

Council Meeting of
November 20, 2007

Honorable Mayor and Members
of the City Council
City Hall
Torrance, California

Members of the Council:

SUBJECT: City Manager – Adopt ORDINANCE regulating the identification of senders of campaign information.

RECOMMENDATION

Recommendation of the City Manager that City Council:

- 1) Adopt an ORDINANCE adding a new Section 8 to Article 1 of Chapter 7 of Division 1 of the Torrance Municipal Code regulating the identification of senders of campaign information; and
- 2) Approve an ordinance summary for publication.

FUNDING

Funding is not required for this item.

BACKGROUND/ ANALYSIS

The Blue Ribbon Committee on Ethics and Integrity brought an item before Your Honorable Body on November 6, 2007 recommending the adoption of the attached ordinance.

The proposed ordinance would add a new Section 8 to Article 1 of Chapter 7 of Division 1 of the Torrance Municipal Code. The new Section would require the disclosure of the person or group distributing campaign information on behalf of a candidate. This ordinance extends the sender identification requirements set forth in the State's mass mailer law to other forms of campaign communications. It regulates four main categories of information: (1) 200 substantially similar pieces of mail that support or oppose a candidate; (2) 200 or more substantially similar transmissions of electronic mail that support or oppose a candidate; (3) 200 or more substantially similar pieces of written material in the form of door hangers or other printed material left on private property that support or oppose a candidate; (4) 200 or more substantially similar telephone calls that support or oppose a candidate.

The City Council reviewed this proposed amendment and after discussion voted 7-0 to have it brought back as a formal recommendation to adopt the modified ordinance.

Respectfully submitted,

LeROY J. JACKSON
City Manager



By: Brian K. Sunshine
Assistant to the City Manager

CONCUR:



LeRoy J. Jackson
City Manager

Attachments:

- A. **ORDINANCE**
- B. Ordinance Summary

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE ADDING A NEW SECTION 8 TO ARTICLE 1 OF CHAPTER 7 OF DIVISION 1 OF THE TORRANCE MUNICIPAL CODE REGULATING THE IDENTIFICATION OF SENDERS OF CAMPAIGN INFORMATION.

The City Council of the City of Torrance does ordain as follows:

SECTION 1

That a new Section 8 is added to Article 1 of Chapter 7 of Division 1, entitled "IDENTIFICATION OF SENDERS OF CAMPAIGN INFORMATION." This section reads in its entirety as follows:

"SECTION 17.1.8. IDENTIFICATION OF SENDERS OF CAMPAIGN INFORMATION.

- a) U.S. Mail. No candidate for City of Torrance elective office or committee may send more than 200 substantially similar pieces of mail that support or oppose a candidate, unless the name, street address, and city of the candidate or committee are shown on the outside of each piece of mail and on at least one of the inserts included within each piece of mail in no less than 12 point type that will be in a color or print that contrasts with the background so as to be easily legible. If the sender of the mail is a controlled committee, the name of the person controlling the committee must also be included. A post office box may be stated in lieu of a street address only if the organization's address is a matter of public record with the Secretary of State.
- b) Electronic Mail. No candidate for City of Torrance elective office or committee may send more than 200 substantially similar transmissions of electronic mail that support or oppose a candidate, unless the name, electronic mail address, street address, and city of the candidate or committee are shown on the electronic mail in no less than 12 point type in a color or print that contrasts with the background so as to be easily legible. If the sender of the electronic mail is a controlled committee, the name of the person controlling the committee must also be included. A post office box may be stated in lieu of a street address only if the organization's address is a matter of public record with the Secretary of State.
- c) Door Hangers and Printed Materials. No candidate for City of Torrance elective office or committee may distribute more than 200 substantially similar pieces of written material in the form of door hangers or other printed material, that support or oppose a candidate, left on private property, unless the name, street address, and city of the candidate or committee are displayed in no less than 12 point type that will be in a color or print that contrasts with the background so as to be easily legible. If the distributor of the door hanger or printed material is a controlled committee, the name of the person controlling the committee must also be included. A post office box may be stated in lieu of a street address only if the organization's address is a matter of public record with the Secretary of State. A copy of the door hanger or

other printed material must be delivered to the City Clerk within forty-eight hours of distribution of the first piece. This section does not apply to printed material delivered directly to a person.

- d) Telephone Calls. No candidate for City of Torrance elective office or committee may make or pay for 200 or more substantially similar telephone calls, which support or oppose a candidate, made by an individual or by electronic means, that advocate support of, or opposition to, a candidate, unless during the course of the call the name of the organization that authorized or paid for the call is disclosed to the recipient of the call. Unless the organization that authorized the call and in whose name it is placed has filing obligations under the Political Reform Act, and the name announced in the call either is the full name by which the organization or individual is identified in any statement or report required to be filed under the Political Reform Act or is the name by which the organization or individual is commonly known, the candidate, controlled committee, or slate mailer organization that paid for the call must be disclosed. This section does not apply to telephone calls made by the candidate, the campaign manager, or individuals who are volunteers. A candidate, controlled committee, or slate mailer organization that pays for telephone calls as described by this section must maintain a record of the script of the call for a period of one year. If any of the calls qualifying under this section were recorded messages, a copy of the recording must be maintained for one year.”

SECTION 2

Any provisions of the Torrance Municipal Code or its appendices, or any other ordinances of the City inconsistent with this ordinance, to the extent of the inconsistencies and no further, are repealed.

SECTION 3

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, the decision will not affect the validity of the remaining portions of the ordinance. The City Council declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases are declared invalid or unconstitutional.

SECTION 4

This ordinance will take effect thirty days after the date of its adoption. Within fifteen days following adoption, this ordinance or a summary of this ordinance, if authorized by the City Council, will be published at least once in the Daily Breeze, a newspaper of general circulation, published and circulated in the City of Torrance.

INTRODUCED AND APPROVED the ___ day of _____, 2007.

ADOPTED AND PASSED this ___ day of _____, 2007.

Frank Scotto, Mayor

ATTEST:

Sue Herbers, City Clerk

APPROVED AS TO FORM:

JOHN L. FELLOWS III
City Attorney

By: _____
Ronald T. Pohl, Assistant City Attorney

ORDINANCE NO. _____

SUMMARY

On _____, 2007, the City Council of the City of Torrance adopted Ordinance No. _____. This ordinance adds a new section to the City's campaign contribution ordinance, which extends the sender identification requirements set forth in the California mass mailer law to other forms of campaign communications. It regulates four main categories of information: U.S. mail, electronic mail, written material in the form of door hangers or other printed material left on private property; and telephone calls.

*****City Clerk to add a paragraph stating that copies of the ordinance are available at the City Clerk's office and stating the names of the City Council members that voted in favor and those that voted against.*****