

**Meeting Date:** 6/2/2015

**Report Type:** Consent

**Report ID:** 2015-00477

**Title:** Ordinance Amending Sacramento City Code Section 2.13.130 Relating to Electronic Filing of Campaign Statements and Reports (Passed for Publication 05/26/2015; Published 05/29/2015)

**Location:** Citywide

**Recommendation:** Pass an Ordinance amending Sacramento City Code section 2.13.130, relating to electronic filing of campaign statements and reports, to eliminate the paper filing.

**Contact:** Shirley Concolino, City Clerk, (916) 808-5442, Office of the City Clerk

**Presenter:** None

**Department:** City Clerk

**Division:** City Clerk

**Dept ID:** 04001011

**Attachments:**

1-Description/Analysis

2-Background

3-Ordinance (Redlined) Approval

4-Ordinance (Clean) Approval

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**City Attorney Review**

Approved as to Form

Matthew Ruyak

5/26/2015 1:43:52 PM

**Approvals/Acknowledgements**

Department Director or Designee: Shirley Concolino - 5/19/2015 10:48:36 AM

## Description/Analysis

**Issue Detail:** The City of Sacramento has required the electronic preparation and filing of campaign disclosure statements for over 14 years. Both filers and the public have benefited from the availability of the system. Until recently, State law still required filers to print, sign and submit a paper document to the designated filing officer. The paper filing was considered the official filing as it contained the verification that the document was prepared with due diligence and was true and complete. Due to the advancement of technology, the verification may now be accomplished by electronic means.

Recognizing the technological advancement in the field of electronic campaign statement systems, the Legislature passed AB 2452 which allows a local agency to adopt an ordinance to eliminate the dual filing of a paper document.

In regard to the statement verification, the City Clerk is recommending that the City Council follow the lead of similarly sized cities and allow the treasurer to submit the statement on behalf of the officeholder, candidate or committee principal (i.e. filer). Filers may review and approve the content of statements in whatever format works best for the treasurer and filer. The only change is that the filer will no longer be required to physically sign a document. In lieu, they can simply communicate with the treasurer that the statement has been reviewed and is approved for filing.

**Policy Considerations:** Should the City of Sacramento go paperless with the filing of campaign disclosure statements as have many cities and agencies throughout the State?

**Economic Impacts:** None.

**Environmental Considerations:** None.

**Sustainability:** Eliminating paper filing in is keeping with the City's sustainability policy.

**Commission/Committee Action:** On May 12, 2015, the Law and Legislation Committee reviewed the proposed ordinance and approved the item for forwarding to the City Council.

**Rationale for Recommendation:** The technology associated with electronic campaign disclosure statement filing systems is robust, stable and secure. This has been recognized by the State Legislature with the adoption of AB 2452 which allows local agencies to eliminate the dual filing of paper statements and rely solely on the electronic statement as the official version. Allowing for this practice is in alignment with modern business practices. It also saves volumes of paper and reduces the staff time required to process paper filings.

**Financial Considerations:** There are no costs associated with this project.

**Local Business Enterprise (LBE):** None.

## BACKGROUND:

On November 21, 2000, the City Council adopted an ordinance requiring the filing of campaign disclosure statements in an electronic media to facilitate quicker access of the data to the public. As a printed and signed paper statement was still required by State law, the electronic media was in addition to the paper document. In response to the Council's directive, the City Clerk procured an online electronic campaign statement filing system. This system has been in place and operating successfully for over 14 years and is administratively efficient, provides a greater level of accuracy in the preparation of statements, is highly transparent to the public, and has proven to be a secure and effective method of filing.

As technology in this field has advanced and its use becomes more common place, the Legislature has relaxed its position on the requirement for the duplicative filing of paper. In 2013, AB 2452 was approved allowing a local government agency, by ordinance, to expressly require that officeholders, candidates and committees file electronically without the requirement to file in paper format (aka paperless). As the Sacramento City Code already requires electronic filing, it is only necessary to amend the language to clarify that paper is no longer required. Other administrative changes are being made to strike outdated statements and to add clarification that the filing deadline is midnight on the established deadline, not close of business. The proposed language modifying Sacramento City Code section 2.13.130 is attached for consideration.

Going paperless does very little to the current process used by filers and treasurers when preparing and filing campaign statements. However, it does eliminate the last minute frenzy of securing review and signature before the statement may be filed.

Cities similar in size to Sacramento that have adopted paperless filing are Fresno, Anaheim and San Jose. Larger agencies that are paperless include Ventura County, City and County of San Francisco, and the cities of Oakland and San Diego.

**ORDINANCE NO.**

Adopted by the Sacramento City Council

Date Adopted

**AN ORDINANCE AMENDING SECTION 2.13.130  
OF THE SACRAMENTO CITY CODE RELATING TO THE  
FILING OF CAMPAIGN STATEMENTS IN ELECTRONIC FORMAT**

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1. Findings and Purpose

The on-line preparation and electronic filing of campaign statements provides an effective and transparent method to prepare and file campaign disclosure documents required under the Political Reform Act.

The availability of data through an online system supports the electoral process by addressing the needs of the citizens of the City of Sacramento to gain immediate access to campaign activity.

Based on years of use and experience, electronic preparation and filing of disclosure documents using an on-line system has proven to be a secure and effective method of filing and does not unduly burden filers.

The system used by the City of Sacramento is free of charge to all users.

As required by AB 2452, the system used by the City of Sacramento complies with the standardized record format developed and approved by the Secretary of State, and provides the appropriate safeguards to ensure the integrity of the data transmitted against efforts to tamper with, manipulate, alter, or subvert the data.

SECTION 2.

Section 2.13.130 of the Sacramento City Code is amended to read as follows:

A. Whenever any elected city officer, candidate, or committee is required to file California Form 460 under the Political Reform Act and Regulations with the city clerk, the information reported shall include information per election to date.

B. Whenever any elected city officer, candidate, or committee is required to file a campaign statement under the Political Reform Act or the Regulations with the city clerk, the

elected officer, candidate, or committee shall prepare or file (or both) ~~at the same time a copy of the statement on a computer diskette or other~~ the statement via electronic media, in a format prescribed by the city clerk, provided that the clerk has prescribed the format at least ~~sixty (60)~~ days before the statement is due. ~~If no format has been prescribed in a timely manner, the elected city officer, candidate or committee shall file the statement in a format suitable for electronic scanning.~~ The provisions of this subsection pertaining to electronic filing shall apply only to persons or combinations of persons who qualify as a committee under Section 82013 of the Political Reform Act.

C. Any statement, report, or other document filed electronically or online pursuant to this section need not be filed in paper format. The statement, report, or other document shall be electronically submitted no later than midnight on the established filing date.

SECTION 3. Effective Date

This ordinance becomes effective on July 1, 2015.

Adopted by the City of Sacramento City Council on \_\_\_\_\_ by the following vote:

Ayes:

Noes:

Abstain:

Absent:

\_\_\_\_\_  
MAYOR

Attest:

\_\_\_\_\_  
City Clerk

Passed for Publication:

Published:

Effective:

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elected officer, candidate, or committee shall prepare or file (or both) the statement via electronic media, in a format prescribed by the city clerk, provided that the clerk has prescribed the format at least 60 days before the statement is due. The provisions of this subsection pertaining to electronic filing shall apply only to persons or combinations of persons who qualify as a committee under Section 82013 of the Political Reform Act.

C. Any statement, report, or other document filed electronically or online pursuant to this section need not be filed in paper format. The statement, report, or other document shall be electronically submitted no later than midnight on the established filing date.

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\_\_\_\_\_  
MAYOR

Attest:

\_\_\_\_\_  
City Clerk

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Published:  
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