

**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

Dept't Recomm.: ☐ Consent ☐ Policy ☒ Policy ☐
Per Exec. Ofc.: ☐ Consent ☐ Policy ☐

Prev. Agn. Ref.:

District:

Agenda Number:

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AN ORDINANCE OF THE COUNTY OF RIVERSIDE

Section 1. FINDINGS. The Board of Supervisors finds that public access to campaign disclosure information is a vital and integral component of a fully informed electorate. In campaign financing is critical in order to maintain public trust and support of the political

Section 2. PURPOSE. The purpose of this Ordinance is to require online electronic campaign statements and require online reporting of contributions and expenditures regarding candidates to County offices and the qualification or passage of local ballot measures within Riverside in addition to paper filing as currently required under the Political Reform Act, with California Government Code Section 84200 et seq.) in order to facilitate review and availability of this information to the public.

Section 3. AUTHORITY. This Ordinance is adopted pursuant to California Government Code Section 81013 which authorizes local agencies to impose additional requirements on any person so long as the requirements do not prevent the person from complying with the Political Reform Act.

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1 (“Regulations”), as well as any amendments to the Act or to the Regulations. If any provision of this
2 Ordinance is held invalid, the terms of the Act and its Regulations control and supersede the terms of this
3 Ordinance to the extent necessary to bring this Ordinance into full compliance therewith.

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

6 a. Candidate shall be defined as set forth in the Political Reform Act provided
7 that the term shall be limited to Candidates for County office.

8 b. Committee. Any Person or combination of Persons who, directly or
9 indirectly, does any of the following:

10 (1) Receives Contributions totaling five thousand dollars (\$5,000) or
11 more in any calendar year; or

12 (2) Makes Expenditures or Independent Expenditures totaling five
13 thousand dollars (\$5,000) or more in any calendar year; or

14 (3) Makes Contributions totaling five thousand dollars (\$5,000) or
15 more in any calendar year to or at the behest of Candidates or
16 Committees.

17 A Person or combination of Persons that becomes a Committee shall retain
18 its status as a Committee until such time as that status is terminated
19 pursuant to California Government Code Section 84214. A Committee
20 includes but is not limited to “Controlled Committee”, “Independent
21 Committee”, and “County General Purpose Committee”.

22 c. Contribution shall mean the same as that defined at Government Code
23 Section 82015.

24 d. Controlled Committee means a Committee which is controlled directly or
25 indirectly by a Candidate or which acts jointly with a Candidate or
26 Controlled Committee in connection with the making of expenditures. A
27 Candidate controls a Committee if he or she, his or her agent, or any other
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Committee such Candidate controls has a significant influence on the actions or decisions of the Committee.

- e. County General Purpose Committee shall mean a committee to support or oppose candidates or measures voted on in only one county, or in more than one jurisdiction within one county.
- f. Election and/or County Election means any primary, general, special or recall election held in the County of Riverside. The primary and general or special elections are separate elections for purposes of this Ordinance.
- g. Election Cycle means the period of time commencing ninety (90) days prior to an election and ending on the date of the election.
- h. Expenditure means a payment, a forgiveness of a loan, a payment of a loan by a third party, or an enforceable promise to make a payment, unless it is clear from the surrounding circumstances that it is not made for political purposes. "Expenditure" does not include a Candidate's use of his or her own money to pay for either a filing fee for a declaration of candidacy or a candidate statement prepared pursuant to Section 13307 of the Election Code. An Expenditure is made on the date the payment is made or on the date consideration, if any, is received, whichever is earlier.
- i. Independent Committee means all Committees other than Controlled Committees.
- j. Independent Expenditure means an Expenditure made by any Person including a payment of public moneys by a state or local governmental agency, in connection with a communication which expressly advocates the election or defeat of a clearly identified Candidate or the qualification, passage or defeat of a clearly identified measure, or taken as a whole and in context, unambiguously urges a particular result in an Election but which is not made to or at the behest of the affected Candidate or Committee.

1 k. Person means an individual, proprietorship, firm, partnership, joint venture,
2 syndicate, business trust, company, corporation, limited liability company,
3 association, committee, and any other organization or group of persons
4 acting in concert. A Person shall include, but is not limited to, a Committee
5 or Candidate.

6 l. Political Reform Act means the California Political Reform Act of 1974
7 (Government Code Sections 81000 et seq., as amended).

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

18 Section 7. ELECTRONIC CAMPAIGN DISCLOSURE.

19 a. Each Candidate, Candidate Controlled Committee and Independent
20 Committee that is required to file a semi-annual campaign statement, a pre-
21 election campaign statement, or an amended campaign statement with the
22 Registrar of Voters County Elections pursuant to the Political Reform Act,
23 and that receives a total of five thousand dollars (\$5,000) in Contributions
24 or makes a total of five thousand dollars (\$5,000) in Expenditures or
25 Independent Expenditures, shall additionally and simultaneously file the
26 same information with the Registrar of Voters in an electronic format.
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1 b. In addition to any other report required by this Ordinance, all Persons
2 subject to the requirements of Section 7.a. shall file the following reports
3 with the Registrar of Voters in an electronic format:

4 (1) A report disclosing a Contribution received, or an Expenditure or
5 Independent Expenditure made, of one-thousand dollars (\$1,000) or
6 more during an Election Cycle. The report shall be filed within
7 twenty-four (24) hours of the Expenditure or receipt of the
8 Contribution.

9 (2) A report disclosing a Contribution received, or an Expenditure or
10 Independent Expenditure made, of five-thousand dollars (\$5,000) at
11 any time other than during an Election Cycle. The report shall be
12 filed within ten (10) business days of the Expenditure or receipt of
13 the Contribution.

14 c. Once a Candidate or Committee is subject to the electronic filing
15 requirements imposed by this Ordinance, the Candidate or Committee will
16 remain subject to the electronic filing requirements until the Candidate or
17 Committee files a termination statement pursuant to the Political Reform
18 Act.

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

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

26 a. **Notice of Violation.** If any Person subject to this Ordinance fails to comply
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1 with any provision herein, a Notice of Violation may be issued by the
2 Registrar of Voters or his or her designee.

3 b. **Content of Notice of Violation.** The Notice of Violation shall contain the
4 information listed below:

- 5 (1) Date, location and approximate time the violation was observed or
6 discovered.
- 7 (2) The Ordinance section violated and a brief description of the
8 violation.
- 9 (3) The amount of the penalty imposed for the violation.
- 10 (4) Instructions for the payment of the penalty, the time period by which
11 it shall be paid, and the consequences of failure to pay the penalty
12 within this time period.
- 13 (5) Instructions on how to appeal the Notice of Violation.
- 14 (6) The signature of the Registrar of Voters or his or her designee.

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

21 d. **Penalties.**

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

1 (3) The penalties assessed shall be payable to the County of Riverside,
2 Registrar of Voters.

3 e. **Administrative Appeal.**

4 (1) **Notice of Appeal.** The recipient of a Notice of Violation carrying a
5 penalty may appeal by filing a written Notice of Appeal with the
6 Registrar of Voters. The written Notice of Appeal must be filed
7 within twenty (20) days of the service of the Notice of Violation.
8 Failure to file a written notice of appeal within this time period shall
9 constitute a waiver of the right to appeal. The Notice of Appeal shall
10 contain the following information:

- 11 a) A brief statement setting forth appellant's interest in the
12 proceedings;
13 b) A brief statement of the material facts which appellant
14 claims supports his/her contention that no violation has
15 occurred, no administrative penalty should be imposed or
16 that an administrative penalty of a different amount is
17 warranted;
18 c) An address at which the appellant agrees notice of any
19 additional proceeding or an order relating to the imposition
20 of the administrative penalty may be received by mail.
21 d) The signature of the appellant.

22 (2) The Registrar of Voters, or her or his designee, shall review the
23 appeal and issue a Notice of Decision within thirty (30) days of
24 receipt of the Notice of Appeal. The Notice of Decision shall be
25 final.

26 (3) In addition to any other available remedies, the Registrar of Voters
27 may bring a civil action and obtain a judgment in Superior Court for
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the purposes of collecting any unpaid monetary penalties, fees, or civil penalties imposed pursuant to Government Code Section 91013.5.

Section 9. ENFORCEMENT. The Registrar of Voters, or her or his designee, shall have the primary responsibility to monitor compliance with this Ordinance at his or her discretion, to investigate alleged violations of this Ordinance, to issue Notices of Violations as appropriate, to review appeals to the Notices of Violations, and to collect administrative penalties as set forth herein.

Section 10. SEVERABILITY. If any provision, clause, sentence or paragraph of this Ordinance or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this Ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are hereby declared to be severable.

Section 11. EFFECTIVE DATE. This Ordinance shall take effect thirty (30) days after its adoption.

BOARD OF SUPERVISORS OF THE COUNTY
OF RIVERSIDE, STATE OF CALIFORNIA


By: _____
Chairman

ATTEST:

CLERK OF THE BOARD:

APPROVED AS TO FORM:
October 12, 2011

By: _____
Deputy
(SEAL)

By: 
Pamela J. Walls
County Counsel

LRM:md
10/12/11
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