

**Chapter 2.06**

**CAMPAIGN DOCUMENTS**

(3106-6/91)

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**2.06.010 Findings and purpose.** The City Council finds and declares as follows: (3106-6/91)

- (a) Elections are susceptible to the dissemination of campaign literature known as "hit pieces." These documents are sent to voters in the later stages of a campaign, typically contain personal attacks on candidates or the proponents/opponents of measures and frequently misrepresent a candidate's position on issues or the true impact of a measure. (3106-6/91)
- (b) Prompt public disclosure of the contents of last minute campaign documents will promote the discussion of important issues and the conduct of fair elections by: (3106-6/91)
  - (1) offering the candidate attacked an opportunity to accurately represent his or her position on issues; (3106-6/91)
  - (2) offering opponents or proponents the opportunity to respond to statements about a measure that are untrue or believed to be untrue; and (3106-6/91)
  - (3) providing an opportunity for a candidate, proponent or opponent to disavow the contents of any campaign document that he or she believes represents an unfair, untrue or improper attack on any person. (3106-6/91)
- (c) The requirement for prompt disclosure of last minute campaign mailers is content neutral, serves compelling municipal interests in fair elections and full discussion of relevant issues, and is the least intrusive method available to further these interests. (3106-6/91)

**2.06.020 Definitions.** For the purposes of this Chapter, the following terms shall have the meaning specified in this Section: (3106-6/91)

- (a) "Campaign document" means any writing or document which supports, opposes or relates to any candidate or measure. (3106-6/91)
- (b) "Person" includes any individual, proprietorship, firm, partnership, joint venture, syndicate, business trust, company, corporation, association, committee, and any other organization or group of persons acting in concert. (3106-6/91)
- (c) "Candidate" means any individual who is listed on the ballot or who has qualified to have write-in votes on his or her behalf counted by election officials for the Office of City Council. (3106-6/91)

- (d) "Measure" means any initiative, referendum, charter amendment or other proposition which is listed on the ballot for any general or special municipal election and which is being voted on only in the City of Huntington Beach. (3106-6/91)
- (e) "Proponent" shall mean any person who has signed a notice of intention to circulate a petition to qualify a measure and any person who has publicly declared his or her support for a measure. (3106-6/91)
- (f) "Opponent" means any person who has publicly disclosed his or her opposition to a measure. (3106-6/91)
- (g) "Distributing" or "distribution" shall mean mailing, sending, passing out or otherwise disseminating any campaign document to any person. (3106-6/91)

**2.06.030 Filing.** Any person distributing two hundred (200), or more substantially similar campaign documents within fourteen (14) days of any general or special municipal election shall, within two (2) hours of first distribution, file ten (10) copies of the campaign document with the City Clerk for the City of Huntington Beach. (3106-6/91)

**2.06.040 Public record.** Campaign documents filed with the City Clerk shall be a matter of public record. The City Clerk shall, on the day of filing or the next business day if filing occurs after 3 p.m., mail copies of campaign documents to all candidates, proponents and opponents who have provided self-addressed, stamped envelopes in sufficient number to accommodate all filings. The Clerk shall make available, upon the request of any person appearing at the Office of the City Clerk during normal business hours, one (1) copy of campaign documents filed with the City Clerk. (3106-6/91)

**2.06.050 Application.** The provisions of this chapter shall apply to any person distributing new campaign literature mailed or sent from any location inside or outside of the corporate limits of the City of Huntington Beach. (3106-6/91)

**2.06.060 Penalties.** (3106-6/91)

- (a) Any persons who knowingly and willfully violates the provisions of Section 2.06.030 is guilty of a misdemeanor and may be punished by a fine of \$500 dollars or six (6) months in jail or both. (3106-6/91)
- (b) Any candidate who violates the provisions of Section 2.06.030 in the course of any municipal election which results in the election of that candidate to the Office of City Council shall, upon his/her conviction for violating Section 2.06.030, forfeit their office and the vacancy shall be filled as provided in Section 312 of the Huntington Beach City Charter. (3106-6/91)

# MASS MAILING

## LITERATURE REQUIREMENTS

A copy of Section 84305 of the Government Code shall be provided by the Elections Official to each candidate or his or her agent at the time of filing the declaration of candidacy and to the proponents of a local initiative or referendum at the time of filing the petitions.

(§ 16, Elections Code)

## MASS MAILING REQUIREMENTS

(a) Except as provided in subdivision (b), no candidate or committee shall 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 such mailing in no less than 6-point type which shall be in a color or print which contrasts with the background so as to be easily legible. A post office box may be stated in lieu of a street address if the organization's address is a matter of public record with the Secretary of State.

(b) If the sender of the mass mailing is a single candidate or committee, the name, street address, and city of the candidate or committee need only be shown on the outside of each piece of mail.

(c) If the sender of a mass mailing is a controlled committee, the name of the person controlling the committee shall be included in addition to the information required by subdivision (a).

(§ 84305, Government Code)