

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ORDINANCE NO.

An ordinance of San Bernardino County, State of California, to repeal and add Chapter 43 of Division 2 of Title 1 of the San Bernardino County Code, relating to campaign finance reform.

The Board of Supervisors of the County of San Bernardino, State of California, ordains as follows:

SECTION 1. Chapter 43 of Division 2 to Title 1 of the San Bernardino County Code is amended to read:

CHAPTER 43: CAMPAIGN FINANCE REFORM

Sections:

- 12.4301 Name of Chapter.**
- 12.4302 Purpose of the Chapter.**
- 12.4303 Relationship to the Political Reform Act of 1974.**
- 12.4304 Definitions.**
- 12.4305 Contribution Limit.**
- 12.4306 Contribution Through Intermediary and Disclosure.**
- 12.4307 Aggregation of Contributions.**
- 12.4308 Reasonable Diligence and Disclosure of Aggregated Contributions.**
- 12.4309 Candidate’s Own Contributions; Family Contributions.**
- 12.4310 Intra-Candidate Transfer of Funds.**
- 12.4311 Electronic Filing of Campaign Statements.**
- 12.4312 Non-Application to Other Elections ~~and Recall Elections.~~**
- 12.4313 Maintenance and Access to Records.**
- ~~**12.4314 Violations and Enforcement—Criminal.**~~
- ~~**12.4314 San Bernardino County Campaign Accountability Commission**~~
- ~~**12.4315 Qualifications of Commissioners Violations and Enforcement**~~

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Civil.

- 12.4316** **Violations and Enforcement—Administrative.**
- 12.4317** **Construction.**
- 12.4318** **Officeholder Accounts Effective Date.**
- 12.4319** **Effective Date.**

12.4301 **Name of Chapter.**

This Chapter shall be known and cited as the “~~County of~~ San Bernardino County Campaign Finance Reform Ordinance” or the “Campaign Finance Reform Ordinance.”

12.4302 **Purpose of the Chapter.**

The United States Supreme Court has held that the purpose of a campaign reform ordinance must be to reduce corruption or the appearance of corruption in the electoral process, and that corruption in this context means “quid pro quo” corruption, that is, the contribution of money or resources for political favors. This Chapter does this primarily in three ways. First, this Chapter establishes a limit on the amount that individuals and entities may contribute to candidates for elective County office and their controlled committees. Second, with respect to such elections, this Chapter prohibits the hiding of the identity of contributors through the making of contributions via intermediaries without disclosure. Such contributions are attributed to the real contributor and subject to the contribution limit. Third, with respect to all elections under the jurisdiction of the Registrar of Voters, this Chapter provides optional electronic filing opportunities, in lieu of paper filing, for any elected officer, candidate, committee, or other person required by the Political Reform Act to file statements, reports, or other documents with the Registrar of Voters. All of these requirements are intended to make it more difficult for candidates and influential individuals and entities to engage in quid pro quo corruption, to make the financing of campaigns for elective office more transparent, and to make more information, especially financial information, regarding candidates and their supporters available to voters.

1 **12.4303 Relationship to the Political Reform Act of 1974.**

2 (a) The Political Reform Act, as amended and codified, already establishes
3 certain minimum reporting and other requirements for candidates and certain committees
4 making independent and other expenditures. The Political Reform Act establishes
5 contribution limits for candidates for State office ~~but does and for county offices if a county~~
6 ~~has not provide for any enacted a~~ contribution ~~limits limit~~ for ~~candidates for local office. The~~
7 ~~Political Reform Act expressly authorizes local governments to impose additional~~
8 ~~requirements on candidates for local office as long as the requirements do not prevent~~
9 ~~any person from complying with the Political Reform Act.~~ county offices.

10 (b) Unless a word or term is specifically defined in this Chapter or the contrary
11 is stated or clearly appears from the context, words and terms shall have the same
12 meaning as when they are used in the Political Reform Act, as amended and codified,
13 and in the related regulations of the Fair Political Practices Commission.

14 (c) If any provision of this Chapter prevents any candidate or person from
15 complying with the Political Reform Act, such provision is preempted by the Political
16 Reform Act to the extent necessary to bring this Chapter into full compliance therewith.

17 -
18 **12.4304 Definitions.**

19 For the purposes of this Chapter, certain words are defined as follows:

20 **CANDIDATE.** Any individual who is a candidate for Supervisor,
21 Sheriff/Coroner/Public Administrator, District Attorney, Auditor-Controller/Treasurer/Tax
22 Collector, Assessor-Recorder, County Superintendent of Schools, or any other elective
23 County office. Such office would include any elected County offices that have been
24 consolidated or later separated. The provisions of Government Code §Section 82007
25 shall also apply to such individual.

26 **COUNTY.** ~~The County of~~ San Bernardino County.

27 **ELECTION.** A primary, general, special, or recall election. Each of these is a
28 separate election for purposes of this Chapter.

1 **ELECTIVE OFFICER.** An individual who is a Supervisor, Sheriff/Coroner/Public
2 Administrator, District Attorney, Auditor-Controller/Treasurer/Tax Collector, Assessor-
3 Recorder, County Superintendent of Schools, or holder of any other elective County
4 office.

5 **ENTITY.** Any person, other than an individual.

6 **INDIVIDUAL.** A human being.

7 **OFFICEHOLDER.** An elective officer.

8 **OFFICEHOLDER ACCOUNT.** The bank account established at a financial
9 institution located in the State of California pursuant to ~~Subdivision (a) of §Section~~
10 12.43194318.

11 **OFFICEHOLDER CONTROLLED COMMITTEE.** A committee formed pursuant to
12 Subdivision (~~dc~~) of §Section 12.43194318.

13 **OFFICEHOLDER FUNDS.** Money in the officeholder account.

14 **PERSON.** An individual, proprietorship, firm, partnership, joint venture, syndicate,
15 business trust, company, corporation, limited liability company, association, committee,
16 and any other organization or group of persons acting in concert.

17 **SPONSORED COMMITTEE.** A committee, other than a controlled committee,
18 which has one or more sponsors.

19 **SPONSOR.** Any entity that sponsors a committee. A candidate or other individual
20 may not sponsor a committee. An entity sponsors a committee if any of the following
21 applies:

22 (a) The committee receives 80 percent or more of its contributions from the
23 entity or its members, officers, employees, or shareholders.

24 (b) The entity collects contributions for the committee by use of payroll
25 deductions or dues from its members, officers, or employees.

26 (c) The entity, alone or in combination with other organizations, provides all or
27 nearly all of the administrative services for the committee.

28 (d) The entity, alone or in combination with other organizations, sets the

1 policies for soliciting contributions or making expenditures of committee funds.

2
3 **12.4305 Contribution Limit.**

4 (a) Limit on Contributions to a Candidate or a Candidate's Controlled
5 Committee. A person may not make to a candidate or the candidate's controlled
6 committee, and a candidate or the candidate's controlled committee may not accept
7 from a person, any contribution ~~totaling more than the per election amount permitted in~~
8 ~~Government Code § 85301(a), as adjusted by the Fair Political Practices Commission~~
9 ~~pursuant to California Code of Regulations title 2, section 18544, effective on January 1,~~
10 ~~2013, and on January 1 of each odd-numbered year thereafter. Each primary, general,~~
11 ~~special, and recall election is a separate election for purposes of this Chapter.~~or
12 contributions totaling more than \$10,000 per calendar year, except as further provided
13 in this Section.

14 (b) ~~Post-Election Fundraising Restrictions. A contribution for an election may~~
15 ~~be accepted by a candidate after the date of the election only to the extent that the~~
16 ~~contribution does not exceed net debts outstanding from the election, and the~~
17 ~~contribution does not otherwise exceed the applicable contribution limit for that election.~~
18 ~~Notwithstanding any other provision of County Code § 12.4305, if a candidate or the~~
19 ~~candidate's controlled committee had net debts resulting from an election held prior to~~
20 ~~January 1, 2013, contributions to that candidate or committee for that election are not~~
21 ~~subject to the limits of Subdivision 12.4305(a).~~

22 (c) ~~Contributions Received for Primary and General Elections. A candidate~~
23 ~~may raise contributions for a general election prior to the primary election, and for a~~
24 ~~special general election prior to a special primary election, for the same elective office if~~
25 ~~the candidate sets aside these contributions and uses these contributions for the~~
26 ~~general election or special general election. If the candidate is elected to office in a~~
27 ~~primary election or special primary election and will not appear on the ballot in the~~
28 ~~ensuing general election or special general election, is defeated in the primary election~~

1 ~~or special primary election, or otherwise withdraws from the general election or special~~
2 ~~general election, the general election or special general election funds shall be refunded~~
3 ~~to the contributors on a pro rata basis less any expenses associated with the raising~~
4 ~~and administration of general election or special general election contributions.~~
5 ~~Notwithstanding Government Code § 85201, candidates may establish separate~~
6 ~~campaign contribution accounts for the primary and general elections or special primary~~
7 ~~and special general elections.~~

8 ~~(d) — Separate Controlled Committee for Each Campaign Account. A candidate~~
9 ~~who is required to file a statement of organization for a controlled committee pursuant to~~
10 ~~Government Code § 84101 shall establish a separate controlled committee and~~
11 ~~campaign bank account for each specific term of elective office identified in statements~~
12 ~~filed by the candidate pursuant to Government Code § 85200. A controlled committee~~
13 ~~and campaign bank account established for a specific term of elective office may not be~~
14 ~~redesignated as a controlled committee and campaign account for a future election,~~
15 ~~even if the future election is for the same elective office.~~

16 (b) A political party committee may contribute up to \$100,000 to a candidate
17 per calendar year. A candidate may not accept more than \$100,000 from a political
18 party committees per calendar year.

19 (c) If a candidate does not receive more than 50% of the vote in the primary
20 election and the candidate's name will appear on the ballot in the general election, the
21 contribution limits contained in subsection (a) are doubled for that year.

22 (d) Beginning on January 1, 2025, the campaign contribution limits shall be
23 increased by five (5) percent on January 1 of every odd-numbered year. The adjustment
24 shall be rounded up to the nearest one hundred dollars (\$100) and shall be effective on
25 January 1 of the odd-numbered year. The Registrar of Voters shall maintain a record of
26 any increased contribution limits pursuant to this subsection and shall make such record
27 available to the public and all candidates.

28 (e) Return of Contribution in Excess of Limits.

1 (1) ~~Contributions which either in the aggregate or on their face exceed~~
2 ~~the contribution limits of § 12.4305(a) shall be deemed not to have been accepted within~~
3 ~~the meaning of that provision, if returned pursuant to § 12.4305(e).~~

4 (2) ~~—~~A monetary contribution or contributions that exceed the limits of
5 Section 12.4305(a)-(d), shall be returned prior to deposit or negotiation, within 14 days of
6 receipt.

7 (2) Any Contributions returned pursuant to this section shall be deemed
8 not to have been accepted within the meaning of that provision and are not subject to
9 review by the San Bernardino County Campaign Accountability Commission.

10 (3) A non-monetary contribution shall be returned by returning to the
11 contributor, within the deadline specified in ~~Subdivision (Section 12.4305(e)(12))~~, any of
12 the following: the non-monetary contribution; its monetary equivalent; the monetary
13 amount by which the value of the non-monetary contribution exceeds the contribution
14 limits of §Section 12.4305(a)-(d).

15 (4) Subdivision (e) shall not be construed to authorize the making or
16 solicitation of any contribution in excess of the contribution limits of §Section 12.4305(a)-
17 (d).

18 **12.4306 Contribution Through Intermediary and Disclosure.**

19 With respect to contributions earmarked for a candidate or contributions made to
20 a candidate through a person acting on behalf of another or acting as the intermediary or
21 agent of another, the contributors, intermediaries, agents, committees, and recipients of
22 such contributions shall comply with all disclosure, reporting, and other requirements of
23 Government Code §§Sections 84302 and 85704.

24 **12.4307 Aggregation of Contributions.**

25 (a) For purposes of the contribution limit and reporting requirements of this
26 Chapter, the contributions from certain combinations of individuals and entities must be
27 added together to determine the total amount that will be treated as made by, and
28 received from, a single contributor. Such aggregated amount shall not exceed the

1 contribution limit established under §Section 12.4305.

2 (b) Contributions of an Entity Treated as Contributions of an Individual.

3 (1) The contributions of an entity whose contributions are directed and
4 controlled by an individual shall also be treated as the contributions of the individual.

5 (2) The contributions of an entity whose contributions are directed and
6 controlled by two or more individuals shall also be treated as the contributions, on a pro
7 rata basis, of the individuals.

8 (3) The contributions of an entity that is majority-owned by an individual
9 shall also be treated as the contributions of the individual, unless the entity acts
10 independently in its decision to make the contributions.

11 (c) Contributions of an Entity Treated as Contributions of Another Entity.

12 (1) The contributions of an entity whose contributions are directed and
13 controlled by an individual shall also be treated as the contributions of any other entity
14 whose contributions are directed and controlled by the same individual.

15 (2) The contributions of an entity whose contributions are directed and
16 controlled by a majority of persons shall also be treated as the contributions of all other
17 entities whose contributions are directed and controlled by the same majority of persons.

18 (3) The contributions of an entity that is majority-owned by a person shall
19 also be treated as the contributions of all other entities majority owned by the same
20 person, unless the entity acts independently in its decision to make the contributions.

21 **12.4308 Reasonable Diligence and Disclosure of Aggregated Contributions.**

22 (a) Candidates, their controlled committees and treasurers, and any person
23 must exercise reasonable diligence to determine whether a particular contribution must
24 be aggregated with another contribution by operation of any provision of this Chapter or
25 law.

26 (b) Any person who makes a contribution that is subject to aggregation by
27 operation of any provision of this Chapter or law shall, at the time of making the
28 contribution, disclose in writing to the candidate, or to the candidate's controlled

1 committee, the existence of all other contributions that must be aggregated with such
2 contribution. This requirement does not relieve the candidate and the candidate's
3 controlled committee and treasurer of the obligations under §Section 12.4308(a) or law.

4 **12.4309 Candidate's Own Contributions; Family Contributions.**

5 (a) Contribution of Candidate's Own Funds. The provisions of §Section
6 12.4305 do not apply to a candidate's contributions of his or her personal funds or
7 community property to his or her campaign.

8 (b) Contribution of Spouses or Domestic Partners. For purposes of this
9 Chapter, a single contribution made by both spouses or by both registered domestic
10 partners shall not be aggregated but shall be divided equally between both spouses or
11 between both domestic partners.

12 (c) Contribution of Minor. A contribution made by a child less than 18 years of
13 age is presumed to be a contribution from the parent or guardian of the child. For
14 contribution tracking purposes, if the parents or guardians of the child are married or have
15 joint legal custody of child, the contribution shall be divided equally between them. If one
16 parent or guardian has primary or sole legal custody of the child, then the contribution
17 shall be attributed to that parent or guardian. The committee or candidate accepting a
18 contribution from a child under the age of 18 shall obtain the information concerning
19 parental or guardian attribution.

20 **12.4310 Intra-Candidate Transfer of Funds.**

21 (a) A candidate for a non-County office may transfer campaign funds from one
22 controlled committee for a non-County office to a controlled committee for a County office
23 effor the same candidate. Contributions transferred shall be attributed to specific
24 contributors using a "last in, first out" or "first in, first out" accounting method, and these
25 attributed contributions when aggregated with all other contributions from the same
26 contributor may not exceed the limits set forth in §Section 12.4305.

27 (b) Notwithstanding §Section 12.4310(a), a candidate for County office may
28 carry overspend contributions raised in connection with one election to County office to

1 pay campaign expenditures incurred in connection with a subsequent election for the
2 same County office.

3 **12.4311 Electronic Filing of Campaign Statements.**

4 (a) This Section applies to any elected officer, candidate, committee, or other
5 person required by the Political Reform Act to file statements, reports, or other documents
6 with the Registrar of Voters. This Section is not limited to filings pertaining to elective
7 County office.

8 (b) Any elected officer, candidate, committee, or other person required by the
9 Political Reform Act to file statements, reports, or other documents required by Chapter
10 4 (commencing with §Section 84100) of the Government Code, has the option to file those
11 statements, reports, or other documents online or electronically with the Registrar of
12 Voters.

13 (c) In any instance in which the original statement, report, or other document is
14 required to be filed with the Secretary of State and a copy of that statement, report, or
15 other document is required to be filed with the Registrar of Voters, the copy may, but is
16 not required to be, filed online or electronically.

17 (d) Any statement, report, or other document filed online or electronically
18 pursuant to this Section is not ~~be~~ required to be filed with the Registrar of Voters in paper
19 format.

20 (e) The Registrar of Voters shall cause to be placed on the County's web site
21 a copy of each statement, report, or other document within one working day of the
22 statement, report, or other document being filed with the Registrar of Voters.

23 (f) The County shall comply with all applicable provisions of Government Code
24 §Section 84615.

25 **12.4312 Non-Application to Other Elections ~~and Recall Elections.~~**

26 ~~(a)~~ Non-County Election. In the event a candidate also runs for election for a
27 State, Federal, city, special district, or other non-County office, the provisions of this
28 Chapter do not apply to the candidate's campaign for such other office nor to any

1 committee established solely for the purpose of running for such other office.

2 **12.4313 Maintenance and Access to Records.**

3 (a) Maintenance of Records. Candidates and their controlled committees shall
4 maintain, for the period of time required in Government Code §Section 84104, such
5 detailed accounts, records, bills, receipts, and other documentation necessary to prepare
6 campaign statements and to comply with the provisions of this Chapter.

7 (b) Disclosure of Records. Candidates and their controlled committees shall
8 deliver to the Registrar of Voters and any public entity or official having authority to
9 implement or enforce this Chapter, upon demand, the documentation and information
10 described in Subdivision (a) and any other information and documentation sufficient to
11 allow the determination of whether any provision of this Chapter has been violated.

12 (c) Authorization to Access Records. Candidates and their controlled
13 committees shall deliver to the Registrar of Voters and any public entity or official having
14 authority to implement or enforce this Chapter, upon demand, a written authorization
15 permitting such entity or official to have access to all documentation and information
16 pertaining to the campaign contribution checking account.

17 **12.4314 Violations and Enforcement -- Criminal San Bernardino County**
18 **Campaign Accountability Commission**

19 (a) The San Bernardino County Board of Supervisors establishes the San
20 Bernardino County Campaign Accountability Commission (Commission). The
21 Commission shall consist of nine members. The Board of Supervisors shall appoint one
22 member for each supervisorial district, who has been recommended and nominated by
23 the supervisor from that district. Additionally, the Board of Supervisors will appoint one
24 member who has been recommended and nominated by the Sheriff/Coroner/Public
25 Administrator, District Attorney, Auditor-Controller/Treasurer/Tax Collector, and
26 Assessor-Recorder.

27 (b) For all nine commissioners, the following applies:

28 (1) Each appointment of a commissioner shall be approved by a majority

1 of the Board of Supervisors. Each commissioner can be removed by a majority vote of
2 the Board of Supervisors.

3 (2) Pursuant to San Bernardino County Code Section 12.3701, the
4 appointment of a commissioner shall expire on the date that the Supervisor,
5 Sheriff/Coroner/Public Administrator, District Attorney, Auditor-Controller/Treasurer/Tax
6 Collector, or Assessor-Recorder who recommended the appointment leaves office, while
7 the underlying term shall continue pursuant to Subdivision (3) below.

8 (3) Each term of office for a commissioner position shall be four years,
9 commencing on February 1 and ending on January 31 of the fourth succeeding year. The
10 terms of office for commissioners recommended and nominated by the Second and
11 Fourth Supervisorial Districts shall expire on January 31, 2027, and on January 31 of
12 each fourth succeeding year thereafter. The terms of office for commissioners
13 recommended and nominated by the First, Third and Fifth Supervisorial Districts shall
14 expire on January 31, 2029, and on January 31 of each fourth succeeding year thereafter.
15 The terms of office for commissioners recommended and nominated by the
16 Sheriff/Coroner/Public Administrator, District Attorney, Auditor-Controller/Treasurer/Tax
17 Collector, or Assessor-Recorder shall expire on January 31, 2027, and on January 31 of
18 each fourth succeeding year thereafter.

19 (c) The Commission is responsible for enforcing the San Bernardino County
20 Campaign Finance Reform Ordinance.

21 (d) All enforcement actions taken by the Commission require a 2/3rd vote of the
22 entire Commission. This means a minimum of six out of nine commissioners must vote
23 in favor of the enforcement action for the enforcement action to be approved. If the
24 Commission does not have all nine commissioners at a meeting due to either an absence
25 or a vacancy, all enforcement actions shall still require a minimum of six commissioners
26 vote in favor or the enforcement action.

27 (e) Commissioners shall receive a stipend in the amount of \$100.00 per
28 meeting and expense reimbursements pursuant to- Section 13.0618(b).

1 (f) Commission meetings shall be open to the public and are subject to the
2 Ralph M. Brown Act (Government Code section 54950 et seq.).

3 (g) Rules adopted by the Commission for the time, place and conduct of its
4 meetings shall take effect upon ratification by the Board of Supervisors.

5
6 ~~(a) Any person who knowingly or willfully violates any provision of this Chapter, who~~
7 ~~purposely causes any other person to violate any provision of this Chapter, or~~
8 ~~who aids and abets any other person in the violation of any provision of this~~
9 ~~Chapter, is guilty of a misdemeanor.~~

10 ~~(b) In addition to any other penalties provided by this Chapter or the County Code~~
11 ~~or law, a fine of up to the three times the amount the person failed to report~~
12 ~~properly or unlawfully contributed, expended, gave, or received, or \$10,000.00,~~
13 ~~whichever is greater, may be imposed upon conviction for each violation.~~

14 ~~(c) A plea of nolo contendere shall be deemed a conviction for purposes of this~~
15 ~~Section.~~

16 **~~12.4315 Violations and Enforcement—Civil.~~**

17 ~~(a) Any person who violates any provision of this Chapter, who purposely causes~~
18 ~~any other person to violate any provision of this Chapter, or who aids and abets~~
19 ~~any other person in the violation of any provision of this Chapter, shall be subject~~
20 ~~to, in addition to any other penalties provided by this Chapter or the County Code~~
21 ~~or law, a civil penalty of up to three times the amount the person failed to report~~
22 ~~properly or unlawfully contributed, expended, gave, or received, or \$1,000.00,~~
23 ~~whichever is greater. Civil remedies also include injunctive or other equitable or~~
24 ~~declaratory relief.~~

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

27
28

1 ~~(c) The civil prosecutor is primarily responsible for enforcement of the civil penalties and remedies of this Chapter. The civil prosecutor shall be the Fair Political Practices Commission.~~

2
3
4 ~~(d) Any person residing within the jurisdiction of the election may bring a civil action under this Section. Before filing such action, such person must first file with the civil prosecutor a written request for the civil prosecutor to commence the action, subject to procedures that comport with the procedures set forth in Government Code § 91007.~~

5
6
7
8
9 ~~(e) No civil action may be filed with regard to a person for any violation of this Chapter after an administrative order pursuant to § 12.4316 has been issued against such person for the same violation.~~

10
11
12 **12.4315 Qualifications of Commissioners**

13 (a) A member of the Commission must be a registered voter in the County.

14 (b) A person shall not be appointed or serve on the Commission if:

15 (1) The person is a County elective officer or a family member, staff member, or paid campaign staff of a County elective officer. Family member means a spouse, parent, sibling, child, or in-law. Spouse means a spouse or registered domestic partner as defined by California Family Code 297.

16
17
18
19 (2) The person has served as a staff member of a County elective officer in the past four years.

20
21 (3) The person has served in an elected office or campaigned for an elected office in the past four years.

22
23 (4) The person has served as a member of a political party central committee in the past four years.

24
25 (5) The person has contributed over \$500 in any one year to any candidate for a County elective office in the past four years.

26
27 **12.4316 Violations and Enforcement—Administrative.**

28 (a) Any person who, pursuant to an appropriate administrative action, is

1 determined to have violated any provision of this Chapter, purposely caused any other
2 person to violate any provision of this Chapter, or aided and abetted any other person in
3 the violation of any provision of this Chapter, shall be subject to an administrative order
4 requiring that the person to do all or any of the following:

5 (1) Cease and desist violation of this Chapter;

6 (2) File any reports, statements, or other documents or information
7 required by this Chapter; and/or

8 (3) Pay a monetary penalty of up to \$51,000.00 per violation;;

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

11 (c) No administrative action brought alleging a violation of any provision of this
12 Chapter shall be commenced more than five yearstwelve (12) months after the date on
13 which the violation occurred.

14 **12.4317 Construction.**

15 This Chapter shall be liberally construed to accomplish its purposes.

16 **12.4318 Officeholder Accounts. Effective Date.**

17 ~~The Campaign Finance Reform Ordinance shall be effective on January 1, 2013.~~
18 ~~The Campaign Finance Reform Ordinance shall apply only to contributions made to, or~~
19 ~~received by, a candidate on or after January 1, 2013. No contribution made to, or~~
20 ~~received by, a candidate prior to January 1, 2013, shall be considered whatsoever for~~
21 ~~purposes of the contribution limit, the aggregation of contributions provision, or any~~
22 ~~other requirement of the Campaign Finance Reform Ordinance.~~

23 ~~**12.4319 Officeholder Accounts.**~~

24 ~~(a) Notwithstanding Subdivision (b) of § 12.4305, an officeholder may accept~~
25 ~~contributions after the date of the election for the purpose of paying expenses~~
26 ~~associated with holding the office provided that the contributions are not~~
27 ~~expended for any contribution to any state or local committee. Contributions~~
28

1 ~~received pursuant to this Subdivision shall be deposited into a bank account~~
2 ~~established solely for the purposes specified in this section.~~

3 ~~(b(a))~~ Officeholder Account Contribution Limits.

4 (1) No person shall make, and no officeholder shall receive from a
5 person, a contribution pursuant to this subdivision ~~totaling more than the amount set forth~~
6 ~~in Government Code § 85316(b)(1)(A), as adjusted by the Fair Political Practices~~
7 ~~Commission pursuant to Government Code § 85316(b)(4), per calendar year.~~exceeding
8 the limits stated in Section 12.4305(a)-(d).

9 (2) No officeholder shall receive contributions pursuant to Paragraph (1)
10 that, in the aggregate, ~~total more than~~exceed the ~~amount set forth~~limits stated in
11 ~~Government Code § 85316(b)(2)(A), as adjusted by the Fair Political Practices~~
12 ~~Commission pursuant to Government Code § 85316(b)(4), per calendar year.~~Section
13 12.4305(a)-(d).

14 (3) Any contribution received pursuant to this Section shall be deemed
15 to be a contribution to that candidate for election to any County office that he or she may
16 seek during the term of office to which he or she is currently elected, including, but not
17 limited to, reelection to the office he or she currently holds, and shall be subject to any
18 applicable contribution limit provided in this Chapter.

19 ~~(eb)~~ If an officeholder account is established pursuant to this Section, the
20 officeholder shall maintain officeholder funds in a single bank account separate from any
21 other bank account held by the officeholder.

22 ~~(dc)~~ Establishing the Officeholder Controlled Committee, Reporting, and
23 Recordkeeping.

24 (1) Formation. The officeholder shall establish a controlled committee by
25 filing a statement of organization pursuant to Government Code ~~§~~Section 84101 if the
26 officeholder receives \$2,000 or more in officeholder contributions in a calendar year. An
27 officeholder account and an officeholder controlled committee may only be established
28 after the officeholder closes his or her campaign account and any campaign committee.

1 (2) Committee Name. The controlled committee name shall include the
2 officeholder's last name, the office held, the year the officeholder was elected to the
3 current term of office, and the words "Officeholder Account." The statement of
4 organization shall include the name, account number, and address of the financial
5 institution where the committee established the officeholder account.

6 (3) Filing Requirements. The controlled committee shall file campaign
7 statements and reports at the same times and in the same places as it otherwise would
8 be required to do for any other controlled committee formed by the officeholder for election
9 to County office.

10 (4) Required Recordkeeping ~~and Audits~~. The officeholder and treasurer
11 shall be subject to recordkeeping requirements under §Section 12.4313. ~~The officeholder~~
12 ~~account and officeholder controlled committee shall be subject to audits under the~~
13 ~~regulations promulgated pursuant to Government Code § 90001(i)(1), § 12.4313, and the~~
14 ~~terms of any written agreement between the County and the Fair Political Practices~~
15 ~~Commission.~~

16 (ed) Prohibitions.

17 (1) Officeholder funds may not be contributed or transferred to another
18 state or local committee, including any other controlled committee of the officeholder,
19 except as permitted in Subdivisions ~~(h)-(g)~~(2) and ~~(hg)~~(3).

20 (2) Officeholders may not use officeholder funds to pay "campaign
21 expenses" as defined in California Code of Regulations, ~~title~~Title 2, §Section 18525(a).

22 (3) The officeholder may not transfer or contribute funds from any other
23 committee he or she controls to the officeholder account, except as permitted in
24 Subdivision ~~(hg)~~(2) and ~~(hg)~~(3).

25 (fe) Contributions to the Officeholder Account.

26 (1) Required Notices. In addition to the requirements of California Code
27 of Regulations, ~~title~~Title 2, §Section 18523.1, a written solicitation for contributions to the
28 officeholder account shall include the following: "For purposes of the ~~County of~~ San

1 Bernardino County Campaign Finance Reform Ordinance’s contribution limits, a
2 contribution to an officeholder account is also considered to be a contribution to all
3 campaign committees for future elective County office the officeholder seeks during his
4 or her current term of office.”

5 (2) In addition to the requirements of SubparagraphSubdivision (1)
6 above, an officeholder who files a statement of intention to be a candidate for any elective
7 County office during the officeholder’s term of office shall provide notice of this filing to
8 every person that has made a contribution to his or her officeholder account. The notice
9 shall contain the language in SubparagraphSubdivision (1) and be transmitted or mailed
10 within ten days of filing the statement of intention to be a candidate.

11 (3) Cumulation. A contribution to the officeholder account shall also be
12 deemed a contribution to the officeholder’s controlled committee for election to elective
13 County office for the purposes of §Section 12.4319(~~b~~4318(a))(3) only under all of the
14 following circumstances:

15 (A) The contributor makes the contribution between the day the
16 election was held for the term of office for which the officeholder account was established
17 and the end of that term of office;

18 (B) The officeholder maintains the controlled committee,
19 established for a future term of elective County office, at any time during the period
20 covered in SubparagraphSubdivision (A).

21 ~~(4) Cumulation and Primary and General Elections. A person’s contributions~~
22 ~~to the officeholder account, when combined with contributions from the~~
23 ~~same person for a primary and general election to the elective County~~
24 ~~office, may not exceed the contribution limits applicable to the primary and~~
25 ~~general election.~~

26 (5(4)) Multiple Officeholder Accounts. When an officeholder maintains
27 more than one officeholder account in the same calendar year, he or she may not receive
28 the following contributions to any of those accounts during that calendar year:

1 (A) Contributions from a single contributor that, when cumulated
2 for all the accounts, exceed the maximum amount the contributor could give to the
3 officeholder account having the highest per person contribution limit under ~~Subdivision~~
4 ~~(b)(1)~~Section 12.4305(a)-(d).

5 (B) Contributions from all contributors that, when cumulated for all
6 the accounts, exceed the maximum amount in total contributions the officeholder could
7 receive in the officeholder account having the highest aggregate contribution limit under
8 ~~Subdivision (b)(2)~~Section 12.4305(a)-(d).

9 (gf) Contributions Over the Limits.

10 (1) An officeholder shall return to the contributor the portion of any contribution
11 to his or her officeholder account that exceeds the limits of ~~§~~Section 12.4305 or ~~§~~Section
12 ~~12.43194318~~ (either alone or after cumulation) by the earlier of 14 days of receipt or 14
13 days of the date the officeholder files a statement of intention to be a candidate for elective
14 County office pursuant to Government Code ~~§~~Section 85200.

15 (2) A contributor to the officeholder account does not violate the contribution
16 limits applying to the officeholder's election to a future elective County office as otherwise
17 provided under ~~Subdivision (b)~~Section 12.4318(a)(3) if, when he or she makes the
18 contribution, the officeholder has not filed a statement of organization to establish a
19 controlled committee for election to a future elective County office.

20 (hg) Terminating Officeholder Accounts and Committees.

21 (1) The officeholder may not accept contributions after the officeholder's
22 term of office ends or the date he or she leaves that office, whichever is earlier.

23 (2) The officeholder may redesignate the officeholder account as an
24 officeholder controlled committee for a future term of the same office for purposes of
25 paying expenses associated with holding the office by amending the statement of
26 organization for the committee to reflect the redesignation for the future term of office
27 prior to the date the officer's term of office ends.

28 (3) An officeholder may redesignate officeholder funds in the

1 redesignated officeholder account as officeholder funds for the new term of office, subject
2 to the limitations in Subdivision ~~(f)(5e)(4)~~.

3 (4) Once the officeholder's term of office ends or he or she leaves that
4 office, whichever is earlier, the officeholder may only use his or her officeholder funds for
5 the following purposes:

6 (A) Paying outstanding officeholder expenses.

7 (B) Repaying contributions to contributors to the officeholder
8 account.

9 (C) Making a donation to a bona fide charitable, educational, civic,
10 religious, or similar tax-exempt, nonprofit organization, if no substantial part of the
11 proceeds will have a material financial effect on the officeholder, a member of his or her
12 immediate family, or his or her committee treasurer.

13 (D) Paying for professional services reasonably required by the
14 officeholder controlled committee to assist in the performance of its administrative
15 functions.

16 (E) The officeholder shall terminate the officeholder controlled
17 committee within 90 days of the date the officer's term of office ends or he or she leaves
18 that office, whichever is earlier.

19 **12.4319 Effective Date.**

20 The Campaign Finance Reform Ordinance shall be effective on October 11, 2024.
21 The Campaign Finance Reform Ordinance shall apply only to contributions made to, or
22 received by, a candidate on or after October 11, 2024. No contribution made to, or
23 received by, a candidate prior to October 11, 2024, shall be considered whatsoever for
24 purposes of the contribution limit, the aggregation of contributions provision, or any other
25 requirement of the Campaign Finance Reform Ordinance.

26
27 SECTION 2. The Board of Supervisors declares that it would have adopted this
28 ordinance and each section, sentence, clause, phrase, or portion of it irrespective of the

1 fact that any one or more sections, subsections, clauses, phrases or portions of it be
2 declared invalid or unconstitutional. If for any reason any portion of this ordinance is
3 declared invalid or unconstitutional, then all other provisions of it shall remain valid and
4 enforceable.

5

6 SECTION 3. This ordinance shall take effect thirty (30) days from the date of
7 adoption.

8

9

10

DAWN ROWE, Chair
Board of Supervisors

11

12

13

14

SIGNED AND CERTIFIED THAT A COPY
OF THIS DOCUMENT HAS BEEN DELIVERED
TO THE CHAIR OF THE BOARD

15

16

LYNNA MONELL, Clerk of the
Board of Supervisors

17

18

19

20

21

22

23

24

25

26

27

28

1 STATE OF CALIFORNIA)
2) ss.
3 SAN BERNARDINO COUNTY)

4 I, LYNNA MONELL, Clerk of the Board of Supervisors of San Bernardino County,
5 State of California, hereby certify that at a regular meeting of the Board of Supervisors of
6 said County and State, held on the _____ day of _____, 20__, at which meeting
7 were present Supervisors: _____

8 and the Clerk, the foregoing ordinance was passed and adopted by the following vote, to
9 wit:

10 AYES: SUPERVISORS:

11 NOES: SUPERVISORS:

12 ABSENT: SUPERVISORS:

13 IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal
14 of the Board of Supervisors this ____ day of _____, 20__.

15 LYNNA MONELL, Clerk of the
16 Board of Supervisors of
17 San Bernardino County,
18 State of California

19 _____
20 Deputy

21 Approved as to Form:

22 TOM BUNTON
23 County Counsel

24 By: _____
25 JOLENA E. GRIDER
26 Deputy County Counsel

27 Date: _____

28