

ORDINANCE NO. XXXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, ADDING FULLERTON MUNICIPAL CODE SECTION 2.02.020 TO REQUIRE ELECTRONIC AND PAPERLESS FILING FOR FAIR POLITICAL PRACTICES COMMISSION (FPPC) CAMPAIGN DISCLOSURE STATEMENTS

WHEREAS, Government Code Section 84615 states a local agency may adopt an ordinance to require an elected officer, candidate, committee or other person required to file statements, reports or other documents required by the Political Reform Act Chapter 4 (commencing with Government Code Section 84100), except an elected officer, candidate, committee or other person who receives contributions totaling less than \$1,000 and who makes independent expenditures totaling less than \$1,000 in a calendar year, to file those statements reports, or other documents online or electronically with the local filing officer.

WHEREAS, the City desires to provide an online electronic filing system ("System") for campaign disclosure statements and has executed an agreement with NetFile, Inc., a vendor approved by the California Secretary of State for provision of said System.

WHEREAS, the System will operate securely and effectively and will not unduly burden filers.

WHEREAS, the System shall ensure integrity of the data transmitted and shall include safeguards against efforts to tamper with, manipulate, alter or subvert the data.

WHEREAS, the System will enable filers to complete and submit filings free of charge and will make all data filed available online and free of charge in an easily understood format that provides the greatest public access.

WHEREAS, the City of Fullerton desires to amend the Fullerton Municipal Code adding Section 2.02.020 *Electronic and Paperless Filing of Fair Political Practice Commission Campaign Disclosure Statements* to address electronic Campaign Disclosure Statement filing.

WHEREAS, this Ordinance relates to an election and shall take effect immediately upon adoption pursuant to Government Code 36937(a).

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF FULLERTON ORDAINS AS FOLLOWS:

Section 1. The above recitals are true and correct and incorporated herein by reference as findings.

Section 2. City Council adds Section 2.02.020 Electronic and Paperless Filing of Fair Political Practices Commission Campaign Disclosure Statements to the Fullerton Municipal Code to read as follows:

A. Definitions. The following definitions apply for the purposes of this section:

"Candidate" shall mean a candidate, as defined in Government Code Section 82007, as may be amended from time to time, for any City elective office for any general, special or recall election

"Committee" has the meaning set forth in Government Code Section 82013, as may be amended from time to time.

"Contribution" has the meaning set forth in Government Code Section 82015, as may be amended from time to time.

"Electronic filing system" shall mean the electronic online filing and data storage system provided by the City Clerk for campaign statements, reports, forms or other documents filed pursuant to Government Code Section 81000 et seq.

"Person" has the meaning set forth in Government Code Section 82047 of the Government Code, as may be amended from time to time.

"Statements" shall mean any statements, reports, forms or other documents required by Government Code Chapter 4 - Political Reform Act (Section 81000 et seq.), as may be amended from time to time.

B. Any elected officer, candidate, commission, committee or other person required to file campaign disclosure statements, reports, forms or other documents required by Government Code Chapter 4 (Campaign Disclosure) - Political Reform Act (Section 84100 et seq.) shall file those statements, reports or other documents online or electronically with the electronic filing system unless exempt from the requirement to file online pursuant to Government Code Section 84615 because the officer, candidate or committee or person receives less than two thousand dollars in contributions and makes less than two thousand dollars in expenditures in a calendar year.

C. In any instance in which a filer must file an original statement, report or other document required by Government Code Chapter 4 (Campaign Disclosure) - Political Reform Act (Section 84100 et

seq.) with the California Secretary of State and a duplicate or copy of that statement, report or other document with the City Clerk, the filer may, but not required to, file the copy electronically.

- D. Notwithstanding any other provision of this code, once an elected officer, candidate, committee or other person files a statement, report or other document electronically pursuant to subsection B, the filer shall file all future statements, reports or other documents electronically.
- E. The City Clerk shall implement and maintain the electronic filing system consistent with Government Code Section 84615 requirements, as amended from time to time.
- F. City Council authorized the City Clerk to adopt administrative policies and procedures as deemed necessary by the City Clerk to implement this Section.
- G. If the electronic system cannot accept a particular type of statement, report or other document, an elected officer, candidate, committee or other person shall file that document with the City Clerk in an alternative format.

Section 4. Severability. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the Ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

Section 5. Effective Date and Publication. This Ordinance shall become effective immediately after it is adopted and shall be posted or published as required by State law.

Fred Jung
Mayor

ATTEST:

Lucinda Williams, MMC
City Clerk

Date