

REQUEST FOR CHARTER REVIEW COMMISSION ACTION

MEETING DATE(S): 11/03/2009

SUBMITTED TO: HB Charter Review Commission

SUBMITTED BY: Mark D. Bixby, Charter Review Commissioner *MDB*

SUBJECT: Add new charter section to provide safe harbor for prompt refund of improper campaign contributions

Statement of Issue: Current Huntington Beach Municipal Code (HBMC) 2.07 campaign reform ordinances do not provide any means of “curing” inadvertent violations. This proposed charter amendment creates a “safe harbor” time period whereby improper contributions may be refunded promptly without penalty.

Recommended Action: Motion to:

Add new Huntington Beach charter section as follows:

Any candidate who receives either personally or through an agent a contribution in violation of this charter or any applicable ordinance(s) shall have ten (10) days from the date of receipt of the contribution violating this charter or said ordinance(s) to return the entire contribution to the donor or donors thereof to avoid prosecution hereunder.

Analysis:

During the 2007 revision of HBMC section 2.07 on campaign finance reform, it was pointed out that there is no provision in these ordinances for “curing” a violation. The lack of such a provision acts as a disincentive for candidates to self-report inadvertent violations.

The recommended action above creates a “safe harbor” provision whereby candidates may cure violations without penalty if the improper contributions are refunded within 10 days of receipt. This creates a positive incentive for candidates to scrutinize their contributions and promptly do the right thing if any problems are found.

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This proposed amendment is derived from Merced charter section 1056(C) and has been modified to include ordinance violations in addition to charter violations.

References:

- Merced charter section 1056(C) - <http://library2.municode.com/default-test/DocView/16096/1/4/14>