committee of the candidate or the measure, or the proportionate share of the cost for each such candidate or committee formed to support or oppose a city ballot measure. The number of candidates sharing costs and the emphasis on or space devoted to each such candidate shall be considered in determining the cost attributable to each such candidate.

(Ord. 1895 § 2 (part), 12-2-91)

1.52.050 Duties of City Clerk/Elections Official.

A. The City Clerk shall be the election official unless the city council by resolution appoints a different elections official to render specified services in a regular or special municipal election held in the city.

B. The elections official shall supervise all regular or special municipal elections in the city and may prescribe rules and regulations for the conduct of such elections that are not in conflict with the provisions of this chapter or the constitution and general laws of the state.

C. Upon the filing of nomination papers by a candidate for elective city office, the elections official shall receive and shall cause to be deposited in the general fund, a filing fee in an amount established by resolution of the city council.

D. In addition to the other duties required of the elections official in connection with municipal elections, the elections official shall administer the provisions of this chapter. The elections official shall:

1. Supply appropriate forms and manuals prescribed by the California Fair Political Practices Commission. These forms and manuals shall be furnished to all candidates and committees, and to all other persons required to file reports;
2. Determine whether required documents have been filed and, if so, whether they conform on their face with the requirements of state law;
3. Notify promptly all persons and known committees who have failed to file a document in the form and at the time required by state law;
4. Report apparent violations of this chapter and applicable state law to the city attorney;
5. Compile and maintain a current list of all statements or parts of statements filed with the elections official pertaining to each candidate for elective city office;
6. Assist the franchise tax board and the fair political practices commission in conducting audits and investigations of reports and statements filed by candidates and committees supporting or opposing candidates for elective city office at such times and in such manner as may be required under the Political Reform Act of 1974, as amended.

1.52.051 Candidate Information Sheet.

A. In order to ensure that any person considering signing nomination papers has information about the nomination process sufficient to exercise his or her rights in an informed manner, the City Clerk and City Attorney shall prepare a Candidate Information Sheet to accompany each petition for candidacy for a City office.

B. Each Candidate Information Sheet shall include at least the following: (1) the nomination process; (2) the requirements for candidacy; and (3) information about how to withdraw a signature.

C. Each person gathering signatures shall provide a copy of the Candidate Information Sheet to every signer of the nomination papers. In addition, each person gathering signatures shall make copies of the Candidate Information Sheet readily available to prospective signers either by

offering copies orally or by displaying them prominently in the same location where the signatures are being gathered so that signers may readily see and take them.

1.52.052 Ballot Designation for Candidates.

A. In determining whether to accept a proposed ballot designation, the City Clerk shall utilize the Secretary of State Ballot Designation Regulations of the California Administrative Code, modified from time to time. To the extent this chapter conflicts with the Secretary of State Ballot Designation Regulations, the provisions of this chapter shall prevail.

B. To facilitate review of a candidate's proposed ballot designation by the City Clerk, each candidate must submit, at the time of filing his or her proposed ballot designation on the Declaration of candidacy, a completed ballot designation worksheet on a form provided by the City Clerk. In addition to the information provided in the worksheet, the City Clerk may ask a candidate to provide additional information. The City Clerk must notify the candidate in the most expeditious manner of any rejection of a ballot designation within three working days of the candidate's submission. If the City Clerk rejects the ballot designation, the candidate shall have three additional working days to submit an alternate designation, together with a completed ballot designation worksheet.

1.52.053 Ballot Order.

In any election for any City office, the order in which a candidate's name or ballot measure shall appear on the ballot shall be randomly determined by the Secretary of State.

1.52.054 Candidate's Statement.

A. Each candidate for South Gate City Council, City Clerk, or City Treasurer, may prepare a statement of qualification on an appropriate form provided by the City Clerk. Such statement may include the name, age and occupation of the candidate and a brief description of no more than two hundred words of the candidate's education and qualifications expressed by the candidate. Such statement shall be filed in the office of the City Clerk when the candidate's nomination papers are returned for filing. It may be withdrawn but not changed during the period for filing nomination papers and until five (5) p.m. of the next working day after the close of the nomination period.

B. The City Clerk shall send to each voter, together with a sample ballot, a voter's pamphlet which contains all information relevant to the election and include a candidate statement is submitted and paid for by the candidate. The statement of each candidate shall be printed in type of uniform size and darkness and with uniform spacing. The City Clerk shall provide and certify a Spanish translation for each statement in compliance with the Department of Justice requirements.

C. The costs of translating of any statement submitted pursuant to this section shall be paid by the City.

D. The City Clerk shall reject any statement which contains any obscene, libelous or defamatory matter, which violates the constitutional or civil rights of any person, or which is prohibited by state or federal law from being circulated through the mail.

E. Nothing in this Section shall be deemed to make any such statement or the authors thereof free or exempt from any civil or criminal action or penalty because of any false or libelous statements offered for printing or contained in the voter's pamphlet.

1.52.055 Distribution of Information for Candidates and Committees.

A. In order to ensure that each candidate and proponent or opponent of a city ballot measure has full opportunity to understand and fulfill the requirements of the Political Reform Act and Municipal Code, the City Clerk shall make available to each candidate, to each proponent or opponent of a city ballot measure and to each committee supporting or opposing a measure the latest revision of the State of California Information Manual on Campaign Disclosure Provisions of the Political Reform Act and a schedule outlining required filing dates for campaign statements.

B. Each candidate shall additionally receive a list outlining basic municipal candidacy requirements.

1.52.056 Election Filing Requirements.

A. Time Deadline. Unless this Chapter provides otherwise, all documents required to be filed under this Chapter, the California Elections Code or the California Political Reform Act must be received by the City Clerk by the close of business on the date specified for filing. If the City Clerk's office is closed on that date, all such documents shall be submitted no later than the close of business on the business day immediately following the date specified for filing. The City Clerk shall have the ability to have the office open for purposes of filing if the filing deadline falls on a Friday and need not wait until the next business day. The date should be advertised and posted on the City Hall website, posting board, and provided in writing to each candidate.

B. Facsimile Signatures. All documents required to be signed and filed with the City Clerk pursuant to this chapter, the California Election Code or the California Political Reform Act, shall contain original signatures. Facsimile signatures shall not be substituted for original signatures, except as provided in subsection (c) of this section.

C. Absent Voter Ballot Request. A voter may request an absent voter ballot by original or facsimile signature.

1.52.057 Vote By Mail Ballots.

A. Any voter may request a Vote by Mail Ballot (VBM). Upon receipt of the application for a VBM ballot the City Clerk shall mail out the ballot. Any voter may personally return his or her ballot to the City Clerk's office, or the voter may designate and authorize, in the voter's own handwriting at the appropriate place on the outside of the ballot envelope, any adult person other than any candidate for any office in such election, to deliver the voter's ballot to the City Clerk's

office. The City Clerk shall provide the appropriate form on the ballot envelope for the voter's handwritten and signed designation and authorization. The person who delivers any other voter's ballot to the City Clerk's office shall, at the time of such delivery, present sufficient photographic identification to prove that he or she is the person who has been expressly designated and authorized by the voter, and shall personally sign, in the presence of the City Clerk or the City Clerk's representatives, a declaration under penalty of perjury relating to such designation, authorization, and delivery on a form furnished by the City Clerk's office.

B. Elections Code Section 3019 shall apply with the added provision that the City Clerk may compare a copy of the voter's signature produced from the original ballot envelope to the voter's signature on the original affidavit, or may arrange with the County Registrar of Voters to compare such signature copies on the City's behalf, and if a ballot shall be rejected on the basis of such comparison an appropriate notation shall be marked on the original ballot envelope as required by Election Code Section 3019.

1.52.060 Campaign Contribution Limitations.

A. No person other than a candidate shall make, and no person or candidate shall solicit or accept, any contributions (including loans) which will cause the aggregate amount contributed by such person with respect to a single election for member of the city council, city clerk, or city treasurer, in support of or opposition to a candidate for any such office, including contributions to all committees supporting or opposing such candidate, to exceed one thousand dollars (\$1000.00). As used in this section, the term "contribution" includes in-kind contributions of property, services or anything else of value, whether tangible or intangible.

B. A candidate for elective city office shall not be limited by subsection (a) of this section in the amount of personal funds he or she may contribute or expend in connection with his or her own campaign, nor shall a candidate be prohibited from obtaining a personal loan of any amount from a duly licensed financial lending institution in the regular course of business, subject to the limitations imposed in Section 1.52.062.

C. Any contributions solicited or accepted pursuant to this section shall be expended only in connection with the candidacy for the elective city office specified in the candidate's nomination papers. Contributions solicited or accepted pursuant to this section for one individual shall not be expended for the candidacy of any other individual or in support of or opposition to any city ballot measure.

D. No person shall make, and no candidate or committee shall solicit or accept, any cash contributions in excess of twenty-five dollars (\$25.00).

a. No contribution shall be made, directly or indirectly, by any person or combination of persons acting jointly in a name other than the name by which they are identified for legal purposes, nor in the name of another person or combination of persons. No person shall make a contribution in his, her, or its name of anything belonging to another person or received from another person on the condition that it be used as a contribution. If it is discovered by a candidate or committee treasurer that a contribution has been received in violation of this subsection, the candidate or treasurer shall, within ten days after receipt, return the amount received to the

contributor or pay the amount received to the city treasurer for deposit in the general fund of the city.

1.52.061 Aggregation of Contributions.

For purposes of the limitations in this chapter, the following shall apply:

- A. All contributions made by a committee to a city candidate or to an elective city officer, or to a controlled committee shall be combined with those contributions made by the sponsor(s) of the committee and the combined amount shall not exceed the contribution limits specified in this chapter.
- B. Two (2) or more entities shall be treated as one (1) person when any of the following circumstances apply:
 - b. 1. The entities share the majority of members of board 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 in a general or limited partnership in which the individual has a controlling interest (fifty percent (50%) or more), or an individual and any corporation in which the individual owns a controlling interest (fifty percent (50%) or more), shall be treated as one (1) person.

1.52.062 Loans to Campaigns.

- A. Except as provided in this section, 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 section.
- B. Every loan to a candidate or the candidate's controlled committee shall be by written agreement and such written agreement shall be filed with the candidate's committee campaign statement on which the loan is first reported. In the case of a loan from the candidate or elected officer to his or her committee for which the candidate is personally liable, the written agreement shall identify the initial source of the loan (i.e. credit cards, a third party, or commercial lending institution).
- C. A loan made to a candidate 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 Chapter.
- D. Other than loans pursuant to subsections B through D herein, an extension of credit for a period of more than thirty (30) days is subject to the contribution limitations of this chapter.
- E. Nothing in this chapter shall prohibit a candidate from making unlimited contributions to the candidate's own campaign from his or her personal funds.
- F. Repayment of Debt. A contributor may make, and a candidate or former candidate may accept up to December 1 of the election year, a contribution to pay off debts incurred for an election occurring prior to the date of the contribution, provided that the aggregate of

contributions made to the candidate for one or more city offices does not exceed the contribution limits set forth in this chapter, and the contribution is properly reported on any required campaign statement filed under the Political Reform Act of 1974 as amended or any required city supplemental statement or form.

1.52.063 Nonmonetary Contributions—Limits, Receipts, Retention.

A. No committee or candidate shall accept or receive a nonmonetary contribution with a fair market value in excess of one thousand dollars (\$1,000.00). A contributor of a nonmonetary contribution of one hundred dollars (\$100.00) or more shall provide the campaign treasurer with a receipt or a voucher that itemizes and identifies the goods or services contributed, and states the fair market value of such goods or services. The campaign treasurer shall maintain all receipts and vouchers for a period of four (4) years from the date of the final report. The campaign treasurer shall make available to the city attorney, the city clerk, the district attorney, the California Attorney General and the Secretary of State or their designees on demand, the details of any account requested and the records supporting it.

B. Nonmonetary contributions shall be aggregated with monetary contributions. No person shall exceed the one thousand dollar (\$1,000.00) limit on contributions, including the total of both non-monetary and monetary contributions, to a candidate for local elective office as set forth in this chapter.

C. Nothing in this section shall apply to volunteer services, including but not limited to, manning of phone banks, walking precincts, or providing other similar volunteer services. The value of a volunteer's "time" is not to be considered a nonmonetary contribution for purposes of this chapter. The use of someone's personal residence, or business or commercial venue where no fee is required of the public for using such business or commercial venue, to host a candidate either for a fund raiser, meet the candidate or candidate's forum, shall not be considered a nonmonetary contribution. Incidental food and beverage served at a personal residence under this subsection shall not be considered a contribution under this chapter. The value of incidental food and beverage at a business or commercial venue shall be included as a nonmonetary contribution in the same amount as is generally charged to the public.

1.52.070 Required Notices on Reproduced Campaign Material.

A. As used in this section, the term "reproduced campaign material" means any written communication, including flyers, handbills, leaflets, letters, pamphlets, posters, brochures, circulars, and yard signs, which is (1) reproduced by any mechanical or electrical means including, but not limited to, printing, photocopying, mimeo-graphing or silk-screening, and (2) expressly advocates the election or defeat of a clearly identified candidate for elective city office. The term "reproduced campaign material" does not include items such as pins, buttons, matchbooks, potholders, bumper stickers, pens, pencils and similar campaign materials containing a nominal amount of text and commonly used in election campaigns.

B. If the sender of reproduced campaign material is a person or committee which is not controlled, directly or indirectly, by a candidate, and which does not act jointly with a candidate

or a controlled committee in connection with the making of expenditures, the following notice shall be affixed to the reproduced campaign material:

NOTICE TO VOTERS

(Required by South Gate Municipal Code)

This campaign material is not authorized or approved by any candidate or local election official. It is paid for by _____ (name)

Address City State

C. Any notice required under the provisions of subsection B of this section shall appear on the reproduced campaign material in at least 10-point type, not subject to the halftone or screening process, and in a printed or drawn box set apart from any other printed matter.

D. If the reproduced campaign material is a mass mailing, as defined in Government Code Section 82041.5, and if the sender is a candidate, a committee or a controlled committee, the information required by Government Code Section 84305 shall be set forth.

(Ord. 1895 § 2 (part), 12-2-91)

1.52.080 Disclosure of Campaign Contributions.

A. During each and every reporting period relating to a municipal election in which elective city offices are to be filled, campaign statements or reports filed with the election official by a candidate, or by a committee supporting or opposing such candidate, shall disclose the total amount of contributions received during each such reporting period from each person who has contributed a cumulative amount of one hundred dollars or more.

B. For contributions received from any person who has contributed a cumulative amount of one hundred dollars or more, the following information shall be disclosed on the campaign statement or report:

1. The contributor's full name, street address, and occupation;
2. The name of the contributor's employer, or, if self-employed, the name of the contributor's business;
3. The date and amount of the contribution;
4. The cumulative amount of contributions received from the contributor;
5. If the contribution was a loan, the interest rate for the loan;

C. For contributions received in connection with a fundraising event conducted by a candidate, or by a committee supporting or opposing such candidate, the campaign statement or report shall disclose the following information:

1. The date and location of the fundraising event;
2. The number of people in attendance;
3. The gross receipts of the fundraising event.

(Ord. 2092 § 2, 1-22-02; Ord. 1895 § 2 (part), 12-2-91)

1.52.085 Independent Expenditure Committees Filings.

Any individual, organization or committee that makes any form of independent expenditure of one thousand dollars (\$1000.00) or more to support or oppose a candidate for elective office, or to support or oppose any city measure, shall open a committee and timely report to the Secretary of State's Office such expenditures as required by the Political Reform Act or other state law, using the appropriate forms prescribed by the California Fair Political Practices Commission. All such filings with the Secretary of State shall be concurrently filed with the South Gate City Clerk's Office.

1.52.086 Late Campaign Contribution/Expenditure Filings.

Any person or independent committee that makes or incurs a "late contribution" or "late expenditure" as defined by the Political Reform Act of one thousand dollars (\$1000) or more in support of or in opposition to any candidate(s) shall notify all candidates running for that same office within twenty-four (24) hours each time one or more payment which meet this threshold are incurred using the appropriate form prescribed by the Fair Political Practices Commission. Such form shall be filed with the City Clerk's office within 24 hours for each occurrence. The Notice of Late Contribution or Expenditures shall be delivered by personal delivery, facsimile, or by any other electronic means which confirms that said transmission was delivered to its intended recipient, and shall name the candidate supported or opposed by the contribution or expenditure.

1.52.090 Campaign Expenditure Limitations.

No candidate for elective city office and no controlled committee of such a candidate shall make qualified campaign expenditures in excess of the aggregate sum of thirty thousand dollars (\$30,000) in any general, special, or special runoff election.

1.52.091 Election Cycle.

A. No person shall make a contribution to any candidate for elective office or any committee prior to the date that is twenty-four (24) months before the any city election for which the contribution is made or after the date that is six (6) months following the election for which the contribution is made. No candidate for City Council or any committee shall solicit or accept a contribution from any person prior to the date that is twenty-four (24) months before the election for which the contribution is made or after the date that is six months (6) following the election for which the contribution is made.

B. No candidate for elective office shall make a contribution to any candidate or any committee prior to the date that is twenty-four (24) months before the any city election for which the contribution is made or after the date that is six (6) months following the election for which the contribution is made. No candidate for City Council or any committee shall solicit or accept a contribution from any person prior to the date that is twenty-four (24) months before the election for which the contribution is made or after the date that is six months (6) following the election for which the contribution is made.

1.52.092 Campaign Account.

A. No candidate for elective office shall expend contributions received in connection with a particular election on campaign expenses associated with a subsequent election. Campaign accounts of candidates elected to office shall be redesignated as officeholder accounts on the date that is nine (9) months following an election and maintained in compliance with Chapter 1.52.093.

B. Any surplus funds in campaign account beyond those permitted to be retained in an officeholder account shall be expended exclusively in compliance with Government Code Section 89515 or remitted to the city to be used for programs that enhance voter education and participation in elections.

C. Candidates shall provide the city clerk with documentary evidence that the balance in their campaign accounts complies with Chapter 1.52.093 within ten (10) days of the date that is nine (9) months after the election.

1.52.093 Officeholder Accounts.

A. Following the municipal election at which a candidate is elected or re-elected, the candidate's campaign account shall be redesignated as an officeholder account nine (9) months following any city election. No person shall make and no city council member shall solicit or accept a contribution directly into an officeholder account. An officeholder account shall not hold more than five thousand dollars (\$5,000.00) at any one time. Funds in an officeholder account shall be used only for officeholder expenses associated with holding office in accordance with Sections 89512 through 89519 of the California Government Code, excluding that part of Subsection 89513(g) pertaining to loans to candidates, political parties or committees.

1. Funds in an officeholder account shall not be used or expended:
 - (a) In connection with an election of the city council member or any other person for any elected office;
 - (b) For campaign consulting, research, polling or similar services in connection with an election;
 - (c) For membership dues in any athletic club or similar club or organization membership in which is primarily personal or social (but excluding membership in or contributions to community-serving or civic organizations);
 - (d) As supplemental compensation for city employees for performance of an act that would be required or expected of that person in the regular course of his or her duties; or
 - (e) For any expenditure that would violate the provisions of Government Code Sections 89506 and 89512 through 89519.

B. Every city elected official who establishes and maintains an officeholder account shall file with the city clerk a semi-annual report on a form provided by the city clerk enumerating all deposits into the officeholder account and identifying all disbursements from the account in

excess of one hundred dollars (\$100.00) by showing the payee, date, amount, person(s) whose expenses were reimbursed and purpose of each such disbursement. The council member shall retain all receipts, invoices and other documents documenting disbursements from the account.

C. Any change in the status of the officeholder account, such as closing the account, change of address of the financial institution, etc., shall be reported in writing to the city clerk within thirty (30) days of any change in status. Any officeholder accounts established hereunder may be subject to audit by the city clerk or the State of California under chapter 10 of title 9 of the California Government Code. All records of contributions and expenditures shall be maintained for a period of not less than the time within which to bring a civil action or from when an audit could begin under section 1.10.140 subd. B herein.

1.52.094 Excess Campaign Funds.

A. All campaign funds in excess of expenses incurred, including payment of debts, for the campaign received by or on behalf of an individual who seeks nomination for election, or has been elected to office, or any committee or controlled committee with funds in excess of expenses incurred for the campaign of a candidate or a group of candidates seeking nomination for election, or election to office, shall be deemed to be excess campaign funds if the candidate has been elected or surplus funds if the candidate is not elected (see, Government Code sections 89511 et seq.) and shall be distributed within one hundred eighty (180) days after withdrawal, defeat, or election to office as a member of the city council, city clerk or city treasurer.

B. The shall be distributed as follows: return to contributors on a pro rata basis, donated to any bonafide charitable, educational, religious or similar tax exempt, nonprofit organization, where no substantial part of the proceeds will have a financial effect on the former candidate or elected officer, any members of his or her immediate family, as defined by the Political Reform Act of 1974 as amended, or his or her campaign treasurer, or turned over to the general fund of the city for a voter education and participation in elections.

C. If the candidate is elected to office, excess funds of up to five thousand dollars (\$5,000.00) which are not distributed as set forth herein, may be maintained in an officeholders account consistent with the provisions of section 1.52.093.

1.52.095 Filing of Post-Election Campaign Statements.

A. A post-election campaign statement ,Fair Political Practices Commission Form 460, or any successor form shall be filed by all candidates running in the current election including write-in candidates, no later than twenty-one (21) days following the date of an special, recall, general city election. The post-election report shall cover the period from the last pre-election statement through the tenth (10th) day following the election.

1.52.096 Fines for Late Fillings of Campaign Statements & Amendments.

A. Upon written notification by the City Clerk that an amendment of a previously-filed campaign statement is required, said amendment shall be filed with the City Clerk's office no later than thirty (30) calendar days following the date of the notification.

B. If any candidate or elected official files a campaign statement, report or amendment after any deadline imposed by this Ordinance or by the Political Reform Act, he or she shall, in addition to any other penalties or remedies established by this Ordinance, be personally liable to the City of South Gate in the amount of \$10 dollars per day after the deadline until the statement, report or amendment is filed. Liability need not be enforced if it is determined that the filing fee of the statement, report or amendment was not willful and that the enforcement of the liability will not further the purpose of this Ordinance, except that no liability shall be waived if a state, report or amendment is not filed within 30 days. Should the State Fair Political Practices Commission fine any candidate or elected official for filing a campaign statement, report or amendment after any deadline imposed by this Ordinance or by the Political Reform Act, the amount of such State fine shall be credited against the fine imposed on such candidate or elected official for the same late filing.

1.52.100 Violations.

A. Any person who knowingly or willfully violates any provision of this chapter is guilty of a misdemeanor and upon conviction is punishable by a fine not exceeding one thousand dollars (\$1000.00) or by imprisonment in the county jail for a period not exceeding six months, or by both such fine and imprisonment.

B. To the extent permitted by law, each campaign expenditure which is made, and each contribution which is made or received, in violation of the provisions of this chapter shall be deemed to constitute a separate and distinct offense.

C. Whether a violation is inadvertent, negligent or deliberate, and the presence or absence of good faith, shall be considered in applying the remedies and sanctions of this section.

D. This section shall be in addition to any other remedy provided by state or federal law. Furthermore, the portion of any contribution that exceeds the maximum contribution permitted by this chapter shall be remitted to the city and used for programs that enhance voter education and participation in elections.

152.101 Enforcement.

A. Any person who believes that a violation of this chapter has occurred may file a complaint with the city attorney. The city attorney shall investigate and shall have investigative powers as are necessary for the performance of their duties under this chapter. The city attorney may also refer the matter to the city prosecutor and/or the Los Angeles District Attorney's Office, including its Public Integrity Division, for further review and investigation.

B. Enforcement—Civil Actions. The city attorney, or any voter, may bring a civil action to enjoin violations of or compel compliance with the provisions of this chapter.

1.52.102 Injunctive Relief.

A. Any person who believes that a violation of this chapter has occurred may file a complaint with the city attorney. The city attorney shall investigate and shall have investigative powers as are necessary for the performance of their duties under this chapter.

B. Enforcement—Civil Actions. The city attorney, or any voter, may bring a civil action to enjoin violations of or compel compliance with the provisions of this chapter.

C. Any person residing in the city may sue for injunctive relief to enjoin violations or to compel compliance with the provisions of this chapter. The court may award a plaintiff or defendant who prevails his or her costs of litigation, including reasonable attorneys' fees; provided, however, that no such award may be granted against the city of South Gate.

1.52.103 Statute of Limitations.

A. Criminal. Prosecution for violation of this chapter must be commenced within one (1) year after the date of which the violation occurred.

B. Civil. No civil action alleging a violation in connection with a campaign statement required under this chapter shall be filed more than two (2) years after an audit could begin, or more than two (2) years after the date of plaintiff's discovery, or in the plaintiff's exercise of reasonable diligence should have discovered, the violation occurred. Criminal. Prosecution for violation of this chapter must be commenced within one (1) year after the date of which the violation occurred.

C. Civil. No civil action alleging a violation in connection with a campaign statement required under this chapter shall be filed more than two (2) years after an audit could begin, or more than two (2) years after the date on which the violation occurred.

D. A civil action brought to collect a fine or penalties imposed under this chapter shall be commenced within two (2) years after the date on which the monetary penalty or fine was imposed. For purposes of this section, a fine or penalty is imposed when a court has issued a final decision in an enforcement action imposing a fine or penalty for a violation of this chapter.

E. A civil action brought to collect a fine or penalties imposed under this chapter shall be commenced within two (2) years after the date on which the monetary penalty or fine was imposed. For purposes of this section, a fine or penalty is imposed when a court has issued a final decision in an enforcement action imposing a fine or penalty for a violation of this chapter.

1.52.110 Candidate Acknowledgement of Receiving Ordinance.

The City Clerk shall provide each candidate for elective office with a copy of this Ordinance as well as copies of any subsequent amendment. Each candidate will be required to sign a form prepared by the City Clerk acknowledging receipt.

1.52.120 Operative Date.

This chapter shall become operative and shall apply to the City of South Gate Municipal election of 2013 and shall apply to all contributions received on and after January 1, 2013.

SECTION 2. This Ordinance shall take effect and be in force on the thirty-first (31st) day after its adoption.

SECTION 3. The City Clerk shall certify to the adoption of this Ordinance and shall cause the same to be published as required by law.

PASSED, APPROVED and ADOPTED this 27th day of November 2012.

CITY OF SOUTH GATE:

_____ 
W.H. (Bill) DeWitt, Mayor

ATTEST:

Carmen Avalos, City Clerk
(Seal)

APPROVED AS TO FORM:

Raul F. Salinas, City Attorney

ORDINANCE CERTIFICATION PAGE

STATE OF CALIFORNIA)

COUNTY OF LOS ANGELES) SS

CITY OF SOUTH GATE)

I, Carmen Avalos, City Clerk of the City of South Gate, California, hereby certify that the whole number of Members of the City Council of said City is five; that Ordinance No. 2300 was adopted by the City Council at their Regular Meeting held on November 27, 2012, by the following vote:

Ayes: Council Members: De Witt, Hurtado, Gonzalez, Morales and Davila

Noes: Council Members: None

Absent: Council Members: None

Abstain: Council Members: None

Witness my hand and the seal of said City on December 20, 2012.

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Carmen Avalos, City Clerk
City of South Gate, California