



Contra
Costa
County

To: Board of Supervisors
From: Supervisor Karen Mitchoff, Chair
Date: February 1, 2022

Subject: Ordinance increasing limits on individual campaign contributions to candidates for all County offices

RECOMMENDATION(S):

ADOPT Ordinance No. 2022-04, amending the Election Campaign Ordinance to revise the limits on individual campaign contributions to supervisorial and non-supervisorial candidates.

FISCAL IMPACT:

None.

BACKGROUND:

On January 18, 2022, the Board of Supervisors voted to introduce Ordinance No. 2022-04, to amend the Election Campaign Ordinance to increase the limits on individual campaign contributions to supervisorial and non-supervisorial candidates from \$1,675 per election cycle to \$2,500 per election cycle. The Board waived the reading of the ordinance, and set February 1, 2022, for adoption.

If adopted, Ordinance No. 2022-04 will be effective March 2, 2022, during an ongoing election cycle for candidates for both supervisorial and non-supervisorial office, and the increased contribution limits will apply to both supervisorial and non-supervisorial

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **02/01/2022** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II
Supervisor
Diane Burgis, District III Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: February 1, 2022

Monica Nino, County Administrator and Clerk of the Board of Supervisors

Contact: Anne O, Chief of Staff,
District IV, (925) 521-7100

By: June McHuen, Deputy

candidates during the remainder of the current election cycle. Thus, candidates could receive individual campaign contributions at the increased amount during the current election cycle. (See, Ordinance No. 2022-04, § IV, Effect of Ordinance on Limits Applicable to Current Election Cycle.)

The Contra Costa County Election Campaign Ordinance was first adopted in 1984 and has been amended sporadically since that time. The limit for individual campaign contributions to non-supervisory county office candidates was last revised in 2004. The current limit is \$1,675 per election cycle, and it applies to candidates for the offices of Assessor, Auditor-Controller, County Clerk-Recorder, District Attorney, Sheriff-Coroner, and Treasurer-Tax Collector. (See Ordinance, §§ 530-2.210; 530-2.402).

The limit for individual campaign contributions to supervisory candidates was last revised in 2005. The current limit is \$1,675 per election cycle. This limit increases to five thousand dollars (\$5,000) in two limited circumstances: where the total cumulative expenditures of the committee or committees making independent expenditures opposing the candidate or supporting the candidate's opponent equal \$75,000 or more; where the candidate faces a self-funded opponent, as defined. (See Ordinance, §§ 530-2.703; 530-2.705 (a); 530-2.708 (c).)

BACKGROUND: (CONT'D)

The proposed ordinance amendment would increase the individual campaign contributions limits for both supervisorial and non-supervisorial candidates to two thousand, five hundred dollars (\$2,500) per election cycle. As to supervisorial candidates, the increased limit triggered by large independent expenditures and self-funded candidates would continue to apply. All other provisions of the Election Campaign Ordinance would remain unchanged. (See proposed Ordinance No. 2022-04, attached.)

In the 16 years since these campaign contribution limits were last revised, the cost of election campaigns has significantly increased due to the rising cost of living and the increased cost for outreach resulting from the increased County population. Another related factor in rising campaign costs is the larger role of Independent Expenditure Committees for or against candidates in campaigns at the local level. Independent Expenditure Committees can raise large sums of money that can have an impact on the outcome of an election. Raising the individual campaign contribution limits for County elected offices will help candidates offset the potential impacts of the changes that have raised the costs of local campaigns.

In 2019, Assembly Bill 571 (Chapter 566) was signed by the Governor, and beginning January 1, 2021, it applied statutory campaign contribution limits to elective city and county offices in jurisdictions that do not have local laws imposing campaign contribution limits. Along with the statutory contribution limits, other related provisions that formerly applied only to state level candidates now apply in such local jurisdictions. The current statutory contribution limit for city and county candidates is \$4,900 per election. This amount is adjusted every odd-numbered year by the Fair Political Practices Commission to reflect any increase or decrease in the Consumer Price Index.

Because this County's Election Campaign Ordinance imposes campaign contribution limits for all elective County offices, the new statutory contribution limits and other related provisions do not apply to County candidates. (See Government Code, §§ 85301 (d); 85702.5.) AB 571 expressly acknowledges that a local government may establish a different limitation that is more precisely tailored to the needs of its communities. The proposed ordinance, which would increase individual contribution limits for all County candidates to \$2,500, is permitted by state law and is less than the higher statutory limit of \$4,900 for individual campaign contributions in counties without local contribution limits.

CONSEQUENCE OF NEGATIVE ACTION:

The current individual campaign contribution limits will remain unchanged.

ATTACHMENTS

Ordinance No. 2022-04

