

ORDINANCE NO. _____

ORDINANCE OF THE CITY OF CHULA VISTA ADDING
SECTION 2.52.125 OF THE CHULA VISTA MUNICIPAL
CODE RELATING TO ELECTRONIC AND PAPERLESS
FILING OF FAIR POLITICAL PRACTICES COMMISSION
CAMPAIGN DISCLOSURE STATEMENTS

WHEREAS, public access to campaign and Statement of Economic Interest disclosure information is an integral component of a fully informed electorate, and transparency is critical in order to maintain public trust and support of the political process; and

WHEREAS, since the enactment of the Political Reform Act, candidates and committees have complied with filing requirements by filing paper copies of campaign statements and reports; and

WHEREAS, the City Clerk is the Local Filing Officer for the Fair Political Practices Commission disclosure statements and is responsible for receiving, reviewing, and making available campaign disclosure statements; and

WHEREAS, implementation of electronic filing of Fair Political Practices Commission campaign disclosure statements helps the City reach its goal of operational excellence by allowing campaign disclosure statements to be filed electronically, and realizes the City's initiative of fostering public trust through an open and ethical government by making those statements immediately available to the public; and

WHEREAS, the elimination of manual processing of filings through electronic filing requirements will conserve resources and ensure the public has access to the information disclosed in campaign statements; and

WHEREAS, the City Clerk has identified a web-based system that will allow electronic filing, in compliance with California Government Code section 84615 and has been approved by the Secretary of State for the electronic filing of campaign disclosure statements; and

WHEREAS, the City Council of the City of Chula Vista finds and determines as follows:

A. That California Government Code section 84615 provides that a legislative body of a local government agency may adopt an ordinance that requires an elected officer, candidate, committee, or other person required to file statements, reports, or other documents required by Chapter 4 of the Political Reform Act to file such statements, reports or other documents online or electronically with the City Clerk;

B. The City Council expressly finds and determines that the City Clerk's web-based system has been approved by the Secretary of State for the electronic filing of

campaign disclosure statements, and that the software contains multiple safeguards to protect the integrity and security of the data, will operate securely and effectively, and will not unduly burden filers; and

C. The City Clerk will operate the electronic filing system in compliance with the requirements of California Government Code section 84615, as may be amended from time to time, and any other applicable laws.

NOW THEREFORE the City Council of the City of Chula Vista does hereby ordain that:

Section I. Section 2.52.125 is hereby added to the Chula Vista Municipal Code as follows:

2.52.125 Electronic Filing of Campaign Disclosure Statements

A. General.

1. Any elected officer, candidate, committee, or other person required to file statements, reports or other documents ("Statements") as required by Chapter 4 of the Political Reform Act (California Government Code section 84100, *et seq.*) ("Filers") may file such Statements using the City Clerk's online system according to procedures established by the City Clerk (the "Procedures"). This online filing requirement shall become mandatory beginning July 1, 2017.

2. The City Clerk shall have the authority to establish and amend the Procedures, as necessary, to accomplish the following:

a. ensure that the online system complies with the requirements set forth in Section 84615 of the Government Code, as may be amended from time to time;

b. meet the purpose and intent of this ordinance and comply with other applicable law;

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

3. Online filings made under this Chapter will only be accepted if made in the standardized record format that is developed by the California Secretary of State pursuant to Section 84602(a)(2) of the California Government Code, as may be amended from time to time, and that is compatible with the Secretary of State's system for receiving an online or electronic filing.

B. Procedures for Utilizing Online Filing.

1. During the period commencing with the effective date of this ordinance and ending June 30, 2017, Filers may choose to opt-in to the electronic

filing system by electronically filing a Statement that is required to be filed with the City Clerk pursuant to Chapter 4 of the Political Reform Act. Once a Filer has opted-in, all subsequent Statements by that Filer shall be filed electronically. A Filer may opt-out of the electronic filing system by filing an original Statement in paper format with the City Clerk. Once a Filer has opted-out, the Filer shall file all original Statements in paper format with the City Clerk. From and after July 1, 2017, electronic filing is mandatory for all Filers, unless the Filer is exempt under California Government Code 84615, as may be amended from time to time. A Filer so exempt may continue to opt-in or opt-out as described in this section.

2. Any Filer who has electronically filed a statement using the City Clerk's online system is not required to file a copy of that document in paper format with the City Clerk.

Section II. Severability

If any portion of this Ordinance, or its application to any person or circumstance, is for any reason held to be invalid, unenforceable or unconstitutional, by a court of competent jurisdiction, that portion shall be deemed severable, and such invalidity, unenforceability or unconstitutionality shall not affect the validity or enforceability of the remaining portions of the Ordinance, or its application to any other person or circumstance. The City Council of the City of Chula Vista hereby declares that it would have adopted each section, sentence, clause or phrase of this Ordinance, irrespective of the fact that any one or more other sections, sentences, clauses or phrases of the Ordinance be declared invalid, unenforceable or unconstitutional.

Section III. Construction

The City Council of the City of Chula Vista intends this Ordinance to supplement, not to duplicate or contradict, applicable state and federal law and this Ordinance shall be construed in light of that intent.

Section IV. Effective Date

This Ordinance shall take effect and be in force on the thirtieth day after its final passage.

Section V. Publication

The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted according to law.

Presented by

Approved as to form by

Donna R. Norris
City Clerk

Glen R. Googins
City Attorney