

ALERT

**SPECIAL BOARD OF SUPERVISORS MEETING
FRIDAY NOVEMBER 20, 2020**

ADJOURNED REGULAR MEETING NOTICE AND AGENDA

Friday, November 20, 2020

8:00 A.M.

County Government Center

Board of Supervisors Chambers

1055 Monterey Street | San Luis Obispo, CA 93408

The following hearing item was continued at the Board of Supervisors' November 17, 2020 Regular Meeting to an Adjourned Regular Meeting to be held on Friday, November 20, 2020 starting at 8:00 a.m.:

Hearing to consider a local campaign finance contribution limits ordinance. All Districts.

ND Report of Environmental Documents Available for Review (Courtesy Notice)

The San Luis Obispo County Department of Planning and Building compiles a report, referred to as a "Courtesy Notice", that summarizes the most recent determinations made by the County's Environmental Coordinator.

The purpose of this report is to notify the public of pending actions, which may affect the environment of San Luis Obispo County. You are invited to participate in this process by reviewing these reports and the documents referenced therein, and providing comments on the recommendations of the Environmental Coordinator.

CONTINUED ITEM FROM NOVEMBER 17, 2020

CAMPAIGN CONTRIBUTION LIMITS

The item was scheduled for the regular meeting of November 17, 2020. The Board ran out of time because of the very heavy agenda.

Item 32 - Campaign Finance Limits. The Board will conduct a public hearing on setting \$25,000 per person or entity as the limit for campaign contributions for County offices, including the Board of Supervisors, Sheriff, DA, Auditor Controller, Clerk Recorder, and Assessor.

The matter is controversial, as many people who are reform minded prefer a much lower limit. The problem with setting it low is that so-called “Independent Expenditure Committees” are not included in the definitions within the enabling legislation as described below:

Left progressives will be arguing for a lower cap. Do not be deceived. The trick lies in the definition of “person” in the enabling legislation, which does not cover so-called independent expenditure committees (ICEs).

The write-up summarizes the key provisions of the proposed County ordinance as follows:

On October 20, 2020, the County of San Luis Obispo Board of Supervisors instructed staff to return to the Board with an ordinance establishing local campaign finance contribution limits with the following directions: To set the campaign contribution limit to \$25,000 per person; To make clear that the definition of “person” includes all union groups, political action committees and other committees; To set the limit that a candidate can loan their campaign at \$200,000 and disallow interest; To include a provision regarding recalls and recall committees and to subject those committees to the contribution limits; and, To vest enforcement authority with the District Attorney’s office.

The basis for establishing local campaign finance limits is AB 571 which establishes State “default” provisions which apply beginning January 1, 2021 if a local agency had not yet enacted their own ordinance.

The State enabling legislation sets the default limit at \$4700. A major problem is that independent expenditure committees are not covered by the statute. These are large PACs not affiliated with any candidate or proposition, which fund their own campaign ads including mailings, radio, TV, web media and print ads. These are not subject to the County ordinance.

Thus if the County were to set a low limit, independent expenditure committees could overwhelm the local candidates and proposition issues. The Tom Styers, Soros, the Pelosi/Newsome SF Mafia, Sierra Club aficionados, and all the rest could still use supposedly

blind IECs in order to pour hundreds of thousands into “independent” ads in crucial SLO County elections contest. The locals would have no way to raise large sums of money to fight back.

The definition of “person” is all-important in this case and does not include IECs.

“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. The definition of “person” includes any labor union group, political action committee, political party committee, general-purpose committee, primarily formed committee, and sponsored committee. “ Note that Independent Expenditure Committees are omitted.

What is an Independent Expenditure Committee?

An individual or entity (e.g., corporation, firm, business, or proprietorship) that makes one or more independent expenditures to pay for a communication (e.g., mailing, lawn signs, newspaper ads) totaling \$1,000 or more in a calendar year that is not coordinated with the affected candidate or committee qualifies as a committee and must file reports under the Act.

An “independent expenditure” is a payment for a communication that expressly advocates the election or defeat of a clearly identified California state or local candidate or the qualification, passage, or defeat of a clearly identified state or local ballot measure, and the communication is not coordinated with or “made at the behest” of the affected candidate or committee.

Nothing is what it seems.

Background: Per 2019 bill AB 571, the County may adopt an ordinance limiting the amount that any individual, association, political action committee, or other entirety can contribute to a particular candidate. Reciprocally, the amount received by a candidate can also be limited. In SLO County this would cover the Board of Supervisors, Sheriff, DA, Auditor Controller, Clerk Recorder, and Assessor