

ORDINANCE NO. 2440

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, ADDING SECTION 2-402.5 (“INDEPENDENT EXPENDITURES”) TO ARTICLE VIII (“CAMPAIGN CONTRIBUTIONS”) TO CHAPTER 2 (“ADMINISTRATION”) OF THE WEST COVINA MUNICIPAL CODE RELATING TO DISCLOSURE REQUIREMENTS FOR INDEPENDENT EXPENDITURES IN CITY ELECTIONS

WHEREAS, State law requires that certain independent expenditures relating to campaigns for statewide office and statewide ballot measures be disclosed to the state within twenty-four hours; and

WHEREAS, the purpose of these State laws is to provide transparency in the election process so the public can be fully informed and improper practices may be inhibited; and

WHEREAS, the City Council for the City of West Covina finds that independent expenditures in City elections should also be subject to disclosure requirements so voters in these elections can also be fully informed and improper practices may be inhibited; and

WHEREAS, integrity in the political process is of paramount importance in City elections; and

WHEREAS, increased disclosure requirements for independent expenditures in City elections will ensure transparency of independent expenditures so that local voters are provided information on contributors, contributions and expenditures in a timely manner; and

WHEREAS, Article XI, Section 7 of the California Constitution authorizes the City of West Covina to enact ordinances that promote the public welfare, and the City Council finds that imposing disclosure requirements for independent expenditures in City elections will promote the public welfare by increasing the amount of information available to voters.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Section 2-402.5 (“Independent expenditures”) of Article VIII (“Campaign Contributions”) of Chapter 2 (“Administration”) is hereby added to the West Covina Municipal Code as follows:

Sec. 2-402.5. – Independent Expenditures

(a) Purpose. The purpose of this ordinance is to ensure transparency of independent expenditures so that voters in City elections are provided information on contributors, contributions and expenditures in a timely manner.

(b) Definitions. For purposes of this section, the following definitions shall apply:

(1) "Campaign communication" means any of the following campaign related items:

i. More than 200 substantially similar pieces of campaign literature distributed within a calendar month, including but not limited to mailers, flyers, facsimiles, pamphlets, door hangers, e-mails, campaign buttons 10 inches in diameter or larger, and bumper stickers 60 square inches or larger;

ii. Posters, yard or street signs, billboards, super-graphic signs and similar items;

iii. Television, cable, satellite, internet and radio broadcasts;

iv. Newspaper, magazine, internet website banners and similar advertisements; or

v. More than 200 substantially similar live or recorded telephone calls made within a calendar month.

(2) "City candidate" means any person who is a candidate for a city office.

(3) "City measure" means any local measure placed on the ballot by the City of West Covina, including voter sponsored initiatives, recall and referendum measures, in an election which is governed by the California Elections Code.

(4) "City office" means any office of the City of West Covina that is filled by way of a vote of the people of the City of West Covina.

(5) "Elective city officer" means any member of the West Covina City Council, or any other City office that is filled by way of a vote of the people of the City of West Covina.

(6) "Individual" means a living person contributing funds.

(7) "Independent expenditure" means an expenditure made by any person or committee in connection with a communication which expressly advocates the election or defeat of a clearly identified candidate or the qualification, passage or defeat of a clearly identified measure, or taken as a whole and in context, unambiguously urges a particular result in an election but which is not made to or at the behest of the affected candidate or committee.

(c) Reporting of Independent Expenditures. Disclosure of payments for independent expenditures shall be as follows:

(1) At any time, any person, including any committee, that makes or incurs independent expenditures that combine to \$1,000 or more in support of or in opposition to any candidate for elective City office or any City measure shall report to the West Covina City Clerk's office within twenty-four (24) hours by certified mail, fax or e-mail each time this threshold is reached. The form of notification is described in subsection (c)(2) and (c)(3) of this section, and the City Clerk shall post this notification on the City's website immediately upon receipt, but no later than the next business day.

(2) The notification shall consist of a declaration made under penalty of perjury and signed by the person or officer and the treasurer of the group making the expenditure, specifying the following: (i) if applicable, each candidate who was supported or opposed by the expenditure; (ii) the amount spent to support or oppose each candidate or measure; (iii) if applicable, whether the measure was supported or opposed; and, (iv) that the expenditure was not behested by the candidate or candidates who benefited from the expenditure.

(3) In addition, the notification shall include the date and amount of the payment, a description of the type of communication for which the payment was made or incurred, the name and address of the person making the payment, the name and address of the payee or committee, and a copy of the mailing or advertisement, or a copy of the script or recording of the call, transmission, or advertisement. The West Covina City Clerk shall determine the reporting form to fulfill the notification requirement.

(d) Additional requirements for campaign communications funded by independent expenditures.

(1) Campaign communications funded by an independent expenditure supporting or opposing City candidates or City measures shall include the following disclosures: "This communication was not authorized by

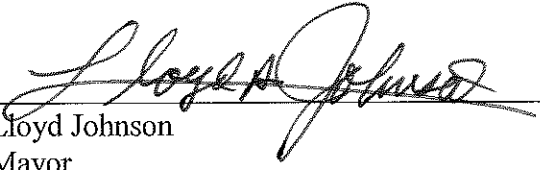
candidate _(name)_ for _(office)_" or "_(name)_ initiative proponent/opponent".

(2) Campaign communications funded by an independent expenditure supporting or opposing City candidates or City measures shall include the names of the two largest contributors within the preceding 180 days from the date the communication is sent, along with the donors' city and state of residence. The disclosure required by this subsection shall be presented in a clear and conspicuous manner so as to give the reader, observer or listener adequate notice as follows:

- i. For printed campaign communications that measure no more than twenty-four inches by thirty-six inches, all disclosure statements required by this subsection shall be printed using a typeface that is easily legible to an average reader or viewer, but is not less than 10 point type in contrasting color to the background on which it appears. For oversize printed campaign communications, all disclosure statements shall constitute at least five percent of the height of the material and be printed in contrasting color.
- ii. For video broadcasts including television, satellite, internet, telephone and cable campaign communications, the information shall be both written and spoken either at the beginning or at the end of the communication, except that if the disclosure statement is written for at least five seconds of a broadcast of thirty seconds or less or ten seconds of a sixty second broadcast, a spoken disclosure statement is not required. The written disclosure statement shall be of sufficient size to be readily legible to an average viewer and air for not less than five seconds.
- iii. For audio, telephone call or radio advertisement campaign communications, the disclosures shall be spoken in a clearly audible manner at the same speed and volume as the rest of the telephone call or radio advertisement at the beginning or end of the communication and shall last at least three seconds. The requirement shall be satisfied by using the words "on behalf of" immediately followed by the name of the candidate or committee that pays for the communication.


SECTION 2. Within fifteen (15) days after its passage of this Ordinance, the City Clerk of the City of West Covina shall certify to the passage and adoption of this ordinance and to its approval by the Mayor and City Council and shall cause the same to be published in a newspaper in the manner required by law.

PASSED, APPROVED AND ADOPTED on this 3rd day of July, 2018.




Lloyd Johnson
Mayor

APPROVED AS TO FORM:



Kimberly Hall Barlow
City Attorney


ATTEST:



Nickolas S. Lewis
City Clerk

I, NICKOLAS S. LEWIS, CITY CLERK of the City of West Covina, California, do hereby certify that the foregoing Ordinance was regularly introduced and placed upon its first reading at a regular meeting of the City Council on the 19th day of June, 2018. That thereafter said Ordinance was duly adopted and passed at a regular meeting of the City Council on the 3rd day of July, 2018, by the following vote:

AYES: Toma, Warhsaw, Johnson
NOES: Spence, Wu
ABSENT: None
ABSTAIN: None



Nickolas S. Lewis
City Clerk