

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



FROM: Supervisor Kevin Jeffries

SUBMITTAL DATE: October 16, 2013

SUBJECT: Adopting Ordinance No. 913.2 Requiring Electronic Campaign Finance Disclosure for Candidates for county offices and passage of local ballot measures.

RECOMMENDED MOTION: That the Board of Supervisors:

At the Conclusion of this meeting:

- 1) Adopt Ordinance No. 913.2, an ordinance amending Ordinance No. 913.1;
- 2) Find that the adoption of Ordinance 913.2 is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) as it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment;
- 3) Direct the Clerk of the Board to file a Notice of Exemption with the County Clerk for posting

BACKGROUND: On October 8th, the board was introduced to Ordinance 913.2 which amends Ordinance No. 913.1. The goal of the electronic reporting ordinance, Ordinance 913.1, was to supplement the Political Reform Act by requiring electronic reporting of contributions and expenditures regarding elections of candidates for county offices and passage of local ballot measures within the county. The purpose was to increase transparency and reduce expenses.

On January 1, 2013 Assembly Bill 2452 went into effect adding Government Code 84615 which allows a local government agency to require an elected officer, candidate, committee, or other person required to file statements, reports, or other documents, except an elected officer, candidate, committee, or other person who receives contributions totaling less than one thousand dollars (\$1,000), and makes expenditures totaling less than one thousand dollars (\$1,000), in a calendar year, to file those statements, reports, or other documents online or electronically with a local filing officer. The new law also prescribes criteria that must be satisfied by a local government agency that requires online or electronic filing of statements, reports, or other documents, as specified, including, among others, that the system be available free of charge to filers and to the public for viewing filings, and that the system include a procedure for filers to comply with the requirement that they sign statements and reports under penalty of perjury.

Kevin Jeffries
Supervisor, 1st District

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Stone, seconded by Supervisor Ashley and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended and that Ordinance 913.2 is adopted.

Ayes: Jeffries, Tavaglione, Stone, Benoit and Ashley
Nays: None
Absent: None
Date: October 22, 2013
xc: Supvr. Jeffries, Effected Dept's., MC, COB, Recorder

Kecia Harper-Ihem
Clerk of the Board
By:
Deputy

Prev. Agn. ref.

Dist.

AGENDA NO.

3-1

Re: Ordinance No. 913.2 Amending Ordinance No. 913.1
Requiring Electronic Campaign Finance Disclosure
October 8, 2013
Page 2

In order to implement the provisions of Government Code 84615 and Assembly Bill 2452 the County must adopt an ordinance approving the use of online or electronic filing, which shall include a legislative finding that the online or electronic filing system will operate securely and effectively and will not unduly burden filers. Ordinance No. 913.1 needs to be amended to include the new provisions of Government Code 84615 and Assembly Bill 2452.

In addition, Ordinance 913.1 currently requires electronic reporting of a contribution received by or made to a Candidate or local ballot measure, or an Independent Expenditure made for or against a Candidate or local ballot measure of five-thousand dollars or more at any time other than during an Election cycle. The threshold amount will be amended to a contribution of one-thousand dollars or more to allow greater transparency.

The amended Ordinance 913.2 will continue to apply only to passage of local ballot measures within the county and elections of candidates for the following county offices: County Supervisor; Assessor; County Clerk & Recorder; Auditor; District Attorney; Sheriff; Coroner & Public Administrator; Treasurer & Tax Collector; County Superintendent of Schools; Superior Court Judge.

NOTICE OF EXEMPTION

To: _____ Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

From: County of Riverside
4080 Lemon Street
Riverside, CA 92501

To: X Office of the County Clerk & Recorder

Project Title: Ordinance No. 913.2 Amending Ordinance No. 913.1 Requiring Electronic Campaign Finance Disclosure for Candidates for county offices and passage of local ballot measures

Project Location: Riverside County

Project Description: Ordinance No. 913.2

Name of Public Agency Approving Project: County of Riverside

Project Sponsor: Supervisor Kevin Jeffries

Original Negative Declaration/Notice of Determination was routed to County Clerks for posting on.

10/25/13
Date

KB
Initial

Exempt Status: (check one)

- Ministerial (Sec 21080(b)(1); 15268)
- Declared Emergency (Sec. 21080(b)(3); 15269(a))
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c))
- Categorical Exemption: (Sec. 15061(b)(3), 15060(c)(2))
- Statutory Exemption:
- Other:

Reasons why project is exempt: Ordinance No. 913.2 is not subject to the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15060(c)(2) because the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment. Further, Ordinance No. 913.2 is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) as it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. The proposed ordinance merely requires electronic reporting of contributions and expenditures in relation to elections of candidates for county offices and passage of local ballot measures within the county. This action will not result in a direct or reasonably foreseeable indirect physical change in the environment, nor will it have a significant effect on the environment.

Kevin Jeffries, 1st District Supervisor

951-955-1010

County Contact Person

Phone Number

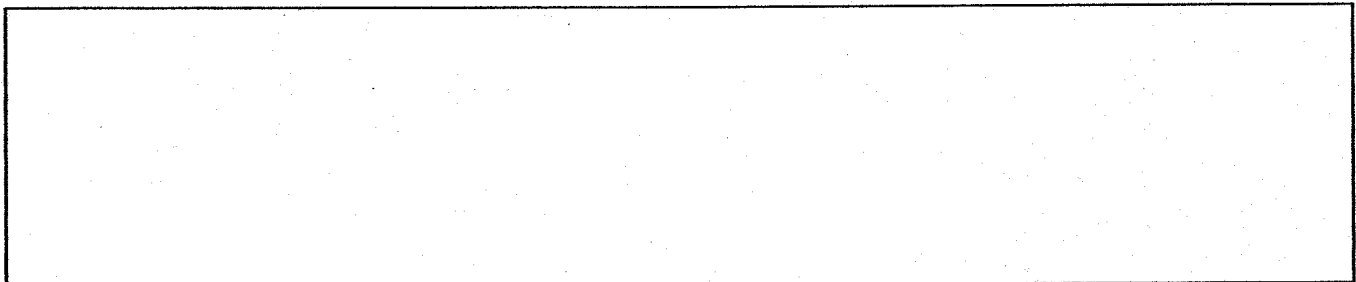
Signature: [Handwritten Signature]

Title: Board Assistant

Date: 10/22/13

For County Clerk's Use Only

OCT 22 2013 31



1 information disclosed in campaign statements and reports in a more timely manner. The
2 electronic filing system will operate securely and effectively and will not unduly burden filers.

3 Section 2. Section 2. of Ordinance 913.1 is amended to read as follows:

4 PURPOSE. The purpose of this Ordinance is to require online electronic filing of
5 campaign statements and require online reporting of contributions and independent expenditures
6 regarding elections of Candidates to County offices and the qualification or passage of local ballot
7 measures within the County of Riverside as currently required under the Political Reform Act,
8 (commencing with California Government Code Section 84200 et seq.) in order to facilitate
9 review and maximize the availability of this information to the public.

10 Section 3. Subsection b. of Section 5. of Ordinance 913.1 is amended to read as
11 follows:

12 Committee. Any Person or combination of Persons who, directly or indirectly, does any
13 of the following:

- 14 (1) Receives Contributions totaling one thousand dollars (\$1,000) or more in any
15 calendar year; or
16 (2) Makes Independent Expenditures totaling one thousand dollars (\$1,000) or more in
17 any calendar year; or

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

22 Section 4. Subsection a. of Section 7. of Ordinance 913.1 is amended to read as
23 follows:

24 Each Candidate, Candidate Controlled Committee and Independent Committee that is
25 required to file a semi-annual campaign statement, a pre-election campaign statement, or an
26 amended campaign statement with the Registrar of Voters County Elections pursuant to the
27 Political Reform Act, and that receives a total of one thousand dollars (\$1,000) or more in
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1 Contributions or makes a total of one thousand dollars (\$1,000) or more in Independent
2 Expenditures, shall file the statement with the Registrar of Voters in an electronic format.

3 Section 5. Existing subsection (b)(2) of Section 7. is amended to read as follows:

4 A report disclosing a Contribution received by or made to a Candidate or a local ballot
5 measure, or an Independent Expenditure made for or against a Candidate or local ballot measure,
6 of one-thousand dollars (\$1,000) or more at any time other than during an Election Cycle. The
7 report shall be filed within ten (10) business days of the Independent Expenditure or receipt of the
8 Contribution.

9 Section 6. Existing subsection c. of Section 7. of Ordinance 913.1 is relettered
10 subsection d.

11 Section 7. A new subsection c. of Section 7. of Ordinance 913.1 is added to read as
12 follows:

13 A Candidate or Committee that has filed an electronic statement or report is not required to
14 file a paper copy.

15 Section 8. Existing subsection d. of Section 7. of Ordinance 913.1 is relettered
16 subsection e. and amended to read as follows:

17 Any Candidate or Committee not required to file an electronic statement or report by this
18 Section may voluntarily opt to file an electronic statement or report by submitting written notice to
19 the Registrar of Voters. A Candidate or Committee that opts to file an electronic statement or
20 report is not required to file a paper copy.

21 Section 9. Section 11 is amended to read as follows:

22 EFFECTIVE DATE. This Ordinance shall take effect January 1, 2014.

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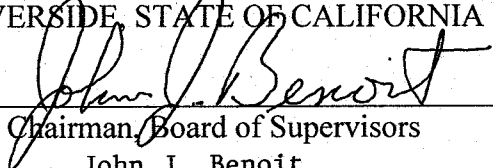
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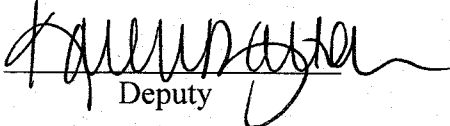
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BOARD OF SUPERVISORS OF THE COUNTY
OF RIVERSIDE, STATE OF CALIFORNIA

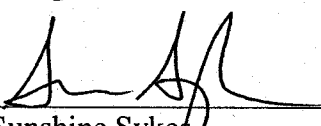
By: 
Chairman, Board of Supervisors
John J. Benoit

ATTEST: Kecia Harper-Ihem
CLERK OF THE BOARD

By: 
Deputy

(SEAL)

APPROVED AS TO FORM
October 3rd, 2013

By: 
Sunshine Sykes
Deputy County Counsel

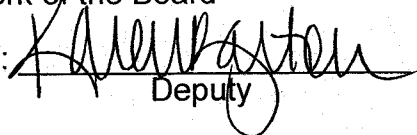
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STATE OF CALIFORNIA)
)
COUNTY OF RIVERSIDE) SS

I HEREBY CERTIFY that at a regular meeting of the Board of Supervisors of said county held on October 22, 2013, the foregoing ordinance consisting of 9 Sections was adopted by the following vote:

AYES: Jeffries, Tavaglione, Stone, Benoit and Ashley
NAYS: None
ABSENT: None

DATE: October 22, 2013

KECIA HARPER-IHEM
Clerk of the Board
BY: 
Deputy

SEAL

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ORDINANCE NO. 913.24

AN ORDINANCE OF THE COUNTY OF RIVERSIDE AMENDING ORDINANCE 913.2
REQUIRING ELECTRONIC CAMPAIGN FINANCE DISCLOSURE

The Board of Supervisors of the County of Riverside ordains as follows:

Section 1. FINDINGS.

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

2. 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. The Registrar of Voters has expended a significant amount of staff time to make such paper filings readily available to the public.

3. In July 2012, the California Legislature approved Assembly Bill 2452 which authorizes local jurisdictions to require the filing of campaign statements and reports solely in an electronic format. The Governor approved the legislation on July 13, 2012 and it took effect on January 1, 2013.

4. The Board of Supervisors finds that by eliminating manual processing of filings, electronic filing requirements will conserve resources and ensure the public has access to information disclosed in campaign statements and reports in a more timely manner. The electronic filing system will operate securely and effectively and will not unduly burden filers.

Section 2. PURPOSE. The purpose of this Ordinance is to require online electronic filing of campaign statements and require online reporting of contributions and independent expenditures regarding elections of Candidates to County offices and the qualification or passage of local ballot

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1 measures within the County of Riverside ~~in addition to paper filing~~ as currently required under the
2 Political Reform Act, (commencing with California Government Code Section 84200 et seq.) in order to
3 facilitate review and maximize the availability of this information to the public.

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

8 Section 4. RELATIONSHIP TO THE POLITICAL REFORM ACT OF 1974. This
9 Ordinance is intended to supplement the Political Reform Act as amended. Unless a word or term is
10 specifically defined in this Ordinance or the contrary is stated or clearly appears from the context, words
11 and terms shall have the same meaning as when they are used in Title 9 of the California Government
12 Code, in which the Political Reform Act is codified, and as supplemented by the Regulations of the Fair
13 Political Practices Commission as set forth in Title 2, Division 6 of the California Code of Regulations
14 (“Regulations”), as well as any amendments to the Act or to the Regulations. If any provision of this
15 Ordinance is held invalid, the terms of the Act and its Regulations control and supersede the terms of this
16 Ordinance to the extent necessary to bring this Ordinance into full compliance therewith.

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

- 19 a. Candidate shall be defined as set forth in the Political Reform Act provided
20 that the term shall be limited to Candidates for County office.
- 21 b. Committee. Any Person or combination of Persons who, directly or
22 indirectly, does any of the following:
- 23 (1) Receives Contributions totaling onefive thousand dollars
24 (\$51,000) or more in any calendar year; or
- 25 (2) Makes Independent Expenditures totaling onefive thousand dollars
26 (\$51,000) or more in any calendar year; or
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1 A Person or combination of Persons that becomes a Committee shall retain
2 its status as a Committee until such time as that status is terminated
3 pursuant to California Government Code Section 84214. A Committee
4 includes but is not limited to "Controlled Committee", "Independent
5 Committee", and "County General Purpose Committee".

6 c. Contribution shall mean the same as that defined at Government Code
7 Section 82015.

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

14 e. County General Purpose Committee shall mean a committee to support or
15 oppose candidates or measures voted on in only one county, or in more than
16 one jurisdiction within one county.

17 f. Election and/or County Election means any primary, general, special or
18 recall election held in the County of Riverside. The primary and general or
19 special elections are separate elections for purposes of this Ordinance.

20 g. Election Cycle means the period of time commencing ninety (90) days prior
21 to an election and ending on the date of the election.

22 h. Independent Committee means all Committees other than Controlled
23 Committees.

24 i. Independent Expenditure means an Expenditure made by any Person
25 including a payment of public moneys by a state or local governmental
26 agency, in connection with a communication which expressly advocates the
27 election or defeat of a clearly identified Candidate or the qualification,
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1 passage or defeat of a clearly identified measure, or taken as a whole and in
2 context, unambiguously urges a particular result in an Election but which is
3 not made to or at the behest of the affected Candidate or Committee.

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

9 k. Political Reform Act means the California Political Reform Act of 1974
10 (Government Code Sections 81000 et seq., as amended).

11 Section 6. APPLICATION OF ORDINANCE. The provisions of this

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

21 Section 7. ELECTRONIC CAMPAIGN DISCLOSURE.

22 a. Each Candidate, Candidate Controlled Committee and Independent
23 Committee that is required to file a semi-annual campaign statement, a pre-
24 election campaign statement, or an amended campaign statement with the
25 Registrar of Voters County Elections pursuant to the Political Reform Act,
26 and that receives a total of onefive thousand dollars (\$51,000) or more in
27 Contributions or makes a total of onefive thousand dollars (\$51,000) or
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1 more in Independent Expenditures, shall ~~additionally and simultaneously~~
2 file the statements~~same information~~ with the Registrar of Voters in an
3 electronic format.

4 b. In addition to any other report required by this Ordinance, all Persons
5 subject to the requirements of Section 7.a. shall file the following reports
6 with the Registrar of Voters in an electronic format:

7 (1) A report disclosing a Contribution received by or made to a
8 Candidate or local ballot measure, or an Independent Expenditure
9 made for or against a Candidate or local ballot measure, of one-
10 thousand dollars (\$1,000) or more during an Election Cycle. The
11 report shall be filed within twenty-four (24) hours of the
12 Independent Expenditure or receipt of the Contribution.

13 (2) A report disclosing a Contribution received by or made to a
14 Candidate or a local ballot measure, or an Independent Expenditure
15 made for or against a Candidate or local ballot measure, of ~~five one-~~
16 thousand dollars (~~\$5~~1,000) or more at any time other than during an
17 Election Cycle. The report shall be filed within ten (10) business
18 days of the Independent Expenditure or receipt of the Contribution.

19 c. A Candidate or Committee that has filed an electronic statement or report is
20 not required to file a paper copy.

21 e.d. Once a Candidate or Committee is subject to the electronic filing
22 requirements imposed by this Ordinance, the Candidate or Committee will
23 remain subject to the electronic filing requirements until the Candidate or
24 Committee files a termination statement pursuant to the Political Reform
25 Act.

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1 ~~d.e. Any Candidate or Committee not required to file an electronic statement or~~
2 ~~report by this Section may voluntarily opt to file an electronic statement or~~
3 ~~report by submitting written notice to the Registrar of Voters. A Candidate~~
4 ~~or Committee that opts to file an electronic statement or report is not~~
5 ~~required to file a paper copy. The requirements of this Ordinance do not~~
6 ~~abrogate any requirements in the Political Reform Act that paper copies be~~
7 ~~filed.~~

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

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

16 b. **Content of Notice of Violation.** The Notice of Violation shall contain the
17 information listed below:

- 18 (1) Date, location and approximate time the violation was observed or
19 discovered.
- 20 (2) The Ordinance section violated and a brief description of the
21 violation.
- 22 (3) The amount of the penalty imposed for the violation.
- 23 (4) Instructions for the payment of the penalty, the time period by which
24 it shall be paid, and the consequences of failure to pay the penalty
25 within this time period.
- 26 (5) Instructions on how to appeal the Notice of Violation.
- 27 (6) The signature of the Registrar of Voters or his or her designee.
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1 c. **Service of Notice of Violation.** Service of Notice of Violation shall be
2 effective upon deposit in United States mail in accordance with this
3 Ordinance. A copy of the Notice of Violation shall be mailed by certified
4 mail, return receipt requested to the Person who has violated the Ordinance,
5 at the address listed for the Person on the Fair Political Practices
6 Commission Form 410 Statement of Organization.

7 d. **Penalties.**

8 (1) The penalties assessed for each violation shall be ten (\$10) dollars
9 per day, and shall not exceed the cumulative amount stated in the
10 late statement or report, or one hundred (\$100) dollars, whichever is
11 greater.

12 (2) Payment of the penalty shall not excuse the failure to correct the
13 violation nor shall it bar further enforcement action.

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

16 e. **Administrative Appeal.**

17 (1) **Notice of Appeal.** The recipient of a Notice of Violation carrying a
18 penalty may appeal by filing a written Notice of Appeal with the
19 Registrar of Voters. The written Notice of Appeal must be filed
20 within twenty (20) days of the service of the Notice of Violation.
21 Failure to file a written notice of appeal within this time period shall
22 constitute a waiver of the right to appeal. The Notice of Appeal shall
23 contain the following information:

24 a) A brief statement setting forth appellant's interest in the
25 proceedings;

26 b) A brief statement of the material facts which appellant
27 claims supports his/her contention that no violation has
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1 occurred, no administrative penalty should be imposed or
2 that an administrative penalty of a different amount is
3 warranted;

4 c) An address at which the appellant agrees notice of any
5 additional proceeding or an order relating to the imposition
6 of the administrative penalty may be received by mail.

7 d) The signature of the appellant.

8 (2) The Registrar of Voters, or her or his designee, shall review the
9 appeal and issue a Notice of Decision within thirty (30) days of
10 receipt of the Notice of Appeal. The Notice of Decision shall be
11 final.

12 (3) In addition to any other available remedies, the Registrar of Voters
13 may bring a civil action and obtain a judgment in Superior Court for
14 the purposes of collecting any unpaid monetary penalties, fees, or
15 civil penalties imposed pursuant to Government Code Section
16 91013.5.

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

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

26 Section 11. EFFECTIVE DATE. This Ordinance shall take effect January 1, 2014.
27 ~~thirty (30) days after its adoption.~~