

Repeal of County Campaign financing Ordinance

One March 14th a majority of the Supervisors (Gorell, Parvin and Long) voted to repeal the County's campaign finance ordinance adopted in 2003. Before this action can be finalized, a second vote ("reading") must be approved following a "2nd Reading" (in a public hearing) on March 28th at 10:30 am. The report ("letter to the Board") on which the decision was based was generated by two newly elected Supervisors, Gorell and Parvin. This report was not an independent analysis of the matter like most reports presented for review and action by the full Board of Supervisors (BOS). It was an advocacy proposal that was remarkably short and misleading. It was also the only document on which the public could base its assessment of proposal's merits and comment on.

Link to the proposal by Gorell and Parvin

<https://ventura.primegov.com/portal/viewer?id=330184&type=2>

Link to County Ordinance 4510 the last codified version. Amendment 4546 made a minor change

<https://www.ventura.org/county-executive-office/clerk-of-the-board/campaign-finance-reform/>

(See Governing Policies near bottom of the screen)

Link to State campaign laws

<https://www.fppc.ca.gov/media/factsheets.html>

The purpose of the existing 20-year-old ordinance as quoted in the proposal by Gorell and Parvin was to **"promote public trust... Reduce the appearance of corruption and prevent individuals and organizations from using their financial strength to corrupt Ventura County government by creating political debts through contributions or expenditures that would allow them to control or unduly influence elected officials."**

The action by the proponents should be opposed for several basic reasons, but also for the sheer lack of logical rationale offered in support of their proposal.

BASIC REASONS TO OPPOSE REPEALING THE EXISTING CAMPAIGN FINANCE ORDINANCE

1. Repealing the existing ordinance is completely contrary to the purpose of campaign finance controls, and good government. Repealing the Ordinance would undermine public trust and invite more corrupting money into the election process.
2. The proponents are surrendering local control on a major issue to the State. This not in keeping with the independently minded citizens of Ventura County. What happens when special interests mount a referendum to overturn some, or all the State campaign finance regulations and the County is left without any controls? By example, The Oil industry spent \$20million (LA Times Editorial 3-21-23) to qualify a referendum to overturn state legislation and spent some \$7 million in a 2022 referendum that overturn adopted County Zoning Ordinances.
3. The proponents did not campaign on this issue when they ran for office, so the public did not know it was electing a new BOS majority that would suddenly decide to repeal the County Ordinance, undermining the credibility of local elections and officials. Constituents might have voted differently had they known.

4. The proposal is not a fair and impartial report on the pros and cons for repealing the County ordinance and relying solely on the State laws. NO point-by-point comparison of the two sets of regulations was prepared or presented in the public hearing. Consequently, the public could not fairly judge the merits of repealing the existing ordinance.
5. The written proposal was deceptive. While saying the State law has campaign contribution limit, it did point out that it was \$5500 per person, compared to the current County limit of \$750. Additionally, the proposal did not mention the current Ordinance has a voluntary limit on campaign expenditures that is stricter than the State's voluntary expenditure limits.
6. Rather than proposing practical reforms that would cure some of the proponents' objections with the current ordinance, the proponents opted to discard it entirely.
7. The BOS often empanels interested parties to work with County staff to hash out solutions to identified problems and send recommendations to the BOS for consideration. This approach was taken by the prior BOS relative to increasing oil well financial sureties. Such a collaborative approach could still be taken in lieu of summarily repealing the Ordinance.
8. "One size fits all" regulatory approaches are frequently condemned, but not in the subject proposal. Accepting the State contribution limit of \$5500 per person applies to supervisorial districts regardless of the number of constituents in them: Ventura County – some 170,000 constituents; Alpine County 247 constituents; and Los Angeles County - over 2 million constituents. A suitable contribution limit for different sized jurisdictions is logical, but not one limit for all of them if the Ordinance is repealed.
9. A cursory review of the Ordinance and related state campaign regulations reveals how complex the issue is. The County Ordinance has a myriad of different safeguards in it to promote public trust. Abandoning these without confirming they also exist in State law is really proceeding blindly with the proposed repeal of the Ordinance.
10. Upholding and promoting the lofty and logical purpose for campaign financial regulations was never cited by the proponents. They did not explain why this overarching purpose would be furthered by repealing the Ordinance. Absent rational grounds, why does the majority of the Board want to repeal the Ordinance and undermine public trust in elections and reduce the appearance of monetary corruption of our local leaders?

PROPONENT'S RATIONALE FOR REPEALING THE ORDINANCE IN THE ORDER OF THEIR APPEARANCE

1. *A majority of jurisdictions (56% of the Counties and 62% of the cities) utilize the State campaign finance laws instead of local ordinances.* Using this logic, if a majority of jurisdictions did something patently stupid, Ventura County should do the same. That makes no sense and yet it is the first rationale offered for repealing the Ordinance. It should be noted that most of larger counties in the State have their own campaign ordinances <https://www.fppc.ca.gov/the-law/local-ordinances.html> These jurisdictions are the peers the County should be bench-marking itself against, not tiny rural counties such as Shasta.

2. *The County ordinance is “redundant, unnecessary bureaucracy to State law”.* Is the County Ordinance “redundant” because it has a \$750 campaign contribution limit while the State limit is \$5500? Is the County ordinance redundant because it has a stricter voluntary campaign expenditure limit than the State?

3. *The State’s Fair Political Practices Commission (FPPC) is better staffed and funded to monitor campaign regulations than the County, so the County would be better served by abandoning its own regulations and leave the matter entirely in the state’s hands.* Eliminating the expense of local regulatory oversight in exchange for dramatically less stringent regulations is a poor trade off. The County should better fund its existing monitoring program or opt into a shared monitoring program with other jurisdictions that do not wish to surrender campaign finance regulation to the State’s lower standards.

4. *“Because of low limits , independent expenditure committees are formed by members of the public...because candidate committees cannot fundraise what is needed to effectively reach the constituency in their district...”* Costs to run a campaign have undoubtedly risen, but no inflationary adjustment was suggested to correct this alleged problem. Whatever an appropriate adjustment to the current contribution limit might be, it would less than the 7-fold increase over the current limit the proponents advocate ($\$5500 \div \$750 = 7.333$).

Interestingly, the two proponents just won election under the current low limits, proving the point that the Ordinance’s limits still allow its detractors to win elections. Independent Expenditure Committees (Political Action Committees - PACs) were not allowed until seven years after the County Ordinance was approved, so how likely is it that the Ordinance precipitated PACs?

Raising candidate contribution limits will not deter PACs from raising and spending unlimited amounts of money. Candidates can never raise more funds than a committed PAC. Raising the limit on contributions to candidates only allows more corrupting money into the electoral system while doing nothing to curb PACs.

5. *The current donation cap is “abnormally low” and does not provide “...the capacity to pay workers a livable wage.”* Paving the way for livable wages for campaign workers is commendable, but shouldn’t the BOS be doing this for a wider array of every-day workers, perhaps by raising the minimum wage in the County? Thank goodness the state (and thus the County) did not default to using the Federal Minimum wage rate (\$7.25/hr), which is not a “livable wage”.

6. *State law sets a donation limit to Supervisors of \$250 if a Supervisor is hearing a matter involving the donor within 12 months of receiving said donation.* This “pay to play” provision in State law is helpful, but is not a logical rationale for allowing \$5500 contributions to candidates. What would be more influential: a \$5500 contribution from 13 months previously or a \$250 contribution an hour before a decisive hearing? Furthermore, the County Ordinance could be amended to incorporate a stricter pay to play provision than the State has.

7. *If the County ordinance is repealed, County office holders (supervisors, sheriff, Assessor, etc.) “...will instead be subject to all the campaign limits and restrictions that were enacted by AB 571...” (the state campaign laws.)* County elected officials are already subject to all the applicable state campaign laws that are equal or more restrictive than the current County ordinance. This rationale implies the state law is more restrictive when it is not.

8. *“Elimination of redundant, bureaucratic red tape in the interest of consistency with the State’s established law is in the best interest of the voters and transparency of political campaigns.”* Ralph Waldo Emerson said, “A foolish consistency is the hobgoblin of little minds, adored by little statesmen and philosophers and divines.” Opting for consistency with looser State campaign financial limits as a rationale for eliminating stricter County regulations is foolish.

OTHER RATIONALE OFFERED DURING THE MARCH 13TH PUBLIC HEARING

1. *Updating the county ordinance is too time consuming to keep pace with rising campaign costs.* It is easy to include an inflation provision in the Ordinance that raises the cap on contributions and expenditures each election cycle in accordance with some standard inflation factor such as the CPI. The current Ordinance Sec. 1265c allows the County Clerk to annually adjust the expenditure limits using the CPI. Perhaps comparable language could be added to provide for automatic adjustments to contribution limits. Not attempting to update the ordinance and then criticizing it for being outdated is not a sound rationale for repealing it wholesale.

2. *“I feel it is my right to give a candidate more money than the current \$750 limit.”* This sort of sentiment erodes public trust in government institutions and leads the public to believe that money buys political favors. Public trust in government is at a new low, so now is not a good time to relax measures that help retain the public’s confidence in elections and elected officials.

3. *If one wants to track campaign financial reports it is alleged this is too difficult for the average person to do because they would need to check the County and State systems.* There is no “one stop shop” for all campaign finance monitory, so the proponents voted to eliminate one of the two reporting systems (the County Ordinance). Modern websites readily link users to other related sites. For example the fppc has a link to the County Ordinance. Could this not be done on the County’s campaign reporting website so viewers would have a ready link to the State financial reports and vice versa?

4. *While complaining about the low contribution level (and not mentioning the voluntary County cap on campaign expenditures) individuals complained about a former Supervisor donating her surplus campaign funds to a PAC that supported a candidate vying for the empty seat.* How can there be surplus campaign funds to give away if the County’s contribution and expenditure limits are so low that they barely allow a candidate to mount an election campaign?

5. *Low campaign contribution limits could be challenged in court.* Supervisor Gorell opined at length during the public hearing on the supposed constitutional deficiencies of the County Ordinance without suggesting possible remedies. Neither did he invite County Counsel to offer a legal commentary on any legal deficiencies. If Supervisor Gorell is correct, why not attempt to remedy said deficiencies instead of eliminating the entire Ordinance?