

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



FROM: Supervisor Benoit

SUBMITTAL DATE:
September 1, 2011

SUBJECT: Adopt Ordinance No. 913 Requiring Electronic Campaign Finance Disclosure

RECOMMENDED MOTION: That the Board of Supervisors adopt Ordinance No. 913 Requiring Electronic Campaign Finance Disclosure.

BACKGROUND: State law requires candidates, persons supporting or opposing ballot measures and certain other types of committees to file campaign finance statements with the Registrar of Voters detailing the sources of contributions and manner of expenditure of contributions. The purpose of these laws is to assist voters in making informed electoral decisions and to assist in ensuring compliance with campaign laws. Frequently, these disclosure reports are extremely lengthy. Moreover, literally hundreds of such reports are filed with the Registrar of Voters office each reporting period. It is extremely difficult for members of the public, the media and election officials to efficiently review and compare these statements. Requiring political committees and candidates that meet certain financial thresholds to file copies of their campaign statements electronically online will further the purposes of campaign finance disclosure laws and provide a cost savings by reducing staff time spent processing paper filings. These statements will be placed online for public viewing. The ordinance will also impose additional online disclosure of contributions similar to what is required of a candidate for elective state office pursuant to Government Code § 85309.


JOHN J. BENOIT
Fourth District Supervisor

**FINANCIAL
DATA**

Current F.Y. Total Cost:

Current F.Y. Net County Cost: \$

Annual Net County Cost: \$

In Current Year Budget:

Budget Adjustment:

For Fiscal Year:

SOURCE OF FUNDS:

Positions To Be Deleted Per A-30 ☐

Requires 4/5 Vote ☐

C.E.O. RECOMMENDATION:

County Executive Office Signature

Dep't Recomm.: ☐ Consent ☐ Policy ☒ Policy

Per Exec. Ofc.: ☐ Consent ☐ Policy

Prev. Agn. Ref.:

District:

Agenda Number:

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Ordinance is in conflict with provisions of the Act or its Regulations, the terms of the Act and its Regulations control and preempt the terms of this Ordinance to the extent necessary to bring this Ordinance into full compliance therewith.

Section 5. DEFINITIONS. The following definitions used in this ordinance shall have the meanings set forth below.

- a. Candidate shall be defined as set forth in the Political Reform Act provided that the term shall be limited to Candidates for County office. For purposes of this Ordinance, a Candidate may also be referred to as a "Person."
- b. Committee. Any Person or combination of Persons who, directly or indirectly, does any of the following:
- (1) Receives contributions totaling one thousand dollars (\$1,000) or more in a calendar year; or
 - (2) Makes Contributions totaling ten thousand dollars (\$10,000) or more in a calendar year to or at the behest of Candidates or Committees.
- A Person or combination of Persons that becomes a Committee shall retain its status as a Committee until such time as that status is terminated pursuant to California Government Code Section 84214.
- c. Contribution shall mean the same as that defined at Government Code Section 82015.
- d. Controlled Committee means a Committee which is controlled directly or indirectly by a Candidate or which acts jointly with a Candidate or Controlled Committee in connection with the making of expenditures. A Candidate controls a Committee if he or she, his or her agent, or any other Committee such Candidate controls, has a significant influence on the actions or decisions of the Committee. For purposes of this Ordinance, a Controlled Committee may also be referred to as a "Person."

- 1 e. Election and/or County Election mean any primary, general, special or
2 recall election held in the County of Riverside. The primary and general or
3 special elections are separate elections for purposes of this Ordinance.
- 4 f. Independent Committee means all Committees other than Controlled
5 Committees. For purposes of this Ordinance, an Independent Committee
6 may also be referred to as a "Person."
- 7 g. Political Reform Act means the California Political Reform Act of 1974
8 (Government Code Sections 81000 et seq., as amended).

9 Section 6. APPLICATION OF ORDINANCE. The provisions of this
10 Ordinance shall only apply to Candidates seeking election to a County office in the County of Riverside,
11 their Controlled Committees or Committees formed or existing primarily to support or oppose their
12 candidacies, and to Committees formed or existing primarily to support or oppose a Candidate or to
13 support or oppose the qualification of, or passage of, a local ballot measure which is being voted on only
14 in the County of Riverside. In the event a County Candidate also runs for election for a state, federal,
15 city, special district or other non-county office, the provisions of this Ordinance do not apply to the
16 County Candidate's campaign for such other office nor to any Committee established solely for the
17 purpose of running for such state, federal, city, special district, or other non-county office, or Candidate
18 Controlled Committee or Independent Committee.

19 Section 7. ELECTRONIC CAMPAIGN DISCLOSURE.

- 20 a. Each Candidate, Candidate Controlled Committee and Independent
21 Committee that is required to file a semi-annual campaign statement, a pre-
22 election campaign statement, or an amended campaign statement with the
23 Registrar of Voters for County Elections pursuant to the Political Reform
24 Act, shall additionally and simultaneously file the same information with
25 the Registrar of Voters in electronic format.
- 26 b. Each Candidate, Candidate Controlled Committee and Independent
27 Committee that is required to file a semi-annual campaign statement, a pre-
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1 election campaign statement, or an amended campaign statement with the
2 Registrar of Voters for County Elections pursuant to the Political Reform
3 Act, shall additionally and simultaneously file the following reports with the
4 Registrar of Voters in an electronic format:

- 5 (1) A report disclosing receipt of a Contribution of one thousand dollars
6 (\$1,000) or more received during an election cycle. Those reports
7 shall be filed within twenty-four (24) hours of receipt of the
8 Contribution.
- 9 (2) In addition to any other report required by this Ordinance, any
10 Committee primarily formed to support or oppose one or more
11 ballot measures shall also file a report online or electronically with
12 the Registrar of Voters disclosing receipt of a Contribution of one
13 thousand dollars (\$1,000) or more received during an election cycle.
14 Those reports shall be filed within twenty-four (24) hours of receipt
15 of the contribution.
- 16 (3) In addition to any other report required by this Ordinance, a
17 Candidate for elective office shall file online or electronically with
18 the Registrar of Voters a report disclosing receipt of a Contribution
19 of five thousand dollars (\$5,000) or more received at any time other
20 than during an election cycle. Those reports shall be filed within ten
21 (10) business days of receipt of the Contribution.
- 22 (4) In addition to any other report required by this Ordinance, a
23 Committee primarily formed to support or oppose a ballot measure
24 shall file online or electronically with the Registrar of Voters a
25 report disclosing receipt of a Contribution of five thousand dollars
26 (\$5,000) or more received at any time other than during an election
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1 cycle. Those reports shall be filed within ten (10) business days of
2 receipt of the contribution.

3 (5) All reports filed pursuant to this section shall disclose the same
4 information required by Government Code Section 84203(a), except
5 that the electronic reports shall not contain the street name and
6 building number or the bank account number of the persons or entity
7 representatives, in accordance with requirements stated in
8 Government Code Section 84602.

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10 c. Once a Candidate or Committee is subject to the electronic filing
11 requirements imposed by this Ordinance, the Candidate or Committee will
12 remain subject to the electronic filing requirements until the Candidate or
13 Committee files a termination statement pursuant to the Political Reform
14 Act.

15 d. The requirements of this Ordinance do not abrogate any requirements in the
16 Political Reform Act that paper copies be filed.

17 Section 8. ADMINISTRATIVE FINES AND PENALTIES. If any Person violates
18 any provision of this Ordinance, he or she shall be liable to the Registrar of Voters in the amount of ten
19 (\$10) dollars per day of violation, in addition to any other legal remedies provided by law. This amount
20 shall be deemed a penalty in accordance with Government Code Section 91013. The following procedures
21 shall govern the imposition, enforcement, collection and administrative review of administrative penalties.

22 a. **Notice of Violation.** If any Person subject to this Ordinance fails to comply
23 with any provision herein, a Notice of Violation may be issued by the
24 Registrar of Voters.

25 b. **Content of Notice of Violation.** The Notice of Violation shall contain the
26 information listed below. The form shall contain:
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- (1) Date, location and approximate time the violation was observed or discovered.
- (2) The Ordinance section violated and a brief description of the violation.
- (3) The amount of the penalty imposed for the violation.
- (4) Instructions for the payment of the penalty, the time period by which it shall be paid, and the consequences of failure to pay the penalty within this time period.
- (5) Instructions on how to appeal the citation.
- (6) The signature of the Registrar of Voters.

c. **Service of Notice of Violation.** Service of Notice of Violation shall be effective upon dispatch in United States mail in accordance with this Ordinance. A copy of the Notice of Violation shall be mailed by certified mail, return receipt requested to the Person who has violated the Ordinance, at the address listed for the Person on the Fair Political Practices Commission Form 410 Statement of Organization.

d. **Penalties.**

- (1) The penalties assessed for each violation shall be ten (\$10) dollars per day, and shall not exceed the cumulative amount stated in the late statement or report or one hundred (\$100) dollars, whichever is greater.
- (2) Payment of the penalty shall not excuse the failure to correct the violation nor shall it bar further enforcement action.
- (3) The penalties assessed shall be payable to the County of Riverside, Registrar of Voters.

e. **Administrative Appeal.**

- 1 (1) **Notice of Appeal.** The recipient of a Notice of Violation carrying a
2 penalty may appeal by filing a written notice of appeal with the
3 Registrar of Voters. The written notice of appeal must be filed
4 within twenty (20) days of the service of the Notice of Violation.
5 Failure to file a written notice of appeal within this time period shall
6 constitute a waiver of the right to appeal the penalty. The notice of
7 appeal shall contain the following information:
- 8 a) A brief statement setting forth the appellant's interest in the
9 proceedings;
- 10 b) A brief statement of the material facts which the appellant
11 claims supports his/her contention that no administrative
12 penalty should be imposed or that an administrative penalty
13 of a different amount is warranted;
- 14 c) An address at which the appellant agrees notice of any
15 additional proceeding or an order relating to the imposition
16 of the administrative penalty may be received by mail.
- 17 d) The signature of the appellant.
- 18 (2) The Registrar of Voters, or her or his designee, shall review the
19 appeal and issue a Notice of Decision within thirty (30) days of
20 receipt of the Notice of Appeal. The Notice of Decision shall be
21 final.
- 22 (3) In addition to any other available remedies, the Registrar of Voters
23 may bring a civil action and obtain a judgment in superior court for
24 the purposes of collecting any unpaid monetary penalties, fees, or
25 civil penalties imposed pursuant to Government Code Section
26 91013.5.

