



County of Monterey

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Legislation Details (With Board Report)

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| File #: | ORD 17-007 | Name: | Ordinance Amending Ch. 1.10 - E-Filing |
| Type: | Ordinance | Status: | Scheduled PM |
| File created: | 9/8/2017 | In control: | Board of Supervisors |
| On agenda: | 9/19/2017 | Final action: | 9/19/2017 |
| Title: | a. Introduce, waive reading and consider an ordinance amending Chapter 1.10 of the Monterey County Code authorizing and requiring electronic filing of campaign disclosure statements, reports, and other required documents with the Registrar of Voters of Monterey County; and b. Set October 3, 2017 at 10:30 a.m. for adoption of the ordinance. | | |

Sponsors:

Indexes:

Code sections:

Attachments: 1. Board Report, 2. Exhibit A - Proposed Amended Ordinance (Clean Version), 3. Exhibit B - Proposed Amended Ordinance (Redline Version), 4. Exhibit C - Electronic Filing Ordinance Presentation, 5. Completed Board Order

| Date | Ver. | Action By | Action | Result |
|-----------|------|----------------------|--------|--------|
| 9/19/2017 | 1 | Board of Supervisors | | |

- a. Introduce, waive reading and consider an ordinance amending Chapter 1.10 of the Monterey County Code authorizing and requiring electronic filing of campaign disclosure statements, reports, and other required documents with the Registrar of Voters of Monterey County; and
b. Set October 3, 2017 at 10:30 a.m. for adoption of the ordinance.

RECOMMENDATION:

It is recommended that the Board of Supervisors:

- a. Introduce, waive reading and consider an ordinance amending Chapter 1.10 of the Monterey County Ordinance Code authorizing and requiring electronic filing of campaign disclosure statements, reports, and other documents with the Registrar of Voters of Monterey County; and
b. Set October 3, 2017 at 10:30 a.m. for adoption of the ordinance.

SUMMARY:

The Registrar of Voters is the local filing officer for Monterey County for campaign statements, reports, and other documents which elected officers, candidates, and committees are required to file under the California Political Reform Act. The proposed ordinance authorizes and, with few exceptions, requires electronic filing of these documents. Electronic filing offers many advantages to the filer, the Registrar of Voters, and the public when compared to paper filings. Paper filings typically contain errors caused by miscalculations, omissions of required data, or placing data on wrong schedules of the form. Electronic filing and its built in validation significantly improves the quality of the filings. This means the Registrar of Voters almost entirely eliminates amendment letters to be sent to filers who make common mistakes found with paper. This reduces additional work for both the filer and the Registrar of Voters. For the public, electronic filings are instantly shown in redacted form upon filing and advanced searches can be immediately made by the public to look at data across all filings thereby increasing transparency. Public access to campaign disclosure information is a vital and integral component of a fully informed electorate. Transparency in campaign financing is critical to maintain public trust and support of the political process. Adoption of the ordinance by the Board of Supervisors to

authorize the Monterey County Elections Department (hereinafter referred to as the Department) to use an electronic filing system and accept e-filed statements in lieu of paper filings will significantly reduce paper waste, administrative time spent processing paper files, and most importantly, make such reports immediately available to the public, via the Monterey County Elections' webpage.

DISCUSSION:

On January 1, 2013, Assembly Bill 2452 went into effect adding section 84615 to the California Government Code, allowing local government agencies to require an elected officer, candidate, committee or other person (hereinafter referred to as "committees") to file statements, reports, or other documents online or electronically with its local filing officer.

Government Code Section 84615 requires local jurisdictions that use and accept electronic campaign filings to enact an ordinance with required findings approving the use of an electronic system, which includes that the system will operate securely and effectively, will not unduly burden filers, and allows the public to run searches and access information disclosed on campaign statements more easily. Furthermore, certain defined criteria are prescribed that must be satisfied by a local government agency, including that the system be available free of charge to filers, available to the public to view filings, and include procedure for filers to comply with the requirement that they sign statements and reports under penalty of perjury. Since the passage of AB 2452, local government agencies throughout California have chosen to enact paperless filing.

Since 2011, the Department began using NetFile, a campaign filing system for e-filing and administration systems of campaign disclosure forms for local California governments. The Department offers the system immediately after a committee files its statement of organization, at no cost, and provides one-on-one training, as requested. The Department finds that the database operates securely and effectively without unduly burdening filers while providing immediate online access of redacted statements and complies with requirements set forth in Government Code.

Currently, committees are required to submit two signed original statements to the Department. Upon receiving such filings, significant staff time is spent in redacting, scanning, organizing, and uploading statements to the NetFile system to be accessible on the web for public access.

In addition, without the proposed County Ordinance, those committees that currently file electronically must still submit a printed paper copy of the filing. Government Code Section 84615 removes a paper filing requirement, upon the adoption of the proposed amendments.

Although Government Code Section 84615 authorizes a local agency to mandate electronic filing, the Department recognizes that such mandate could have a direct effect on those committees or individuals who either do not have computer access or are unfamiliar with computer programs. To ensure that the same opportunity to comply with the Political Reform Act is afforded to all committees without unduly burdening any one committee, the Department will:

- Provide public terminal access at the Department's office to file, view and print statements.
- Conduct one-on-one training for committees.

If the proposed amendments of the ordinance are approved, the Department will begin electronic and paperless filings in January 2018 for the FPPC semi-annual campaign statement.

The ordinance requires two readings at the Board. Accordingly, staff is requesting the Board introduce, waive reading, and consider the ordinance on September 19 and set October 3 for adoption of the ordinance. The ordinance would go into effect on the thirty-first day after adoption.

OTHER AGENCY INVOLVEMENT:

County Counsel has reviewed and approved the proposed ordinance as to form. NetFile will be assisting with the transition of the paper filing to electronic filing of campaign statements.

FINANCING:

The Department has an existing contract with NetFile. Currently, the Registrar of Voters pays an annual fee of \$15,000 to NetFile for the electronic filing system. There will be no increase in the Department's current contract to adopt the electronic and paperless filing of campaign statements.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

Adoption of this ordinance will enable the Elections Department to provide election services as required by law to the Monterey County electorate.

Check the related Board of Supervisors Strategic Initiatives:

☐ Economic Development:

Through collaboration, strengthen economic development to ensure a diversified and healthy economy.

☒ Administration:

Promote an organization that practices efficient and effective resource management and is recognized for responsiveness, strong customer orientation, accountability and transparency.

☐ Health & Human Services:

Improve health and quality of life through County supported policies, programs, and services; promoting access to equitable opportunities for healthy choices and healthy environments in collaboration with communities.

☐ Infrastructure:

Plan and develop a sustainable, physical infrastructure that improves the quality of life for County residents and supports economic development results.

☐ Public Safety:

Create a safe environment for people to achieve their potential, leading businesses and communities to thrive and grow by reducing violent crimes as well as crimes in general.

Prepared by:

Approved by:

Jessica Cedillo x 1486
Program Manager

Claudio Valenzuela x 1499
Registrar of Voters

Attachments:

Exhibit A - Proposed Amended Ordinance (Clean Version)

Exhibit B - Proposed Amended Ordinance (Redline Version)

Exhibit C - Electronic Filing Ordinance Presentation