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April 6, 2010

Board of Supervisors
800 S. Victoria Ave.
Ventura, CA 93009

SUBJECT: ADOPTION OF AMENDMENTS TO ORDINANCE NO.4395 – VENTURA COUNTY CAMPAIGN FINANCE REFORM ORDINANCE

RECOMMENDATION:

1. Approve the attached ordinance.
2. Direct the Clerk of the Board to publish a summary as required by the Government Code.

DISCUSSION:

The Board heard and approved a first reading of this ordinance on March 16, 2010.

The County Campaign Finance Reform Ordinance has been in effect for nearly ten years. Over this time, numerous candidates for County offices have been fully able to effectively campaign and communicate with voters while adhering to the provisions of the ordinance. As candidates have become familiar with the ordinance, complaints to the Ethics Commission have declined. Throughout many elections over this period, candidates have consistently demonstrated that effective campaigns and voter communications can be managed without relying on large contributions, and the great majority of candidates have agreed to the voluntary expenditure limits.

With the recent landmark US Supreme Court decision in Citizens United v. FEC, the longstanding rules for national and local campaign finance reform in the United States have been reset by this 5-4 decision of the court. To assure that our ordinance is not held to be inconsistent with current case law, we, as the authors of the County Ordinance, must reluctantly recommend changes to the Ventura County Campaign Finance Reform Ordinance in light of the Supreme Court's decision.

While the Citizens United case primarily dealt with issues that are not covered under the County Ordinance, the court's decision included findings regarding independent expenditures

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that could potentially call in to question some of our ordinance's provisions regarding contributions to independent expenditure committees. To avoid the prospect of protracted litigation, we recommend, with regret, deletion of the sections of the ordinance that placed the same contribution limits on independent expenditure committees (for independent expenditures) as are placed on candidates.

The Citizens United decision also covered the issue of disclosure of campaign contributors. The court strongly reaffirmed the validity of regulations that require the disclosure of major campaign funders (with only Justice Thomas dissenting). Accordingly, we propose adding additional disclosure requirements so that voters can be accurately informed of who is paying for campaign advertisements. The disclosure requirements that we propose be added to the current ordinance's disclosure provisions are directly adapted for County elections from disclosure requirements found in State political reform law. These measures will provide greater transparency in campaigning, and provide voters with additional information on which to weigh the merits of such advertisements.

To summarize, while contribution limits to independent expenditure committees were not specifically struck down by the Supreme Court, in the interest of protecting county taxpayers, we reluctantly recommend that we delete current limits on contributions to independent expenditure committees from our ordinance. In turn, to further assure that voters are accurately informed, we recommend that several existing disclosure requirements found in State law be added to the County Ordinance so as to be applicable to County candidate campaigns as allowed by State law.

The proposed ordinance will make these amendments by repealing and reenacting the current Campaign Finance Reform Ordinance with the deletions and additions incorporated therein. This will provide candidates and citizens with a single source document that contains all provisions in effect after adoption of the ordinance, as so amended.

Cordially,

Steve Bennett
Supervisor, First District

Kathy I. Long
Supervisor, Third District