



## *Campaign Finance and Ethics Commission*

### Memorandum

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February 15, 2018

To: Chairman Andrew Do, Supervisor, First District  
Members, Board of Supervisors

From: Denah Hoard, Executive Director

Subject: Campaign Finance and Ethics Commission activity and documentation

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Pursuant to O.C.C.O. section 1-2-359, the following documents were drafted and submitted to the Campaign Finance and Ethics Commission (OCEthics) at the January 22, 2018 Commission meeting.

Quarterly Report (4<sup>th</sup>): October 2017 – December 2017  
Elected Official and Staff Training  
2018 County of Orange Campaign Finance Manual

The above documents are being submitted to the Board of Supervisors after review and approval by the Commission at the January 22, 2018 Commission meeting as required under O.C.C.O. section 1-2-360.

If you have any questions or would like additional information, please do not hesitate to contact me.

**Attachments:**

Quarterly Report (4<sup>th</sup>): October – December 2017  
Elected Official and Staff Training (hard copy and electronic version)  
2018 County of Orange Campaign Finance Manual

cc: Frank Kim, County Executive Officer  
Leon Page, County Counsel  
Chiefs of Staff

# Quarterly Report

October - December 2017

Office of Campaign Finance and Ethics Commission



# October - December 2017

Project	Status
Commission website: <a href="http://www.ocgov.com/gov/ocethics/">http://www.ocgov.com/gov/ocethics/</a>	<b>COMPLETED</b> — Updates on-going to allow greater dissemination of information. Area for meeting agendas, supporting documents and minutes now fully functioning.
Commission Procedures	<b>COMPLETED</b> — Procedures pending approval by Commission.
Campaign Disclosure Review	<b>COMPLETED</b> - All officials in compliance and next review to begin in January.
Plain language manual	<b>COMPLETED</b> — Manual now completed and pending approval by Commission for transmittal to Board of Supervisors.

# October - December 2017

Project	Status
Lobbyist Portal <a href="http://oclobbyist.egovoc.com/#/">http://oclobbyist.egovoc.com/#/</a>	<b>IN PROGRESS</b> —Portal is live as of June 2017. Portal undergoing IT update for streamlining of administrative functions. Audit of lobbyists completed and communications on-going to determine status.
Conflict of Interest (COI) Code Amendments	<b>ON GOING</b> —Since June 2017, the Office has reviewed Conflict of Interest Amendments from five (5) County agencies. The County policy has been amended to reflect the change in review process.
Campaign Contribution Database	<b>IN PROGRESS</b> —Orange County Information Technology (OCIT) has begun development of database with completion expected in 2018.
Complaint Program	<b>COMPLETED</b> —Complaint Process established and workflow diagrams posted to the website. Tracking system established. A total of three (3) complaints were received in 2017. None were found to be violations under the Orange County Codified Code.

# October - December 2017

<b>Project</b>	<b>Status</b>
Records Retention Schedule	<b>PENDING</b> — Draft of schedule for Department specific records not covered by Countywide policy completed. Will be working with CEO's office to bring OCEthics Retention Policy to the Board for approval. No destruction will occur until Board authorizes and/or is pursuant to Policy.
Finance and Budget	<b>IN PROGRESS</b> —2018-2019 Fiscal year budget due in March 2018.
Advice Tracking System	<b>IN PROGRESS</b> - A more formal tracking system needs to be developed so that telephone responses can be calculated.

# October - December 2017

## Training

Project	Status
Ethics (AB 1234) Training	<b>COMPLETED</b> —The AB 1234 program has been completely transferred to the Executive Director and approximately 400 individuals have been identified as responsible for taking the training. All but 1 individual was compliant as of January 8. Reminder emails will be sent in January for 2018 training.
General County Training	<b>IN PROGRESS</b> —OCEthics participated in Prevention of Harassment, Discrimination & Retaliation Training for Supervisors and Managers and authored an Ethics training program for Procurement Agents.  Procurement training will begin in 2018.
Newly Elected and Appointed Official and Staff training program	<b>COMPLETED</b> —Training materials completed and pending approval by Commission for transmittal to Board of Supervisors.



# *Elected Official and Staff Training*

## *2018*

Per Article 26 section 1-2-109 of the OCCO

# **VIDEO**

**CAN BE VIEWED ON ELECTRONIC COPY OF  
PRESENTATION**

# Why Have Training for Elected Officials and Staff?

- ▶ It's the law!
- ▶ It will help explain what you have a right to do and what is right to do.
- ▶ It is the starting point for ensuring the public trusts the County.
- ▶ It helps you do your job.

# COURSE OBJECTIVES

After this session you will have a basic understanding of the County's:

- ▶ Code of Ethics;
- ▶ Gift Ban; and
- ▶ Campaign Finance Reform Ordinance

What do you already  
know?

True or False?  
Yes or No?

# County Gift Ban Ordinance

- ▶ All County of Orange employees are banned from accepting gifts worth more than \$5 from anyone but relatives?

**True or False?**

## What the Gift Ban ordinance provides:

A “County officer” or “designated employee”

- cannot solicit or accept a “gift”
- from a person (including a business entity) whom the officer/employee knows, or has reason to know, is “doing business with the County”

And for “designated employees,” there is an additional element:

- if the employee can use his or her official position to influence the County’s decision regarding that person.

# Is it a GIFT?

- ▶ 1. Is the recipient a “County officer” or “designated employee?”
- ▶ 2. Is there a “gift?”
- ▶ 3. Is the donor “doing business” with the County?
- ▶ 4. And for “designated employees,” is the designated employee in a position to influence a County decision affecting the donor, or has the designated employee done so in the past 12 months?

# Hypothetical:

- ▶ You arrive at John Wayne Airport for a flight after a long day at work. You forget to take your County ID badge off and get in line at Starbucks. The barista notices the ID and tells you it's on the house for a County worker.
- ▶ What do you do?

# Hypothetical:

- ▶ Your co-worker gives you a thank you gift for helping out while he was on paternity leave. The two of you aren't friends and don't usually exchange gifts.
- ▶ What do you do?

# Why good people do dumb things

- ▶ “Decades of evidence shows us that situations can persuade even the most ethical and compassionate people to betray their own values.”

***-Phil Zimbardo, PhD; Stanford University***

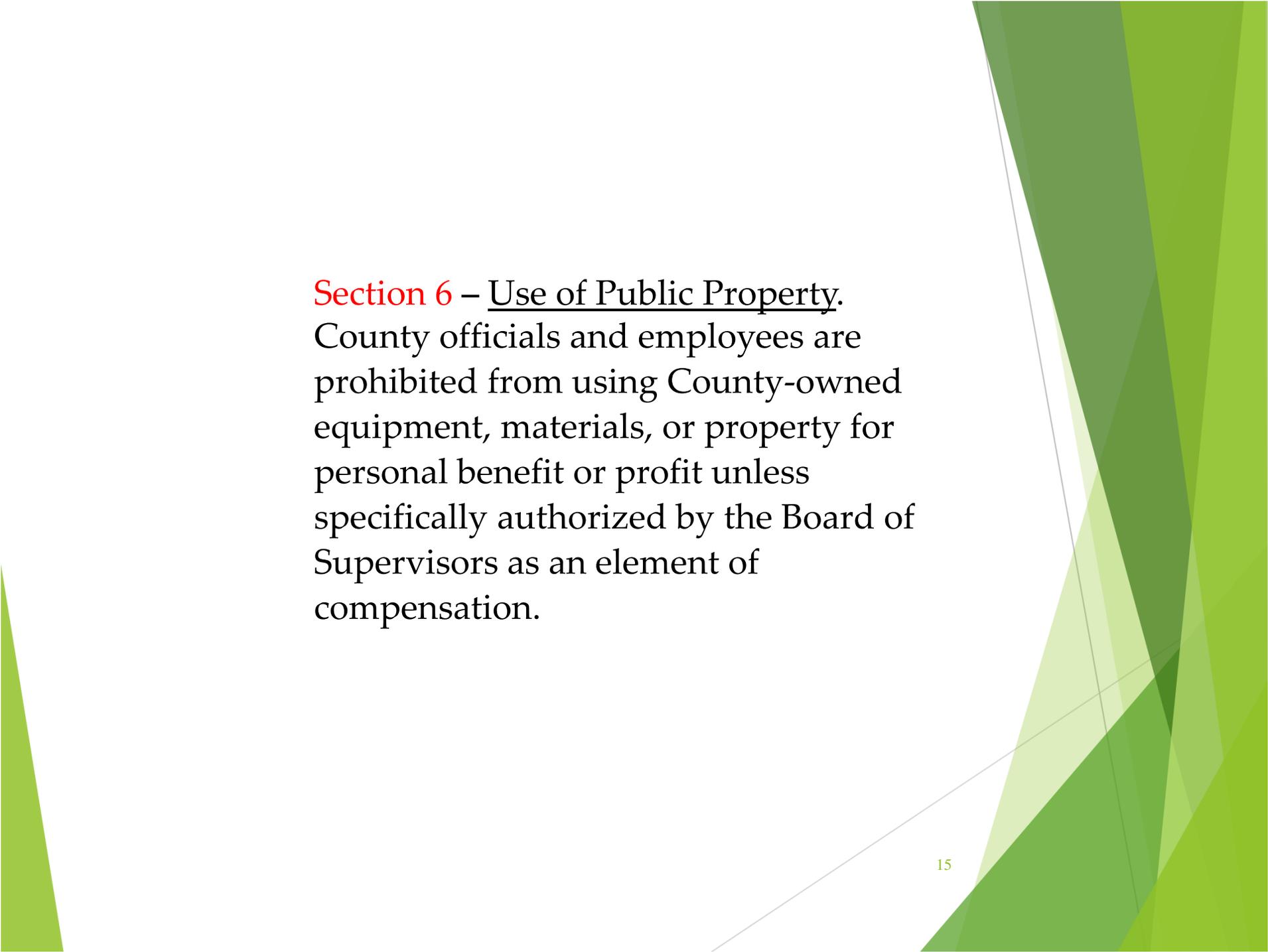
**Orange County  
court clerk  
sentenced to 11  
years in prison for  
illegally fixing more  
than 1,034 DUI and  
traffic cases.**

# VIDEO

**CAN BE VIEWED ON ELECTRONIC COPY OF  
PRESENTATION**

# true or false?

- ▶ The Code of Ethics applies to elected officials, department heads and all managers whether they are designated employees or not.



**Section 6** – Use of Public Property.

County officials and employees are prohibited from using County-owned equipment, materials, or property for personal benefit or profit unless specifically authorized by the Board of Supervisors as an element of compensation.

# Hypothetical:

- ▶ Your manager/supervisor/department head calls you in on Friday and tells you that s/he is having a birthday party for a child this weekend. S/he needs you to instruct your subordinates to deliver multiple items of County property to her/his house the next day and then retrieve them on Monday.
- ▶ What do you do?

**Section 9** – Revolving door.

A County official or employee shall not meet or confer with a former County official or employee who is acting as a lobbyist within one year following termination of the former official or employee from County employment.

# Hypothetical:

- ▶ Your supervisor who you respected and who mentored you so that you were able to promote to your current position retires. S/he starts a “consulting” firm immediately after retirement. S/he calls you to find out about a project the two of you were working on to “get the status.”
- ▶ What do you do?

# **VIDEO**

**CAN BE VIEWED ON ELECTRONIC COPY OF  
PRESENTATION**

# Orange County Campaign Reform Ordinance

- ▶ It is intended to supplement the Political Reform Act of 1974 which was passed in response to Watergate.
- ▶ The purpose - to ensure financial strength of certain individuals or organizations does not permit them to exercise a disproportionate or controlling influence on the election of Orange County candidates.
- ▶ To achieve this purpose - law was designed to 1) minimize the opportunity for corruption, 2) minimize the appearance or perception of corruption, 3) prevent evasion of the contribution limit, and 4) to maintain public trust in governmental institutions and the electoral process.

# true or false?

- ▶ The Campaign Reform Ordinance doesn't apply to County employees only elected politicians.

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

No nonelected County public official or County employee shall solicit, direct or receive a contribution from any person, or his or her agent, who has a proceeding involving legislative or administrative action pending before the County public official or County employee or has had such a matter pending during the preceding twelve (12) months. This section does not apply to a nonelected County public official or County employee who is a County Candidate acting in furtherance of his or her own controlled committee.

# Hypothetical:

- ▶ What do you do?
- ▶ Your elected official boss asks you to start helping him/her on his campaign by calling businesses in the County for donations.
- ▶ Would it matter if you have no idea if the businesses had “pending matters” before your boss?

**Sec. 1-6-13. - Transmittal of campaign contributions in County office buildings.**

(a) No person shall receive or personally deliver or attempt to deliver a contribution in any office which the County owns or for which the County pays the majority of the rent.

(b) For purposes of this section:

(1) *Personally deliver* means delivery of a contribution in person or causing a contribution to be delivered in person by an agent or intermediary, other than the United States Mail.

(2) *Receive* includes the receipt of a campaign contribution delivered in person.

# Hypothetical:

- ▶ You get a call from a close friend of your elected official boss. It's the week before the election and she tells you that she has a check for your boss for the campaign. She asks if your boss is in so she can drop it off. Your boss is in.
- ▶ What do you do?

**Sec. 1-6-31. Solicitation of signatures for candidate nomination papers.**

(a) No person may solicit for the nomination paper for any local, state or federal office the signature of any County employee at his or her workplace. For the purpose of this article, "workplace" shall mean any area devoted primarily to the conduct of County business but shall not include any area that is a traditional, limited, or designated public forum.

(b) Any person who willfully violates this article is guilty of an infraction punishable in accordance with section 1-1-34.

# Origins of the section:

- ▶ In November 2015 an Orange County jury found the former Orange County Assessor guilty of two misdemeanor counts of filing false nomination documents in a failed 2014 re-election bid.
- ▶ He had decided to run rather than retire at the last minute.
- ▶ He circulated two of the six nomination forms but signed as the circulator for four of them, indicating that he had witnessed 20 voter signatures that he had not actually watched being signed.
- ▶ These papers were all signed by County employees and there was a question as to whether it was done on County time. Thus, this section was written and passed into law.

# In Summary:

- ▶ If you need to ask me don't do it!
- ▶ If you can't put it in writing don't do it!
- ▶ If you wouldn't want to tell your boss don't do it!
- ▶ If you need a legal opinion on it don't do it!
- ▶ If you think 12 strangers in a box will think less of the County because of it - you're right so don't do it.
  
- ▶ Help make the County be a leader in good government - it's not about what you have a right to do but what is right to do!

Questions?



# 2018 COUNTY OF ORANGE CAMPAIGN FINANCE MANUAL

## **Campaign Finance & Ethics Commission**

<http://www.ocgov.com/gov/ocethics/>

Email: [info@ocethics.com](mailto:info@ocethics.com)

Main: (714) 645 – 3844

Fax: (714) 645 – 5739



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## INTRODUCTION

On June 7, 2016, the voters in the County of Orange updated the Orange County Campaign Reform Ordinance via a ballot initiative sponsored by a majority of the Board of Supervisors and a long-time community activist. The Campaign Reform Ordinance places local rules and restrictions on campaign activity in addition to the requirements and regulations found in the California Political Reform Act (Gov. Code Sec. 81000 *et seq.*). County candidates, elective county officers, and their controlled committees as well as individuals who support or oppose County candidates must comply with both California and County of Orange campaign laws.

The updated Campaign Reform Ordinance also established a Campaign Finance and Ethics Commission (“Commission”). One of the purposes of the Commission is to provide oversight of the County’s Campaign Reform Ordinance. As part of the oversight duties, each year the Office of Campaign Finance and Ethics Commission develops a “plain language manual” to help individuals understand the Campaign Reform Ordinance. This manual attempts to summarize and simplify the Ordinance’s language and requirements, provide general instructions and assist in answering questions.

This manual is updated on an annual basis but may not provide answers to complicated factual scenarios or address recently enacted changes to the law. Thus, the manual should be considered **advisory only**. If you have questions about the contents of this manual or your obligations under the Campaign Reform Ordinance, you should contact Commission staff by email, phone or mail:

Office of Campaign Finance and Ethics Commission  
1300 S. Grand Ave, Bldg B 3<sup>rd</sup> Floor, Office 390  
Santa Ana, CA 92705  
714-645-3844  
[info@ocethics.com](mailto:info@ocethics.com)

## SUMMARY OF THE CAMPAIGN REFORM ORDINANCE

In general, the Orange County Campaign Reform Ordinance (“Ordinance”) establishes local contribution limits, restrictions on contributions, campaign reporting requirements and rules for slate mailers. The entire text of the Ordinance is found in the Orange County Codified Ordinances and is referenced in this manual as “OCCO”. The entirety of the Ordinance is available to view at:

[https://library.municode.com/ca/orange\\_county/codes/code\\_of\\_ordinances](https://library.municode.com/ca/orange_county/codes/code_of_ordinances)



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WHO AND WHAT IS COVERED BY THE ORDINANCE

The Ordinance applies to County Candidates which means any person who is a Candidate for the Board of Supervisors, Sheriff-Coroner, District Attorney-Public Administrator, Assessor, Treasurer-Tax Collector, County Clerk-Recorder, Auditor-

Controller, or Superintendent of Schools. It also applies to an Elective County Officer, which means any individual who is elected to such a position.

The Ordinance also applies to individuals who make campaign contributions to, in support of, or against these candidates and/or officers. Finally, the Ordinance sets forth restrictions related to campaign activities on County property. This manual will try to provide plain language explanations of the laws in the Ordinance.

## ELECTIONS IN 2018

In June 2018, there will be primary elections for the following County offices covered by the Ordinance:

1. Assessor
2. Auditor-Controller
3. Board of Supervisor – District 2
4. Board of Supervisor – District 4
5. Board of Supervisor – District 5
6. Clerk-Recorder
7. District Attorney-Public Administrator
8. Sheriff-Coroner
9. Superintendent of Schools
10. Treasurer-Tax Collector

### ELECTION CYCLE CALCULATION

Local campaign contribution limitations are associated with elections and election cycles. The Ordinance defines election cycles in section 1-6-7. However, the Ordinance cannot give definitive dates for any particular election cycle due to factual differences and varying outcomes each election can present as described below.

#### **1. Election Cycles for New County Candidates Running In June 2018:**

In the June 2018 election, a new County Candidate's initial election cycle begins on the date their campaign committee is formed. The initial election cycle for all 2018 candidates ends on June 30, 2018. If a new candidate is elected in June their next election cycle runs from July 1, 2018 to June 30, 2022.



***EXAMPLE:** Candidate A forms her campaign committee on February 6, 2017. She plans to run in the election in June 2018. Regardless of the June results, her initial election cycle is February 6, 2017 to June 30, 2018.*

If a new candidate goes on to a run-off held in the November election, their next election cycle runs from July 1, 2018 to December 31, 2018. If a new candidate is elected in the run-off, their next election cycle runs from January 1, 2019 to June 30, 2022.

***EXAMPLE:** Candidate A went into a run-off in November 2018 and wins. Here are her election cycles: (1) February 6, 2017 to June 30, 2018; (2) July 1, 2018 to December 31, 2018; (3) January 1, 2019 to June 30, 2022.*

### **2. Election Cycles for Incumbent County Candidates Running In June 2018:**

For the June 2018 election, an Incumbent County Candidate elected in June 2014 has an election cycle going into the June 2018 election of July 1, 2014 to June 30, 2018. The incumbent elected in the run-off held in November 2014 has an election cycle of January 1, 2015 to June 30, 2018.

For an Incumbent County Candidate elected in the June 2018 election, their next election cycle runs from July 1, 2018 through June 30, 2022. If an Incumbent County Candidate goes onto a runoff, their next election cycle runs from July 1, 2018 to December 31, 2018. If the Incumbent wins in the November election, their next election cycle runs from Jan. 1, 2019 through June 30, 2022.

## **REPORTING OF CAMPAIGN ACTIVITIES**

The California Political Reform Act (Government Code § 81000 et.seq.) sets forth most of California's campaign reporting requirements. Candidates should refer to the "Campaign Disclosure Manual 2" for local candidates, published by the California Fair Political Practices Commission (FPPC). This manual is available on the FPPC's website [www.fppc.ca.gov](http://www.fppc.ca.gov). Moreover, the FPPC does provide advice to individuals related to state campaign requirements via an advice line at (866) ASK-FPPC. Please note, the FPPC does not provide advice or enforcement of local campaign ordinances.

### **COUNTY REPORTING REQUIREMENTS FOR CANDIDATES AND COUNTY OFFICERS**

#### **1. ELECTRONIC FILING – OCCO §1-6-30**

The Ordinance requires any County Candidate/ Elective County Officer or their controlled committees, who receive contributions or loans of more than \$25,000 to electronically file all required disclosure forms with the Orange County Registrar of Voters. If a County Candidate/Elective County Officer does not meet the \$25,000 threshold, candidates/officers may (and are encouraged to) file electronically.



For information related to electronic filing, please contact the Orange County Registrar of Voters at 714-567-7600 or at <https://www.ocvote.com/voting/candidate-info/>

**2. CURRENT AND CUMULATIVE CONTRIBUTIONS – OCCO §1-6-25**

In addition to the reporting requirements under the California Political Reform Act, the County requires a candidate/committee to itemize contributions from a contributor totaling \$100 or more during a reporting period with that same contributor’s total for the election cycle. Thus, when the \$100 threshold is reached a County candidate is required to fill in each of the columns in Schedule A to the Form 460. (See example below.)

**Schedule A**  
**Monetary Contributions Received**

Amounts may be rounded to whole dollars.

SCHEDULE A

SEE INSTRUCTIONS ON REVERSE		Statement covers period		<b>CALIFORNIA FORM 460</b>		
NAME OF FILER		from _____		Page _____ of _____		
I.D. NUMBER		through _____		I.D. NUMBER		
DATE RECEIVED	FULL NAME, STREET ADDRESS AND ZIP CODE OF CONTRIBUTOR (IF COMMITTEE, ALSO ENTER I.D. NUMBER)	CONTRIBUTOR CODE *	IF AN INDIVIDUAL, ENTER OCCUPATION AND EMPLOYER (IF SELF-EMPLOYED, ENTER NAME OF BUSINESS)	AMOUNT RECEIVED THIS PERIOD	CUMULATIVE TO DATE CALENDAR YEAR (JAN. 1 - DEC. 31)	PER ELECTION TO DATE (IF REQUIRED)
		<input type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC				

\*Forms can be found at the FPPC’s website: <http://www.fppc.ca.gov/forms.html>

**3. NOTIFICATION & RETURN OF EXCESS CONTRIBUTIONS – OCCO §1-6-28**

Another County reporting requirement is triggered upon discovery of an excess contribution. (Contribution limits are discussed below in the section entitled “RESTRICTIONS”.) If a candidate discovers s/he received an excess contribution the excess amount must be returned to the contributor within seven (7) days of the discovery AND notification of the refund must be provided to the Orange County Registrar of Voters within 72 hours of the return. The notice to the Registrar of Voters shall include the donor’s name, the amount returned and the date of the return.

**4. LATE INDEPENDENT EXPENDITURES – OCCO §1-6-23**

Any person who spends one thousand dollars (\$1,000.00) or more in support of or in opposition to any County Candidate(s) within 90 days of an election shall notify all candidates running for that same office at least twenty-four (24) hours prior to the first publication, distribution or broadcast of the independent expenditure communication.

The Notice of the Late Independent Expenditure must be sent by personal delivery, telegram, facsimile, or by any other electronic means and shall include a copy of the “independent expenditure” communication.

**5. POST-ELECTION CAMPAIGN STATEMENTS – OCCO §1-6-26**

No later than fifteen (15) days following an election, a candidate must file a post-election campaign statement covering the period from the last pre-election statement through the tenth (10th) day following the election. This post-election campaign statement shall be filed on a Form 460 or other applicable form as required by the FPPC. The post-



election statement is a County requirement and is in addition to those found in the Government Code. The Form 460 is found on the FPPC website.

## **6. AMENDMENTS TO CAMPAIGN STATEMENTS – OCCO §1-6-27**

If the Orange County Registrar of Voters informs a candidate in writing that a previously filed campaign statement must be amended the amendment must be filed within 30 calendar days of the notification.

# **RESTRICTIONS ON CANDIDATES AND COMMITTEES**

## ACCOUNT/COMMITTEE RULES

### **1. ONE COMMITTEE/ACCOUNT RULE – OCCO §1-6-8**

Each County Candidate or an Elective County Officer may have only one (1) campaign committee that shall have only one (1) bank account out of which all qualified campaign and officeholder expenses related to that county office shall be made. This one committee/account rule does not apply to a legal defense fund account (see OCCO 1-6-11.1). Nor does this rule prevent a County Candidate or an Elective County Officer from establishing a separate committee, with its associated bank account, for the purpose of running for another County office as long as the first bank account is closed within 60 days of establishing a second bank account.

### **2. CONTRIBUTION PROHIBITION; INTRA-CANDIDATE TRANSFERS – OCCO §1-6-9**

The committees of County Candidates and Elective County Officers may not accept from or give contributions to any other committees controlled by another federal, state, or local candidate or officeholder. This prohibition includes making a contribution to a committee that supports or opposes a candidate.

The prohibition does not apply 1) to contributions of personal funds of Candidates or Officers or 2) if funds are transferred from one County Candidate's or Elective County Officer's controlled committee to another controlled committee established for a different office. However, if funds are being transferred to a new committee the rules established in section 1-6-9 (c) and 1-6-8 must be followed.

## CONTRIBUTION RULES

### **1. MONETARY LIMITATION - OCCO §1-6-5**

As of March 2017, the contribution limit to County Candidates and Elective County Officers is \$2,000 per election cycle. The Orange County Board of Supervisors can adjust this amount in February of each odd numbered year. (OCCO §1-6-21.)



## 2. AGGREGATION OF CONTRIBUTIONS – OCCO §1-6-5

Contributions from the following persons shall be aggregated and may not exceed the \$2,000 per election cycle contribution limit:

- a. A sponsored committee and the sponsors.
- b. Two or more entities if any of the following apply:
  - i. Share a majority of board members.
  - ii. Share two (2) or more officers.
  - iii. Owned or controlled by the same majority shareholder/s.
  - iv. Have a parent-subsiary relationship.
- v. An individual and any general or limited partnership in which the individual has a ten (10) percent or more share.
- vi. An individual and any corporation in which the individual owns a controlling interest (fifty (50) percent or more).
- vii. A business who provides a contribution and any individual connected with the business who participates in or controls the decision on whether a candidate receives a contribution.
- viii. Contributions by children under eighteen (18) years of age are presumed to be contributions from his/her parents or legal guardian(s). The contribution is allocated equally to each living parent or living guardian.

## 3. INFORMATION ABOUT CONTRIBUTORS – OCCO §1-6-14

No campaign contribution of \$100 or more can be deposited into a campaign account unless the following information is known and on file with the recipient:

- a. all information required by the Political Reform Act;
- b. name, address, occupation and employer;
- c. if self-employed- the name under which the person is “self-employed.”

If the required information cannot be obtained within sixty (60) days of receipt of the contribution or by the end of the next filing period whichever occurs last, the contribution must be returned to the contributor. If the contributor cannot be located, the contribution shall be deposited in the Orange County General Fund or transferred to a charity that is exempt from taxation under Section 501(c)(3) of the Internal Revenue Code.

## 4. PROPERTY, GOODS AND SERVICES – OCCO §1-6-11

Any funds, property, goods or services, other than government funds, received by Elective County Officers or County Candidates which are used, or are intended by the donor or by the recipient to be used, for expenses related to holding Elective County Office or running for Elective County Office, are campaign contributions and subject to the limitations. Reimbursement for reasonable travel expenses related to holding Elective County Office are not contributions.



## **5. LOANS – OCCO §1-6-10**

Loans are considered contributions if used or intended for use in campaigns and for holding public office. The loans are contributions, subject to the contribution limit and attributed to the maker and/or guarantor. The following rules apply to loans:

- a. All loans must be in writing and disclosed with the campaign statement on which the loan is first reported;
- b. Proceeds of a loan that are from a commercial lender are not contributions if the terms are the same as the public is offered in the regular course of business (guarantor still held to contribution limit);
- c. Extensions of credit for a period of more than thirty (30) days are subject to the contribution limitations of this division if not in the normal course of business.

# GENERAL OBLIGATIONS & BANS

## **1. CONTRIBUTOR DISCLOSURE OBLIGATION – OCCO §1-6-24**

Any person whose contribution is subject to aggregation must disclose the prior contribution with which a contribution is aggregated. The notice must be done in writing to the County Candidate or Elective County Officer, or to his or her campaign committee.

## **2. SIGNATURE SOLICIATION BAN – OCCO §1-6-31**

No County employee shall be solicited at his/her workplace for his/her signature on election nomination papers for any local, state or federal office. This does not stop nomination forms from being presented in areas that are considered “public forums.”

## **3. CONTRIBUTION SOLICIATION BAN – OCCO §1-6-12**

Non-elected County Public Officers or County employees may not solicit, direct or receive contributions from individuals or their agents who have actions pending before them or have had actions pending before them in the preceding twelve (12) months. The exception is when a nonelected County Public Officer or County employee is a County Candidate acting in furtherance of his or her own controlled committee.

## **4. CONTRIBUTION TRANSMITTAL BAN – OCCO §1-6-13**

No person shall receive, personally deliver, or attempt to deliver a contribution in any County office.

## **5. LATE INDEPENDENT EXPENDITURES – OCCO §1-6-23**

Any person who spends one thousand dollars (\$1,000.00) or more in support of or in opposition to any County Candidate(s) within 90 days of an election shall notify all candidates running for that same office at least twenty-four (24) hours prior to the first publication, distribution or broadcast of the independent expenditure communication. The Notice of the Late Independent Expenditure must be sent by personal delivery, telegram, facsimile, or by any other electronic means and shall include a copy of the “independent expenditure” communication.

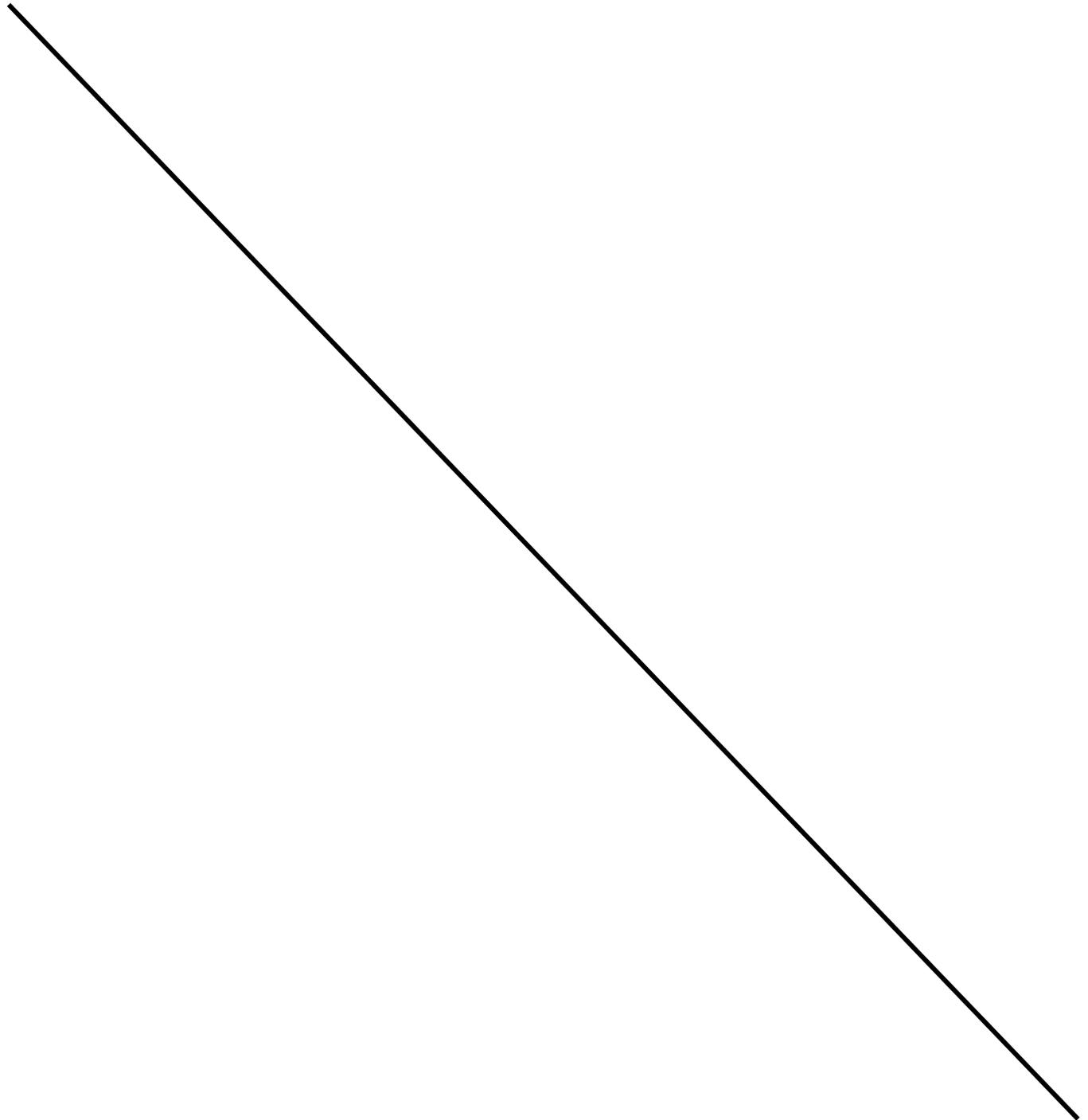


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**6. INDEPENDENT COMMITTEES - OCCO §1-6-6**

A Committee that supports or opposes a candidate for County office may not have a majority of its officers individuals who serve as the majority of officers on any other committee that supports or opposes the same candidate.

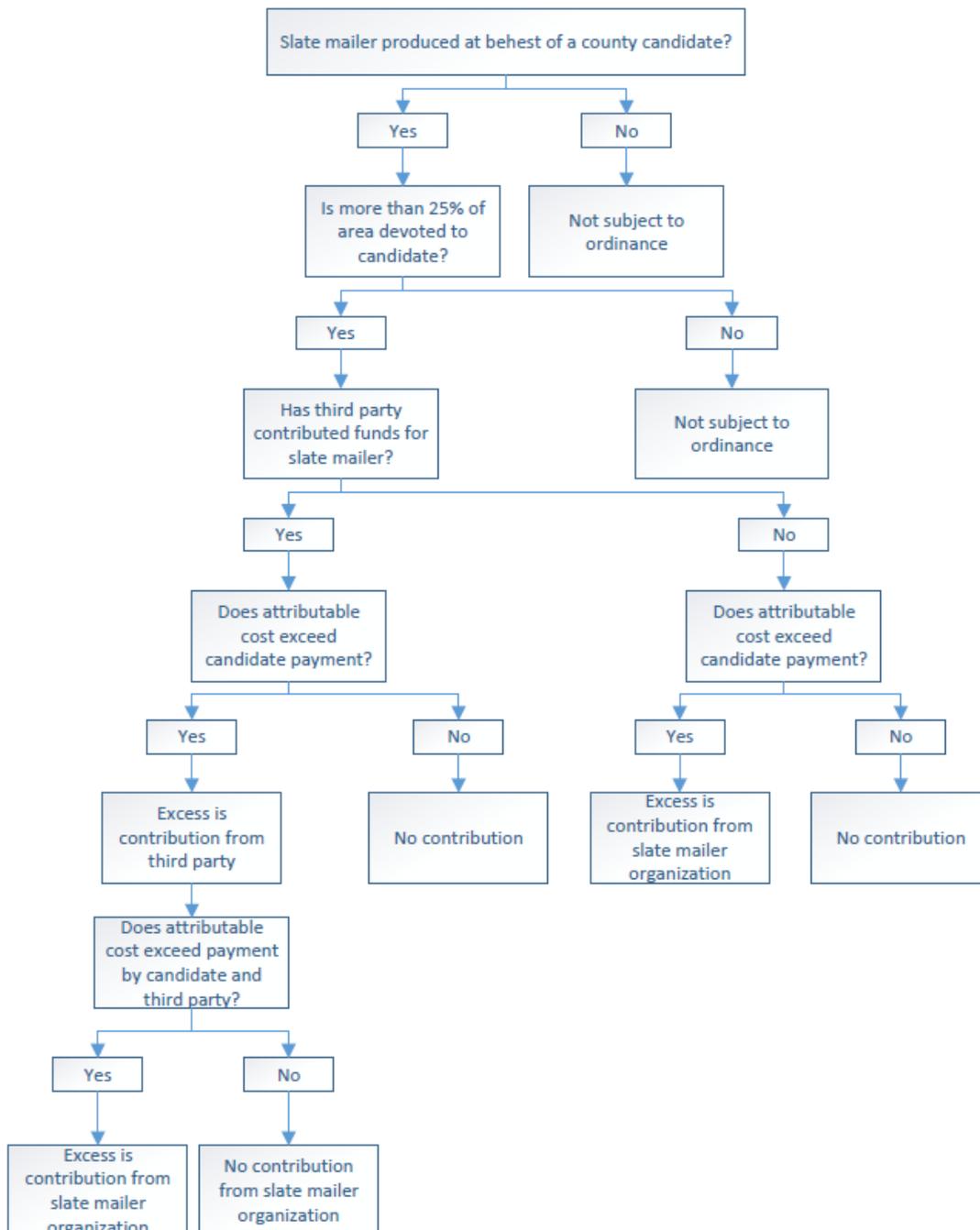
In addition, such a committee shall not act in concert with, solicit or make contributions on behalf of any other committee.





# SLATE MAILERS

Mailed literature distributed by a Slate Mailer Organization at the request of a candidate can be considered a contribution under the Ordinance. Please follow the flow chart below to determine if the Ordinance applies or if there has been a contribution under the facts of any particular slate mailer. **OCCO § 1-6-22**





## CONSEQUENCES AND PENALTIES

Consequences for violating any provisions of the Ordinance can be both administrative and criminal. The County of Orange has four (4) years after the date of the violation to commence a civil and/or criminal action. Violators can be ordered to pay monetary penalties of up to \$5,000 for each violation or three times the amount that the violator failed to report properly or unlawfully contributed, expended, gave or received, whichever is greater. Moreover, any individual who knowingly submits a false claim of a violation under the Ordinance can also be held criminally liable. See OCCO § 1-2-362, 1-6-15, 1-6-17 and 1-2-361.

To avoid consequences and penalties you may contact the Office for advice:

Office of Campaign Finance and Ethics Commission  
1300 S. Grand Ave, Bldg B 3<sup>rd</sup> Floor, Office 390  
Santa Ana, CA 92705  
714-645-3844  
[info@ocethics.com](mailto:info@ocethics.com)