

LOCAL RECIPIENT COMMITTEES CAMPAIGN FINANCE & COMMUNICATION ACTIVITY



INTRODUCTION

This campaign activity guide has been prepared by the City Clerk's Office/Local Election's Official to assist prospective candidates in understanding the process of local campaigning requirements. It is intended to provide general information by referencing the highlights of required campaign activity, specially the differences between certain state regulatory requirements (FPPC) and additional local Solana Beach requirements.

Candidates and local committees should not rely solely on this guide. It is not all encompassing as it merely summarizes the major provisions related to election campaigns. The enclosed materials are supplied as a courtesy to aid those parties intending to campaign as a local candidate for City Council during a General Municipal Election. While the information herein is believed to be substantially correct, it does not have the force and effect of law, regulation, or rule; and it is not intended to provide advice. The City Clerk, as the Elections Official, is not engaged in rendering legal, accounting, or other professional services.

Legal Notice

PROVISION FOR WHICH THESE CAMPAIGN ACTIVITY MATERIALS ARE MADE AVAILABLE

The Elections Official / City Clerk is not responsible for any errors or omissions in this information as it is the responsibility of the participant to ensure they meet all legal requirements. All persons desiring to campaign as a local candidate are encouraged to refer to and are ultimately responsive to comply with all constitutional, statutory, and local City code provisions that may apply to campaign activities, including the legal requirements of the California Government Code, California Secretary of State, Fair Political Practices Commission Regulations, California Elections Code, and the City of Solana Beach Election Code.

IMPORTANT CONTACTS

OFFICE OF THE CITY CLERK / LOCAL ELECTIONS OFFICIAL

City of Solana Beach

635 S. Highway 101, Solana Beach, CA 92075

Phone: (858) 720-2400

www.cityofsolanabeach.org

- Campaign Statements for Local Committees and Candidates
- Forms and Manuals
- Filing Schedules

SAN DIEGO COUNTY - Registrar of Voters

5600 Overland Avenue, San Diego, CA 92123

Phone: (858) 565-5800 or (800) 696-0136

www.sdvote.com

- Mail Ballots
- Voter Index/Precinct Lists
- Mailing Labels
- Voter Registration

SECRETARY OF STATE

Political Reform Division

1500 11th Street, 4th Floor, Room 495, Sacramento, CA 95814

Phone: (916) 653-6224

www.sos.ca.gov

- Committee Identification Numbers
- Formation and Termination of Committees

FAIR POLITICAL PRACTICES COMMISSION

428 J Street, Suite 620, Sacramento, CA 95814

Phone: (866) 275-3772 (Toll Free)

www.fppc.ca.gov

- Campaign Disclosure (state rules only)
- Conflict of Interest Disclosure (state rules apply)

Commonly referenced terms.

City = The City of Solana Beach

CCR = California Code of Regulations

COSB – City of Solana Beach

EC = California Election Code

FPPC – Fair Political Practices Commission

GC = California Government Code

SBMC – Solana Beach Municipal Code

SOS – Secretary of State

Campaign Disclosure Obligations

Candidates and office holders are required to comply with federal, state and local campaign finance laws. They must file periodic reports on a schedule established by the Fair Political Practices Commission. Failure to file appropriate statements and reports can result in substantial criminal, civil, and administrative penalties. Failure to file within prescribed deadlines can also lead to monetary filing penalties for each day a statement is late. The appropriate forms may be obtained from either the City Clerk's Office or the FPPC website, www.fppc.ca.gov. Please be aware that all statements and information submitted in conjunction with the statements are a matter of public record, available for review by any requester.

The [Political Reform Act \(PRA\)](#) (Title 9 of the California Government Code) is a state law that requires candidates for elective office and all committees supporting or opposing ballot measure or candidates to file campaign statements disclosing contributions received and expenditures made. The statutory requirements of the PRA are contained in Sections 81000 – 91015 of the California Government Code and enforced by the Fair Political Practices Commission (FPPC). Forms and manuals may be obtained from the City Clerk's Office or the FPPC website, www.fppc.ca.gov.

Campaign Disclosure [Manual 2](#) for Local Candidates and their Controlled Committees, as well as Primarily Formed Committees for Local Candidates, provides comprehensive information relative to a variety of campaign reporting. Be sure to review it carefully. This manual will explain the purpose and instructions for Forms 501, 410, 470, and 460, as well as other filings.

See local rules that may be more stringent than Manual 2, for local reporting, in later sections of this document.

[Campaign Disclosure Manual 2 - Information for Local Candidates, Superior Court Judges, Their Controlled Committees, and Primarily Formed Committees for Local Candidates](#)

- [Entire Manual 2](#)
- [Introduction](#)
- [Chapter 1 - Local City and County Contribution Rules \(AB 571\)](#)
- [Chapter 2 - Getting Started](#)
- [Chapter 3 - Finance Rules/Recordkeeping](#)
- [Chapter 4 - Contributions](#)
- [Chapter 5 - Contribution Restrictions](#)
- [Chapter 6 - Use of Campaign Funds](#)
- [Chapter 7 - Communications](#)
- [Chapter 8 - Advertisement Disclosures](#)
- [Chapter 9 - Committee Reports \(Form 460\)](#)
- [Chapter 10 - When and Where to File Form 460](#)
- [Chapter 11 - Additional Reports](#)
- [Chapter 12 - After the Election](#)
- [About the Political Reform Act/How to Get Help](#)

Campaign Funds

- **Establish a Bank Account:**
 - All contributions must be deposited in and all expenditures must be made from a single campaign bank account.
 - The exception is if no contributions are received and the only expenditures are from personal funds for the filing and ballot statement fees.
 - Some banks may require a committee number before opening an account. You may try to use a copy of Form 410 stamped received by the City Clerk's Office at the bank to set up the account. If the bank requires a Tax ID #, then contact the Internal Revenue Service (IRS) for details. You may apply for a Tax ID # at www.irs.gov. *Note that the Committee ID # (issued by the Secretary of State for your committee) and a Tax ID # are separate and distinct and are not interchangeable.*
- **Campaign contributions may not be commingled** with any individual's personal funds. Candidate's may not re-use (or re-designate) a prior account for a future election. A new and separate bank account is required for each election. Additional details can be found in Chapter One of Campaign Disclosure Manual 2.
- **Maintain records.** While contributions less than \$25.00 (Solana Beach rule) are not required to be itemized on required filings, details (date, donor, type, etc) must be maintained for possible audit purposes.
 - Cash. No monetary contribution of \$100 or more shall be received in cash. No expenditure of \$100 or more shall be made in cash. GC 84300(a)(b)
 - Personal Use of Campaign Funds. Use of campaign funds must be only for political, legislative, or governmental purposes.
 - Using Personal Funds for Campaign Expenses: All personal funds of the candidate must first be deposited into the campaign bank account, except for filing fee and candidate (ballot) statement.

See [Campaign Manual 2](#) for many details necessary to be compliant.

Campaign Contributions

What is a contribution?

A contribution is a monetary or nonmonetary payment made to a candidate or committee for which the candidate or committee has not provided full and adequate consideration in return. A contribution may take any of the following forms:

- Money (cash, check, credit card, wire transfers)
- Loans (including loan guarantees, co-signing, lines of credit, and forgiveness of a loan)
- Tickets to political fundraisers (full value of the ticket)
- Nonmonetary items (donated goods or services)
- Enforceable promises

See [Campaign Manual 2](#) for many details necessary to be compliant.

Refunding Contributions

The return of contributions to contributors is permitted, as long as the committee is still open to return those funds.

The City of Solana Beach has adopted local campaign contribution limits, which apply to all candidate committees and local committees.

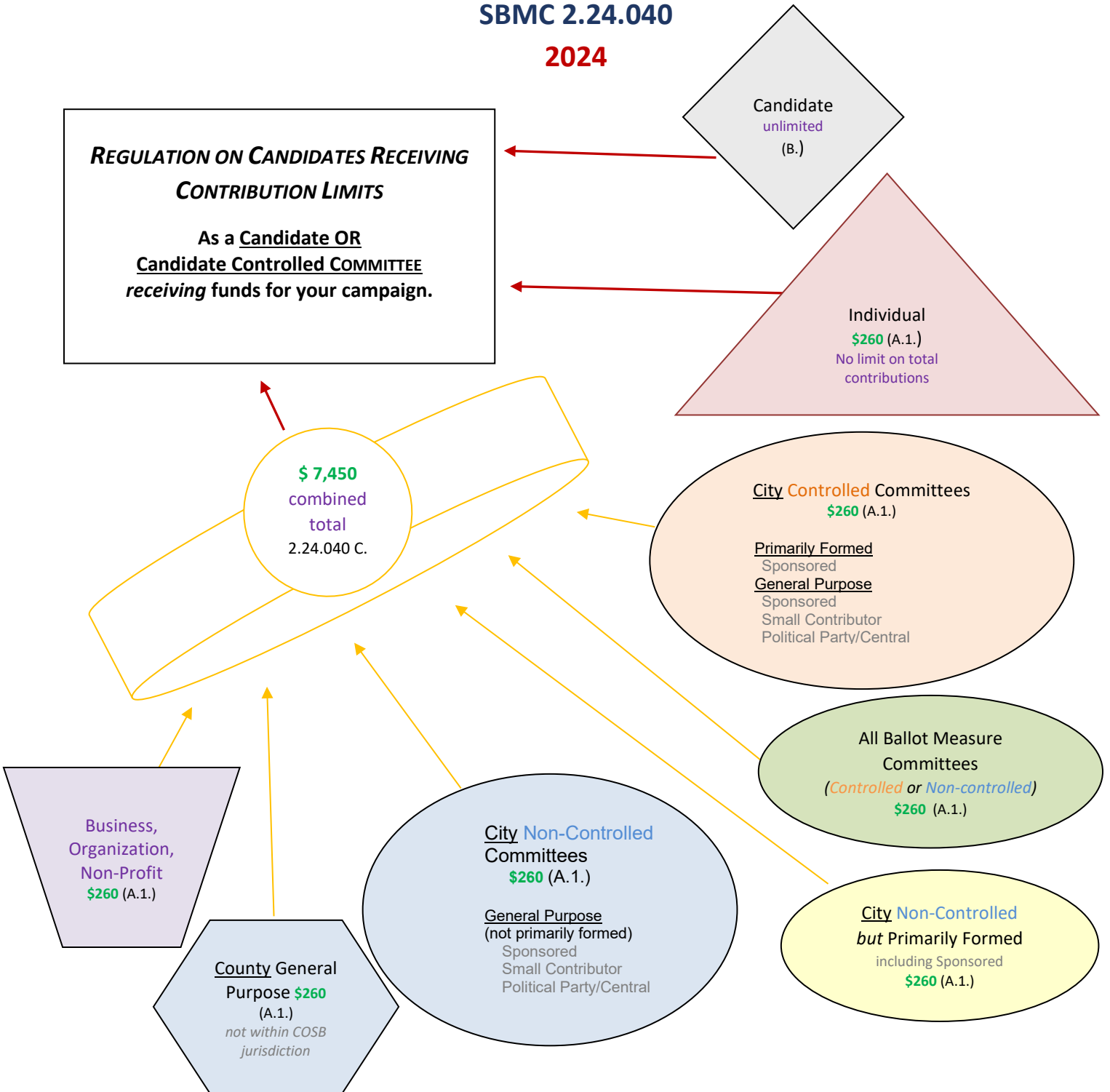
Candidates may not solicit or accept a contribution in excess of established contribution limits. The complete code section with current limits may be obtained from the City Clerk's Office or the City's website [SBMC 2.24 Elections](#).

Federal Regulations

The Federal Election Campaign Act (2 U.S.C. Section 441e) prohibits contributions from foreign nationals in connection with any local, state, or federal election for political office.

CONTRIBUTION LIMITS FOR Candidates and Controlled Committees SBMC 2.24.040

2024



SBMC 2.24.040

Based on the CPI increases, the current amounts are \$260 for Paragraphs A & B, and \$7,450 for Paragraph C.

SBMC 2.24.040 Contributions.

A. Limits.

1. No candidate or controlled committee shall solicit or knowingly accept any contribution from a person which will cause the total contribution from that person to the candidate or controlled committee to exceed \$100.00 in a single election, in accordance with the exceptions throughout this section. The city shall adjust this amount at the beginning of each calendar year based on the increase, if any, in the San Diego Consumer Price Index. This adjustment shall be rounded up to the nearest \$10.00 on a cumulative basis.
2. Spouses are two separate individuals for purposes of the contribution limits.
3. A contribution made by an individual less than 18 years of age is presumed to be a contribution from the parent or guardian of the individual.
4. This section shall not prohibit a committee from conveying to a candidate any monies legally received by said committee as contributions.

B. Exceptions.

1. The \$100.00 limitation of subsection (A)(1) of this section shall not apply to:
 - a. A candidate in aid of themselves;
 - b. Any committees which only support or oppose ballot measures;
 - c. Committees not within the jurisdiction, not defined or triggered as a city committee.

C. Aggregate Contributions. Candidates or controlled committees for a candidate seeking elective city office may receive no more than \$5,000 in total combined monetary contributions from all persons, other than individuals, contributing to the candidate's election campaign. The city shall adjust this amount at the beginning of each calendar year based on the increase, if any, in the San Diego Consumer Price Index. This adjustment shall be rounded up to the nearest \$10.00 on a cumulative basis. For purposes of this section "election campaign" begins at the time a statement of intention to be a candidate or a statement of organization for a controlled committee is filed, and ends with the withdrawal, defeat, appointment, or election of the candidate for the office sought.

Definition Highlights:

"Person" means an individual, proprietorship, firm, partnership, joint venture, syndicate, business trust, company, corporation, limited liability company, association, committee, and any other organization or group of persons acting in concert, who meets the definition set forth in Government Code Section 82047. *SBMC 2.24.030*

"Contribution" A contribution is a payment, including a loan, a forgiveness of a loan, a third party payment on a loan, or an enforceable promise to make a payment except to the extent that full and adequate consideration is received, unless it is clear from the surrounding circumstances that it is not made for political purposes.

A payment made at the behest of an officeholder, candidate, or committee is a contribution to the officeholder, candidate, or committee unless full and adequate consideration is received for making the payment. A payment is "made at the behest of" an officeholder, candidate, or committee if it is made under the control or at the direction of the officeholder, candidate, or committee. It is also made at the behest if it is made in cooperation, consultation, coordination, or concert with, or at the request or suggestion of the officeholder, candidate, controlled committee, official committee of a political party, or organization formed or existing primarily for political purposes. *GC Section 82015; FPPC Regulations 18215 and 18225.7*

CAMPAIGN REPORTING

BASIC CAMPAIGN FILINGS FOR CANDIDATES

Be sure to review the full instructions for each form and applicable state and local regulations.

FORM 501 - CANDIDATE INTENTION

STATEMENT

State law requires that **prior to receiving or expending any funds to run for a specific office**, the candidate must file a Candidate Intention Statement (Form 501) with the Office of the City Clerk. Candidates are exempt from filing a Form 501 if contributions are not received and the only expenditures made are from personal funds for the Candidate Statement and nomination filing fee.

WHEN TO FILE:

Must be filed prior to the solicitation or receipt of any campaign funds or use of any personal funds for campaign purposes.

WHERE TO FILE: File with Office of the City Clerk

FORM 470 - OFFICEHOLDERS AND CANDIDATE **CAMPAIGN STATEMENT - SHORT FORM**

Form 470 is used only by

- 1) candidates **who DO NOT anticipate receiving or spending \$200** (COSB rule) or more for campaigning.
- 2) *an elected officeholder who does not have a controlled committee.*

WHEN TO FILE: Must be filed with the declaration of candidacy, or as a first pre- election statement, covering the year of the election.

WHERE TO FILE: File with the Office of the City Clerk.

City's Online filing system:

<https://www.southtechhosting.com/SolanaBeachCity/eCampaign/>

If you do have campaign activity:

\$200+

If, after filing Form 470, receipts or expenditures reach \$200 (COSB rule) or more, the candidate must file a Form 470 Supplement within 48 hours. See next sections on 410 and 460 filings.

\$2,000+

Form 470 Supplement - Must be filed guaranteed overnight delivery service, personal service, fax, or email to the Secretary of State's Office, Office of the City Clerk, and each candidate seeking the same office (Regular mail may not be used.) Then also proceed to next sections on 410 (for SOS & City) and 460 (City efile) filings.

FORM 410 - STATEMENT OF ORGANIZATION

FPPC Requirements:

The FPPC requires a Form 410 **be filed within 10 days of receiving \$2,000 or more**, when a group or person has become a campaign committee. It may be filed earlier by indicating in the proper area "Not Yet Qualified," however upon reaching the \$2,000 threshold (FPPC rule), the Form must be amended within 10-days of reaching said threshold and disclose the date qualified as a committee. Pursuant to FPPC Regulation 18402(c)(2), the **name of a committee shall include** the last name of the candidate that controls the committee, the office sought, and the year of such election.

Solana Beach Requirements and Filing:

A Solana Beach candidate must form a campaign committee within 10 days of receiving \$200 in contributions by filing the Form 410 on the City's online system. Once this is filed, and you have no other use for the FPPC to have this filing, you may not file it with them, since they only want it when you reach \$2,000.

City's Online filing system: <https://www.southtechhosting.com/SolanaBeachCity/eCampaign/>

If you do not have an account yet, please provide the information to the City Clerk to get you set up in the system.

Secretary of State Filing

Filing Original Form 410

The candidate must file the originally signed form with the Secretary of State, and a copy with the City Clerk. The simplest way to do this is fill out the form online, which will file it with the City, then print it out and sign the same one and send it to the Secretary of State.

City's Online filing system: <https://www.southtechhosting.com/SolanaBeachCity/eCampaign/>

If you do not have an account yet, please provide the information to the City Clerk to get you set up in the system.

Committee ID

After you file the original with the Secretary of State, they will issue an identification number for the campaign committee. You will receive a copy of your form in the mail with the committee # and an original with the committee # will be sent to the City Clerk. However, **the quickest way to see when you are issued a committee # is to check on the Secretary of State's website at <https://cal-access.sos.ca.gov/>**

Fee

Once the Secretary of State receives your first Form 410, they will then issue a campaign committee number for use on campaign literature and future campaign disclosure filings. *All qualified recipient committees that file a Form 410 must pay an annual fee of \$50 to the Secretary of State until the committee is terminated.*

CAMPAIGN FINANCE & COMMUNICATIONS ACTIVITY
Candidate & Local Committees

	Form 410 TRIGGERED EVENT	File with Secretary of State	File with the City Clerk	On Form
FPPC	To obtain a candidate Committee #. May be filed prior to accepting funds.	File with Secretary of State	File Online Copy with City Clerk	Initial o Not Yet Qualified
COSB	\$200+ received In contributions OR expenditures made. Form must be filed within 10 days.	N/A	File Online Copy with City Clerk	Initial and/or o Not Yet Qualified AND Add a Note to left of this box that says \$200 COSB Qualified
FPPC	\$2,000+ received In contributions Form must be filed within 10 days of receiving \$2,000 in contribution. Once your committee reaches the \$2,000 threshold a \$50 fee will be requested by the SOS. This is an annual fee for all open committees.	File with Secretary of State	File Online Copy with City Clerk	o Qualified Qualified on the Date you reach \$2,000
Amendments	File any corrections to statements already filed within 10 days.	File with Secretary of State	File Online Copy with City Clerk	o Amendment

Secretary of State	City of Solana Beach
ALL ORIGINAL FILINGS (except the \$200 filing for COSB)	COPY OF ALL FILINGS
Mail Original Form 410 with original ink signature(s)	Complete City eFiling online
Secretary of State Political Reform Division 1500 11th Street, Rm 495 Sacramento, CA 95814	https://www.southtechhosting.com/SolanaBeachCity/eCampaign/

CAMPAIGN FINANCE & COMMUNICATIONS ACTIVITY
Candidate & Local Committees

FORM 460 - OFFICEHOLDERS, CANDIDATE, CONTROLLED COMMITTEE CAMPAIGN STATEMENT - LONG FORM

Form 460 is used at various times by candidates and committees that raise or spend \$200 (COSB rule) or more. This form is the main campaign disclosure statement and provides the public with [an overview of the committee's activity, including money coming in and going out, during a specified reporting period.](#)

WHEN TO FILE: Please refer to Candidate Calendar Filing Schedule below, including local rules.

WHERE TO FILE: File with Office of the City Clerk. No forms other than the Original 410s go to the FPPC.

[FPPC Filing Schedule Posted](#)

FILING SCHEDULE

It is the responsibility of the candidates and/or committees to be aware of and to file the required campaign disclosure statements in a timely manner.

	TRIGGER EVENT	RESULTING FORMS	TRIGGERED or FORM DUE DATE	FPPC requirement	COSB requirement	NOTES	Online Filing Link	PURPOSE
DURING Election	Campaign Activity	460	Due 7-31-24 By 5:30 pm Wednesday	x		Reporting Period of activity for Jan 1 – Jun 30 Method of Delivery: eFile by the deadline.	https://www.southtechhosting.com/SolanaBeachCity/eCampaign/	FPPC requires disclosure.
	1st <u>Pre-Election deadline</u> (410 filers must file, regardless of balance).	460	Due 9-26-24 by 5:30 pm Thursday	x		Reporting Period of activity for July 1-Sept 21 Method of Delivery: eFile by the deadline.		FPPC requires disclosure.
	2nd <u>Pre-Election deadline</u> (410 filers must file, regardless of balance).	460	Due 10-24-24 by 5:30 pm Thursday	x		Reporting Period of activity for Sept 22-Oct 19 Method of Delivery: eFile by the deadline.		FPPC requires disclosure.
	3rd <u>Pre-Election deadline</u> COSB ONLY (410 filers must file, regardless of balance).	460	<i>Last Thursday preceding Election day</i> Due 10-31-24 by 3:00 pm Thursday		x	Reporting Period of activity for Oct 20-Oct 30 Method of Delivery: eFile by the deadline.		COSB requires disclosure.
POST Election	<u>Post Election Filing</u> (filers must file, regardless of balance).	460	Due 01-31-25 by 5:00 pm Friday	x		Reporting Period of activity for Oct 20 – Dec 31 Method of Delivery: eFile by the deadline.	FPPC requires disclosure.	

**LOCAL 460 REPORTING REQUIREMENTS
FPPC v. CITY OF SOLANA BEACH**

In addition to all reporting requirements set by the FPPC [Campaign Disclosure Manual 2 – Local Candidates](#) there are local requirements that are more stringent than state law. These requirements are outlined in the [SBMC 2.24](#) and are highlighted below.

EVENT	FPPC Requirement	COSB Requirement
Contribution Limits	State Candidates \$4,900 per individual.	SBMC 2.24.040 Contributions Local contribution limits: \$260 per individual. \$260 from each committee, business, organization, not to exceed a total of \$7,450 total.
Contribution Reporting Thresholds	\$25 - \$99 contribution reporting requires <ul style="list-style-type: none"> ▪ date received ▪ amount ▪ type of contribution ▪ full name ▪ address ▪ zip code 	2.24.060 Record keeping. A. All candidates and city committees must practice the record keeping procedures in the manner specified by the Political Reform Act of 1974, as amended. A portion of these requirements along with additional city requirements are outlined below. B. Records of Receipts. All candidates and city committees must have two types of records for receipts: a daily record, showing how much money was received on any given day; and a contributor record, with detailed information about each contributor of \$25.00 or more. The daily record requirement may be met with bank statements, copies of checks received, or other documentation that provides the required information. 1. Contributions Less Than \$25.00. Any candidate or city committee receiving a contribution of less than \$25.00 is not required to record the name of the donor but is required to report the lump sum of all such contributions. 2. Contributions of \$25.00 or More. Any candidate or city committee receiving cumulative contributions of \$25.00 or more is required to record: <ol style="list-style-type: none"> a. Full name and address, including Zip Code, of the contributor; b. Contribution amount; c. The date received; d. The type of contribution and the total amount received from the contributor over the course of the current calendar year (the “cumulative amount”); e. <u>The contributor’s occupation, employer’s name</u> or, if self-employed, the name of the business of the person making the contribution or loan (state code thresholds for gathering employer information may be different from the city thresholds). \$25.00+ Contributions require additional recording info of occupation and employer name.

CAMPAIGN FINANCE & COMMUNICATIONS ACTIVITY
Candidate & Local Committees

<p>Missing Contributor Info</p>	<p>Missing contributor info \$100 + must be returned to contributor within 60 days.</p>	<p><u>SBMC 2.24.060 Record keeping</u></p> <p>C. Missing Contributor Information. All the contributor information required above must be obtained within 60 calendar days from the receipt of the contribution. If any of the contributor information required above is missing then the contribution in excess of \$25.00 must be returned. If it is not possible to return to contributor, then it must be paid within 75 days of receipt to the city’s general fund.</p> <p>If cannot return funds: Excess of \$25-\$99 will be paid to City’s general fund within 75 days Excess of \$100 will be paid to the City’s general fund within 60 days.</p>
<p>Excess of contribution limit</p>	<p>See Political Reform Act, G.C. 81000-91014</p>	<p><u>SBMC 2.24.040 Contributions</u></p> <p>D. Contributions in Excess of the Limit.</p> <ol style="list-style-type: none"> 1. If a committee treasurer is offered a contribution which would be in excess of the limitations set forth in this section, the treasurer must refuse the contribution. 2. If, however, a contribution which is in violation of this section is deposited into the campaign bank account, the treasurer shall report in writing to the city clerk within five days of the receipt of the contribution the facts surrounding such payment or contribution. Any such payment or contribution so deposited must be returned. 3. If it is not possible to return to the contributor, then it must be paid within 30 calendar days of receipt to the city’s general fund if the amount is less than \$100.00 and to the state if the amount is \$100.00 or more. <p>Contributions in Excess of the Limit.</p>
<p>Anonymous Contribution Definition</p>	<p>Anonymous contributions = less than \$100</p>	<p><u>SBMC 2.24.040 Contributions</u></p> <p>E. Anonymous Contributions. No candidate or city committee shall accept an anonymous contribution of \$25.00 or more. An anonymous contribution of \$25.00 or more shall not be kept by the intended recipient, but the entire amount shall be paid within 10 days as follows:</p> <ol style="list-style-type: none"> 1. An anonymous contribution of \$25.00 to \$99.99 must be paid to the city clerk to deposit in the city’s general fund. 2. An anonymous contribution of \$100.00 or more must be paid to the Secretary of State for deposit in the state general fund (Government Code Section 84304). <p>Anonymous Contributions = less than \$25 No anonymous contributions of \$25.00+</p>
<p>Election Campaign Accounts – Deposit of Funds</p>	<p>No time requirement to deposit funds.</p>	<p><u>SBMC 2.24.070 Election campaign accounts.</u></p> <p>A. Deposit of Contributions. All campaign contributions accepted by a campaign treasurer or committee shall be deposited within five days of receipt into the election campaign account by the campaign treasurer, committee or authorized agent thereof.</p> <p>Must deposit funds into campaign bank account within 5 days of receipt of funds.</p>

CAMPAIGN FINANCE & COMMUNICATIONS ACTIVITY
Candidate & Local Committees

<p>Disbursement of Unexpended Campaign Funds</p>	<p>There are restrictions on how campaign funds held by an elected officeholder or candidate may be spent once the funds become "surplus." Surplus funds may not be used for a future election. See Chapter 11 for information about all requirements that must be met in order to use leftover campaign funds for a future election before the funds become surplus.</p>	<p>SBMC 2.24.070 Election campaign accounts. B. Disbursement of Unexpended Campaign Funds. If the final campaign statement for a candidate or any committee discloses an unexpended surplus, the candidate or committee may, after the election, disburse the whole of said surplus. If said fund is disbursed, it shall be disbursed to the city for deferment of election costs, <u>or to charitable organizations of the committee's or candidate's choice that benefit the City, or to both the city and an organization(s) that benefits the city.</u> The candidate or committee, or authorized agent thereof, shall file a statement within 30 days of such disbursement with the city clerk, verifying said closure and listing the donees of all disbursements authorized by this section and the dollar amounts given to each donee.</p>
<p>Surplus Funds Funds are considered Surplus on the 90th day after the officeholder leaves office or on the 90th date after the end of the Post Election reporting period (Dec 31st) after the defeat.</p> <p>Surplus funds may not be used for a future election. To redesignate funds to a future election, file a new 501 for the future election and redesignate the bank account to a future election by amending Form 410. This must be done within 90 days of the post-election reporting period for the Nov. election.</p>	<p>Surplus funds may only be used to make the following expenditures:</p> <ul style="list-style-type: none"> • outstanding campaign debts or officeholder expenses. • Refunds to contributors. • Donations to a bona fide charitable, etc. organization, • Contributions to a political party/committee • Contributions to support or oppose any candidate for federal office, any candidate for elective office in a state other than CA., or any ballot measure. • Payments for prof. services or attorneys' fees • Payment for an electronic security system. 	<p>SBMC 2.24.070 Election campaign accounts. A. Deposit of Contributions. All campaign contributions accepted by a campaign treasurer or committee shall be deposited within five days of receipt into the election campaign account by the campaign treasurer, committee or authorized agent thereof. B. Disbursement of Unexpended Campaign Funds. If the final campaign statement for a candidate or any committee discloses an unexpended surplus, the candidate or committee may, after the election, disburse the whole of said surplus. If said fund is disbursed, it <u>shall be disbursed to the city for deferment of election costs, or to charitable organizations of the committee's or candidate's choice that benefit the city, or to both the city and an organization(s) that benefits the city.</u> The candidate or committee, or authorized agent thereof, <u>shall file a statement within 30 days of such disbursement with the city clerk, verifying said closure and listing the donees of all disbursements authorized by this section and the dollar amounts given to each donee.</u></p> <p style="color: red;">Restricted to payment to the City or a charitable organization benefiting the City And File a statement of facts with City Clerk</p>

FOR CONSIDERATION IN RECEIVING CAMPAIGN CONTRIBUTIONS.

CONTRIBUTIONS BY CITY CONTRACTORS.

SBMC 2.24.048 Contributions – Contributions by city contractors.

No person(s) who contracts with the city of Solana Beach, either for the rendition of personal services or for the furnishing of any material, supplies, or equipment to the city, or for the sale or lease of any land or building to or from the city, shall make any contribution to a city candidate or controlled committee at any time between the commencement of negotiations for and (1) the completion of performance of such contract or (2) the termination of negotiations for such contract, whichever occurs later.

LEVINE ACT - PAY-TO-PLAY LIMITS AND PROHIBITIONS G.C. 84308

This effects campaigns receiving contributions of more than \$250.

The purpose of the Levine Act is to prevent public officials who are members of boards or commissions or heads of agencies, such as members of the Board of Supervisors, from being influenced by campaign contributions from individuals and parties appearing before them.

Excerpt below from [FPPC on Levine Act](#)

A law aimed at preventing pay-to-play politics, Section 84308 generally prohibits a party seeking a contract (other than competitively bid), license, permit, or other entitlement for use from making a contribution of more than \$250 to an official of the agency. Statutes such as Section 84308 aim to maintain the integrity and public perception of government bodies and to prevent a culture in which bidders or applicants believe it is necessary to make political contributions to receive government contracts or permits.

In 2022, the California Legislature passed SB 1439, a bill that amended Section 84308 of the Political Reform Act (“the Act”). The changes took effect on January 1, 2023. The amendments significantly broadened the scope of the statute—most significantly by applying the statute’s restrictions to agencies whose members are directly elected by voters.

Section 84308 prohibits certain officials, including local elected officials, from taking part in an entitlement for use proceeding if the official has received a contribution exceeding \$250 from a party or participant in the proceeding **within the preceding 12 months**. An official is also prohibited from accepting, soliciting, or directing a contribution exceeding \$250 from a party or participant in the proceeding **for 12 months after a final decision** is rendered in such a proceeding.

As of January 1, 2023, Section 84308 now operates differently in two key ways:

1. Section 84308 now applies to agencies whose members are directly elected by voters including local elected officials such as city councilmembers and county supervisors serving on their respective boards; and
2. Officials are prohibited from accepting, soliciting, or directing a contribution exceeding \$250 from a party or participant for 12 months after the final decision of a proceeding.
 - [2023 Changes to Section 84308 Fact Sheet](#)
 - [Section 84308 Guide for Parties, Participants, and Agents](#)
 - [Section 84308 Guide for Officers](#)

- [Kendrick Commission Opinion](#)
- [October 2023 Staff Memo - Gov't Code §84308 \(Levine Act\) Update](#)
- [May 2024 Staff Memo - Gov't Code §84308 \(Levine Act\) Update](#)

Excerpt below from [League of California Cities on the Levine Act](#)

What does the Levine Act now require?

Local elected officials must now recuse themselves from most license, permit, contract, or other entitlement decisions involving a person who contributed more than \$250 to their political campaigns within the 12 months before the decision, unless they comply with specific disclosure and refund requirements.

The law also prohibits local elected officials from accepting, soliciting, or directing campaign contributions over \$250 from a party or participant involved in a pending proceeding to any political campaign committee — their own or others. This prohibition lasts 12 months after a final decision.

What clarifications did Cal Cities help secure?

The FPPC Committee of Cal Cities City Attorneys Department [submitted comment letters](#) throughout the rulemaking process. It successfully secured amendments that will help local officials more easily comply with Levine Act's new requirements.

Some helpful clarifications include:

- **Pending proceedings.** A decision is “pending” when it is before the official, such as an item placed on a meeting agenda. A proceeding is also “pending” when it is reasonably foreseeable the decision will come before the official and the official knows or has reason to know the decision is within the jurisdiction of the agency. This could be when a formal application is filed or when staff inform the city council of an anticipated agenda item.
- **Willful contributions.** An official willfully or knowingly receives a contribution when the official has actual knowledge that the contribution came from someone with a connection to a pending proceeding or if specified facts exist. The mere fact that a contribution is in a campaign report, as required by law, does not by itself establish that the official knows or has reason to know of the contribution and the donor's connection to a pending proceeding.
- **Disclosure timelines.** An official who learns of a financial interest or contribution during a proceeding must disclose the contribution before participating further in the proceeding. This could occur during a hearing. The official may participate if the official discloses the disqualifying contribution on the record, confirms that the contribution will be returned within 30 days of when the official knew or should have known about the contribution, and the contribution is returned within that time.
- **Donation amounts.** Contributions are aggregated. A \$200 campaign donation made to a local elected official by a company or its agents in February 2023 must be added to a \$50 contribution by that party or its agents in March 2023. This would trigger the disclosure and recusal requirements in a proceeding pending before the official involving that company until at least March 2024.
- **Legally required participation.** Officials who would otherwise be disqualified from engaging in a proceeding can participate if their participation is legally required. Some possible examples include if all council members would be disqualified from engaging in a

CAMPAIGN FINANCE & COMMUNICATIONS ACTIVITY
Candidate & Local Committees

proceeding under the Levine Act, but the council needs three votes to adopt a resolution or four votes to exercise eminent domain. This could also occur if two or one council seats are vacant. However, an absence is generally not sufficient to trigger the rule of legally required participation.

Even with the FPPC's clarifying regulations, the Levine Act is complex and nuanced. For more information about SB 1439, please watch a [recent Institute for Local Government webinar](#). For specific questions about how the Levine Act will apply to you, please consult your city attorney.

[Handout August 22, 2023](#)

[Presentation August 22, 2023](#)

Post-Election Contributions. After the date of withdrawal of a candidate or the election date for elective city office, no contributions shall be accepted by the candidate or controlled committee unless there are outstanding debts or loans, and shall be used only to pay the outstanding debts and loans. All outstanding debts and loans owed by the candidate or controlled committee to themselves shall not otherwise exceed all applicable contribution limits for that election.

Future Election:

A local candidate or officeholder may use leftover campaign funds for a future election so long as the funds are not considered “surplus funds” and the requirements below are met. Campaign funds become surplus on the 90th day after the closing date for the postelection reporting period or upon the 90th day after the date of leaving office, whichever occurs last. Surplus campaign funds are subject to restrictions, as described in Manual 2, and may not be used for a future election.

Terminate a Local Candidate Committee	
<p><u>WHEN TO FILE:</u> A committee may terminate only if it:</p> <ul style="list-style-type: none"> ○ Has ceased receiving contributions or making expenditures; ○ Has no remaining funds; ○ Has filed all required campaign statements disclosing all reportable transactions, including the disposition of leftover funds; and; ○ Has eliminated all debts and loans, or has no intention or ability to discharge debts and loans. 	<p><u>How to terminate:</u> A committee must file a Form 410 and a final Form 460 show the balance of \$0.</p> <p><u>WHERE TO FILE:</u> Form 410: All committees file the original and a copy with the Secretary of State and a copy must be filed with the Local Filing Officer, City Clerk. Form 460: Online (City Clerk)</p>

Year Following POST-ELECTION Reporting period Jan 1st +	
Local Successful Candidates	Local Unsuccessful
<p>460 Filers: Must continue to file semi-annually until the committee terminates. <u>WHEN TO FILE:</u> January 31st and July 31st</p> <p>470 Filers: No additional filing obligation during the current election year as long as less than \$200 (COSB rule) was raised or spent. <u>WHEN TO FILE:</u> Must be filed by July 31 of each subsequent non-election year.</p>	<p>460 Filers: Must continue to file semi-annually and pay the annual committee fee as long as the committee remains open. <u>WHEN TO FILE:</u> January 31st and July 31st</p> <p>470 Filers: No further reporting obligations as long as less than \$200 (COSB rules) was raised or spent during the calendar year. <u>WHEN TO FILE:</u> January 31st</p>
<p><u>WHERE TO FILE:</u> City Clerk on eFile</p>	

[Basic Rules of Treasurers - FPPC](#)

OTHER FPPC CAMPAIGN FILINGS

Different types of committees have different reporting requirements. If you are not sure which form to use, please consult the FPPC's [campaign disclosure manuals](#) or [Ask FPPC for Advice](#).

Some other Campaign Filings to be Aware of that may be filed by others.

<https://www.fppc.ca.gov/forms.html>

RECIPIENT COMMITTEES

- [Form 501](#) - Candidate Intention Statement (For candidate controlled committees only)
- [Form 410](#) - Statement of Organization
 - [Supplemental Form 410 Instructions for Multipurpose Organizations Including Nonprofits](#)
- [Form 460](#) - Campaign Disclosure Form
 - [Supplemental Form 460 Instructions for Multipurpose Organizations Including Nonprofits](#)
- [Form 470](#) - Officeholder/Candidate Campaign Statement-Short Form and Form 470 Supplement (For controlled committees only)
- [Form 425](#) - Semi-Annual Statement of No Activity (Not for use by candidates/officeholders)
- [Form 450](#) - Campaign Disclosure Short Form (Not for use by candidates/officeholders)
- [Form 497](#) - 24-hour/10-day Contribution Report
- [Form 511](#) - Paid Spokesperson Report
- [Form T10](#) - Committees Primarily Formed for State Ballot Measures or Candidates
 - [Form T10 Instructions](#)

RECIPIENT COMMITTEES MAKING INDEPENDENT EXPENDITURES

- [Form 462](#) - Verification of Independent Expenditures
- [Form 496](#) - 24-hour/10-day Independent Expenditure Report
 - [Supplemental Form 496 Instructions for Multipurpose Organizations Including Nonprofits](#)

MAJOR DONORS AND INDEPENDENT EXPENDITURE COMMITTEES

- [Form 461](#) - Independent Expenditure Committee and Major Donor Committee Campaign Statement
The Form 461 is filed by major donors, independent expenditure committees, and multipurpose organizations including nonprofits.
 - [Supplemental Form 461 Instructions for Multipurpose Organizations Including Nonprofits](#)
- [Form 462](#) - Verification of Independent Expenditures
- [Form 496](#) - 24-hour/10-day Independent Expenditure Report
 - [Supplemental Form 496 Instructions for Multipurpose Organizations Including Nonprofits](#)
- [Form 497](#) - 24-hour/10-day Contribution Report
- [Form 511](#) - Paid Spokesperson Report

Slate Mailer Organizations

- [Form 400](#) - Statement of Organization - The Form 400 must be filed within 10 days after the slate mailer organization receives, or is promised to receive, \$500 or more for producing one or more slate mailers.
- [Form 401](#) - Campaign Statement - The Form 401 is filed by slate mailer organizations to disclose payments made and received in connection with producing slate mailers.
- [Form 402](#) - Statement of Termination
- [Form 498](#) - Late Payment Report

INDEPENDENT EXPENDITURES IN CONNECTION WITH LOCAL ELECTIONS
FPPC v. CITY OF SOLANA BEACH

[FPPC Disclosure Manual 2 – Chapter 6](#)

An “independent expenditure” is an expenditure made in connection with a communication (e.g., a billboard, advertisement, or mailing) that expressly advocates the election or defeat of a clearly identified candidate or the qualification, passage, or defeat of a clearly identified measure. An independent expenditure is a payment that is not made to—or at the behest of—the affected candidate or committee.

Typically, candidate committees do not make *Independent Expenditures*, as defined by the FPPC above; their regular expenditures to support their campaign are reported on their Form 460. For exceptions, contact the FPPC regarding Sacramento Court Superior Court decision in Charles R. “Chuck” Reed v. FPPC.

Independent Expenditure (I.E.) Notification	<p>Filings Required within 90 days of the candidate’s election.</p> <p>This may be a 461 I.E. Comm or maybe a 496 Recipient Comm making I.E.</p>	<p>SBMC 2.24.050 Expenditures</p> <p>A. Identification of Expenditure Source. City committees not controlled by candidates that make expenditures in support of or in opposition to a candidate or measure shall indicate clearly on any material published, displayed or broadcast, the name of the committee and the fact that the material was paid for by a committee not controlled by any candidate.</p> <p>B. Notification of Independent Expenditures. <u>In addition to the reporting required by the Political Reform Act of 1974, as amended, and its implementing regulations, for independent expenditures, a city committee, entity (corporation, firm, business, or proprietorship), or individual that makes independent expenditures of \$1,000 or more in a calendar year to support or oppose a candidate for city elective office or city ballot measure, shall notify the city clerk of such expenditure(s). Notification shall be by either electronic mail, facsimile, telegram, guaranteed overnight mail through the United States Postal Service, private delivery service or personal delivery within one business day.</u></p> <ol style="list-style-type: none"> 1. Such notification shall be made each time this threshold of \$1,000 is met. 2. The notice shall identify the city committee, entity, or individual making the independent expenditure(s), the name of the candidate, or measure, and whether the communication supports or opposes the candidate or measure, the amount of the expenditure, and a description of the goods or services purchased. 3. The one-business-day notification period shall begin to run at the time the payment is made, or upon execution of a contract for the goods or services is completed, whichever occurs first. <p style="color: red;">Notification to Clerk + File Forms</p>
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CAMPAIGN COMMUNICATIONS

Below is additional information about campaigning, including sign regulations, political advertising, mass mailings & campaign literature, voter registration information, electioneering, employee limitations, and use of surplus campaign funds.

CAMPAIGN LITERATURE & POLITICAL ADVERTISING

Review essential information in Candidate Manual 2, [Chapter 7](#) (Communications) and [Chapter 8](#) (Advertisements)

Advertisements include mass mailings (including blast e-mails), paid telephone calls, radio and television ads, billboards, yard signs, and electronic media ads.

[Advertising Disclosure Charts - FPPC](#)

Disclosure on Materials E.C. 20008

Any paid political advertisement that refers to an election or to any candidate for state or local elective office and that is contained in or distributed with a newspaper, shall bear on each surface or page thereof, in type or lettering at least half as large as the type or lettering of the advertisement or in 10-point roman type, whichever is larger, the words "Paid Political Advertisement." The words shall be set apart from any other printed matter.

As used in this section "paid political advertisement" shall mean and shall be limited to, published statements paid for by advertisers for purposes of supporting or defeating any person who has filed for an elective state or local office.

Mass Mailings

G.C. [84305](#) in part provides:

(a)(1) Except as provided in subdivision (b), a candidate, candidate controlled committee established for an elective office for the controlling candidate, or political party committee shall not send a mass mailing unless the name, street address, and city of the candidate or committee are shown on the outside of each piece of mail in the mass mailing and on at least one of the inserts included within each piece of mail of - the mailing in no less than 6-point type that is in a color or print that contrasts with the background so as to be easily legible.

Be familiar with the FPPC rules on Mass Mailings.

- [FPPC Prohibited Mass Mailings](#)
- [Manual 2 – Chapter 8](#)
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CAMPAIGN SIGN REGULATIONS

Local Regulations

In most campaigns, candidates will have volunteers responsible for arranging the placement of campaign signs within the community. Please make copies of these facts available to your campaign workers. The City's greatest concern is placement of these signs in the public right-of-way. Do not allow your signs to be placed in the following locations:

- ❖ Within any public street right-of-way. These sites include:
 - street trees
 - pedestrian barricades
 - fence barricades.
 - center medians
- ❖ Private property *without the permission* of said property owner.
- ❖ Utility poles - Utility districts will remove these signs as they pose a safety hazard to their employees who climb the poles. State of California General Order No. 95, Rules for Overhead Line Construction, Rule No. 34 directly addresses the issue of unauthorized attachment of signs to utility poles.
- ❖ Notices or leaflets should not be placed in mailboxes or allowed to litter yards, sidewalks or streets.

Election Campaign Signs Regulations pursuant to Solana Beach Municipal Code Section 17.64.060Q (Zoning)

In addition to other authorized temporary signs conveying noncommercial messages, campaign signs relating to Federal, State, County, City, School District, Special District or other governmental agency elections are permitted on private property. Each campaign sign shall not exceed five square feet in area and, if freestanding, forty-two (42) inches in height. Signs attached to and not exceeding the top of fences or buildings may exceed the forty-two inch height limit. Each campaign sign shall be removed within ten days of the election to which it relates.

- Public property is defined as the area measured ten (10) feet from the curb face or pavement edge.
- Sign height is measured from the insertion point in the ground, excluding groundcover, to the highest point on the sign, including any mounting device or stand.
- NO signs permitted on public property.
- There is no date upon which campaign signs may begin to be posted.

[LOCAL Campaign Sign Rules and Agreement](#)

The City strongly suggests that you advise your volunteers and any private company you hire to install campaign signs of these guidelines. The City is aware of the significant cost in volunteer time and money to install these signs and does not wish to remove campaign signs that are inappropriately placed.

It is recommended that a candidate appoint a person or sub-committee be responsible for collecting your signs after the election. This effort is greatly appreciated by the community you wish to serve.

The City's sign regulations are enforced through the City's Code Compliance Department. Public property is defined as the area measured ten (10) feet from the curb face on pavement edge. The first infraction will be a warning followed by citations for subsequent violations.

Signage outside of Solana Beach boundaries

For the outer boundaries of the City (county) or the land surrounding Interstate 5 (state land), see the links to those jurisdictions' regulations.

[See Campaign Sign Regulations outside of City boundaries](#)

VOTER REGISTRATION INFORMATION

The San Diego County Registrar of Voters provides registered voter lists, reports, and maps that may assist in the candidate during their run for City elective office. Contact the San Diego County Registrar of Voters at (858) 505-7260 for voter lists and (858) 565-5800 for maps. www.sdvote.com

ELECTIONEERING ON ELECTION DAY (E.C. 18370)

(a) A person shall not, on election day, or at any time that a voter may be casting a ballot, within the 100 foot limit specified in subdivision (b), do any of the following:

- (1) Circulate an initiative, referendum, recall, or nomination petition or any other petition.
- (2) Solicit a vote or speak to a voter on the subject of marking the voter's ballot.
- (3) Place a sign relating to voters' qualifications or speak to a voter on the subject of the voter's qualifications except as provided in Section 14240.
- (4) Do any electioneering as defined by Section 319.5.

(b) The activities described in subdivision (a) are prohibited within 100 feet of either of the following:

- (1) The entrance to a building that contains a polling place as defined by Section 338.5, an elections official's office, or a satellite location specified in Section 3018.
- (2) An outdoor site, including a curbside voting area, at which a voter may cast or drop off a ballot.

(c) A person shall not, on election day, or at any time that a voter may be casting a ballot, do any of the following within the immediate vicinity of a voter in line to cast a ballot or drop off a ballot:

- (1) Solicit a vote.
- (2) Speak to a voter about marking the voter's ballot.
- (3) Disseminate visible or audible electioneering information.
- (d) Any person who violates any of the provisions of this section is guilty of a misdemeanor.

LIMITATIONS ON POLITICAL ACTIVITIES OF CITY EMPLOYEES

In compliance with Government Code, Title 1, Division 4, Chapter 9.5 And City of Solana Beach Personnel Rules and Regulations 3.07

Please be aware that City employees are prohibited from engaging in political activities:

- (a) While in uniform; or
- (b) During working hours; or
- (c) On any City property

City Employees are also prohibited by law from:

- (a) Soliciting political contributions for any candidate from other City officers or employees (except through a mass mailing to a significant segment of the public which may include City officers or employees; or
- (b) Using other City employees, while on publicly paid City time, to perform any tasks relating to campaign or election activities; or
- (c) Using or attempting to use their authority, influence or position as City employees to secure a City job, promotion or pay raise for any person in consideration for such person's vote or political influence or any other corrupt condition or consideration.

CAMPAIGN FINANCE & COMMUNICATIONS ACTIVITY
Candidate & Local Committees

Except to the extent prohibited by law (as generally outlined above), City employees are permitted, in their individual capacities, to engage in political activities, including but not limited to the endorsement of candidates for office.

REFERENCE MATERIALS

The Fair Political Practices Commission (FPPC)

Campaign Disclosure Information Manuals

<http://fppc.ca.gov/forms/all-fppc-manuals.html>

Manual 2: **Local Candidates, Their Controlled Committees, and Primarily Formed Committees for Local Candidates**

Manual 3: Ballot Measure Committees

Manual 4: General Purpose Committees

Manual 5: Major Donor Committees

Manual 6: Independent Expenditure Committees

Manual 7: Slate Mailer Organizations

[FPPC Trainings for Candidates/Treasurers](#) (FPPC rules)

Telephone Advice

Call 1-916-322-5660 or toll-free 1-866-ASK-FPPC

Email Advice - Informal

<https://www.fppc.ca.gov/advice/get-advice.html>

Formal Advice Letters

<https://www.fppc.ca.gov/advice/formal-advice.html>

Secretary of State

Candidate Campaign Finance Committees

<https://cal-access.sos.ca.gov/Campaign/>

Institute for Local Government

<https://www.ca-ilg.org/campaigning-office>

<https://www.ca-ilg.org/ballot-measure-activities>