

Campaign Finance

By Supervisor Parvin & Supervisor Gorell

March 28, 2023

US Supreme Court

- No limits on Independent Expenditure Committees
- No Limits for wealthy, self-funded candidates
- Required disclosure of all donations
- OK to Limit Direct Contribution to Candidates However - “Closely drawn”
“Reasonable” (1979 - \$1,000 / \$5,000)

*The U.S. Supreme Court determined money spent on elections is **constitutionally protected free speech/association** under the 1st Amendment.*

Limits to Candidates (per U.S. Supreme Court)

- Money is Speech/Association - 1st Amendment
- Limits Must be Reasonable - “closely drawn”
- Narrowly tailored, least restrictive to meet goal
- County of Ventura has FAILED to even once re-evaluate the Constitutionality of the 2003 limit of \$750 since ordinance was enacted. No organic staff ability to do so.
- So .. donors simply push their money underground - to independent expenditures that HAVE NO LIMITS

Counties with Own, Local Campaign
Finance Ordinances Have
Disproportionately Larger Quantity of
Independent Expenditures

Analysis of CA Counties & Independent Expenditures

County	Has Local Ordinance	IE 2022	IE 2020	IE 2018	IE 2016	IE 2014
Alameda	Yes	33	29	44	12	23
Butte	Yes	4	3	3	3	4
Contra Costa	Yes	12	11	8	18	23
Fresno	Yes	0	0	0	0	0
Kern	Yes	10	6	12	0	0
Los Angeles*	Yes	80	48	53	35	77
Marin	Yes	2	1	0	0	2
Merced	Yes	0	0	4	3	N/A
Napa	Yes	1	3	1	N/A	N/A
Monterey	Yes	2	3	5	4	2
Orange	Yes	33	14	57	59	51
Riverside	Yes	9	11	14	10	16
Sacramento	Yes	11	16	7	8	2
San Bernardino	Yes	32	33	11	13	4
San Diego	Yes	41	22	N/A	N/A	N/A
San Francisco	Yes	24	21	21	24	30
San Luis Obispo	Yes	7	1	1	4	N/A
San Mateo	Yes	4	3	0	0	0
Santa Barbara	Yes	0	0	N/A	5	N/A
Santa Clara	Yes	14	18	12	13	18
Santa Cruz	Yes	5	2	2	1	0
Sonoma	Yes	0	3	5	10	N/A
Ventura	Yes	9	7	5	8	0

County	Has Local Ordinance	IE 2022	IE 2020
Amador	No	3	N/A
Calaveras	No	1	3
El Dorado	No	9	0
Madera	No	1	0
Mendocino	No	3	4
Nevada	No	3	3
Placer	No	7	1
San Benito	No	10	4
San Joaquin	No	3	7
Shasta	No	4	1
Solano	No	2	0
Stanislaus	No	8	3
Sutter	No	2	0
Yolo	No	1	0
Yuba	No	0	0

*Analysis conducted across all Counties where data was made available.

Analysis of Counties With & Without Local Ordinances

- For Ventura County, 2022 had the largest number of Independent Expenditure Committees (9) in comparison to election years 2020, 2018, 2016 and 2014.
- In 2022, a Non-Presidential Election Year, Counties with Local Ordinances had an average of **14.47** Independent Expenditure Committees vs. Counties without a Local Ordinance had an average of **3.8** Independent Expenditure Committees
- This shows that there is a **strong** correlation between local campaign finance ordinances and the interest in those communities to get around the Independent Expenditures.

County	<input type="checkbox"/> Has Local Ordinance	<input checked="" type="checkbox"/> IE 2022	<input checked="" type="checkbox"/> IE 2020	<input type="checkbox"/> IE 2018	IE 2016
Ventura	Yes	9	7	5	8

Example of Failure of current Ventura County Campaign Finance Ordinance and Need for Transparency

Recent Case Study - Circumventing \$750 Limit by Moving \$ through an Independent Expenditure Committee

Date	Filer	\$	Type	Sch	Name
06/29/2022	Claudia Bill-de la Peña for Supervisor 2022	\$750.00	RCPT	A	Vote For Parks for Supervisor 2018
10/25/2022	Friends and Neighbors Supporting Claudia Bill-De la Pena for Supervisor 2022, Sponsored by Food & Water Action	\$9,900.00	RCPT	A	Vote for Parks for Supervisor 2018

Schedule A (Continuation Sheet) Monetary Contributions Received

Amounts may be rounded
to whole dollars.

SCHEDULE A (CONT.)

Statement covers period

from 07/01/2021

through 12/31/2021

CALIFORNIA
FORM **460**

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NAME OF FILER

Claudia Bill-de la Pena for Supervisor 2022

I.D. NUMBER

1439681

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)	AMOUNT RECEIVED THIS PERIOD	CUMULATIVE TO DATE CALENDAR YEAR (JAN 1 - DEC 31)	PER ELECTION TO DATE (IF REQUIRED)
10/04/2021	Vote For Parks for Supervisor 2018 (ID# 1280310) Thousand Oaks, CA 91361	<input type="checkbox"/> IND <input checked="" type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC		750.00	750.00	P2022 \$750.00

496 Independent Expenditure Report

496 INDEPENDENT EXPENDITURE REPORT

CALIFORNIA
FORM **496**

I.D. NUMBER (if applicable)

1455807

NAME OF FILER

Friends and Neighbors Supporting Claudia Bill-De la Pena for Supervisor 2022, Sponsored by Food & Water Action

3. Contributions of \$100 or More Received*

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	INTEREST RATES
10/25/2022	Vote for Parks for Supervisor 2018 Westlake Village, CA 91361-3544 Committee ID# 1280310	<input type="checkbox"/> IND <input checked="" type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC		9,900.00	If loan, enter interest rate, if any _____%

CA Creates Framework for Cities & Counties

Jan 2021 - Assembly Bill 571

- Framework for Cities and Counties
- Allows cities and counties to strip away duplicative bureaucracy and confusing, inconsistent rules
- Entire Ventura County Legislative Delegation voted for AB571
- Signed - Gov Gavin Newsom

Framework for Cities and Counties

- Creates Maximum Contribution Limits
- Imposes Oversight - Complaints, investigations, Penalties, Criminal Referrals.
- Creates easier portal for constituents to research donations to ALL candidates
- Dedicated staff to evaluate modifications to limits required by federal law
- Reduces County duplicative efforts, paperwork, staff support and confusion.

Positive Impacts of Higher Contribution Limits

- Giving a larger contribution directly to a candidate - verses through a committee - ensures clear-cut transparency. Voters can then hold candidates accountable for that contribution.
- **History Proves - Big donations do not ensure a win and small donors don't lose their voice.**
This was tested 20 years ago against a former 2nd District Supervisor who had an opponent receive \$90,000 from one donor yet lost. Likewise, in 2010, in the 2nd Supervisors District, the incumbent was challenged by a state legislator who significantly outraised the incumbent and yet lost overwhelmingly to the incumbent 39% to 61%.
- A donor who wishes to give a candidate \$7,000, for example, will find a way to do so whether directly, or through a committee. Giving directly to the candidate ensures transparency and accountability.
- With higher limits, candidates can fully fund a campaign, including communicating with **all voters** and also compensating their staff (local jobs) with a livable wage.

New State Law to Prevent Corruption

Jan 2023 - Senate Bill 1439

- Prohibits accepting, soliciting or directing a contribution of more than \$250 from anyone with a matter pending before the agency involving a license, permit, or other entitlement for use during the time the matter is pending before the agency and for a specified period of time following the date a final decision is rendered in the matter.
- Must Disclose Donation
- Must Recuse from Vote

VC Ethics Commission vs. CA Fair Political Practices Commission

Ventura County Current Commission

- Appointed by Incumbents
- Constituents with no or limited experience
- Incumbents protected
- No staff, no investigators
- No evidence of bold action in recent memory
- Duplicative bureaucracy costing taxpayers money

California FPPC

- Members appointed by Governor & Statewide electeds.
- Incumbents NOT protected
- Full-time investigative and enforcement staff
- FPPC very active in local fines and penalties