

ORDINANCE NO. 22-17 N.S.

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF RICHMOND, CALIFORNIA,
ADDING CHAPTER 2.44 TO THE MUNICIPAL CODE OF THE CITY OF RICHMOND
RELATING TO ELECTRONIC AND PAPERLESS FILING OF FAIR POLITICAL
PRACTICES COMMISSION CAMPAIGN DISCLOSURE STATEMENTS**

The Council of the City of Richmond do ordain as follows:

Section I. Amendment of Article II of the Richmond Municipal Code

Article II of the Municipal Code of the City of Richmond is hereby amended to add Chapter 2.44. Chapter 2.44 shall read as follows:

Chapter 2.44

ELECTRONIC FILING OF CAMPAIGN DISCLOSURE STATEMENTS

Sections:

2.44.010	Purpose and Authority
2.44.020	Findings
2.44.030	General Application
2.44.040	Procedures for Utilizing Online Filing
2.44.050	Availability of Statements for Public Review; Record Retention

Section 2.44.010 Purpose and Authority.

The purpose of this ordinance is to add the option of filing Campaign Disclosure Statements by elected officials, candidates, or committees electronically. The City Council enacts this ordinance in accordance with the authority granted to cities by State law.

Section 2.44.020 Findings.

The Council of the City of Richmond finds and determines as follows:

- A. 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, or committee, 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. In any instance in which the original statement is required to be filed with the Secretary of State and a copy of that statement is required to be filed with the local government agency, the ordinance may permit, but shall not require, that the copy be filed online or electronically.
- C. The City Council expressly finds and determines that the City Clerk's web-based system contains multiple safeguards to protect the integrity and security of the data, and will operate securely and effectively and will not unduly burden filers; and
- D. The City Clerk will operate the electronic filing system in compliance with the requirements of California Government Code Section 84615 and any other applicable laws.

Section 2.44.030 General Application.

- A. Any elected officer, candidate, or committee 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.*) may file such Statements using the City Clerk's online system according to procedures established by the City Clerk. These procedures shall ensure that the online system complies with the requirements set forth in Section 84615 of the Government Code.
- B. The online filing system shall ensure the integrity of the data transmitted and shall include safeguards against efforts to tamper with, manipulate, alter, or subvert the data.
- C. The online filing system shall only accept a filing 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 and that is compatible with the Secretary of State's system for receiving an online or electronic filing.

2.44.040 Procedures for Utilizing Online Filing.

- A. During the period commencing with the effective date of this ordinance, an elected officer, candidate, or committee 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 the elected officer, candidate or committee has opted-in, all subsequent Statements shall be filed electronically. An elected officer, candidate, or committee may opt-out of the electronic filing system by filing original Statements in paper format with the City Clerk. Thereafter, the elected officer, candidate or committee shall file all original Statements in paper format with the City Clerk.
- B. Any elected officer, candidate, or committee that 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.
- C. The City Clerk shall issue an electronic confirmation that notifies the filer that the Statement was received, which notification shall include the date and the time that the Statement was received and the method by which the filer may view and print the data received by the City Clerk. The date of filing for a Statement filed online shall be the day that it is received by the City Clerk.
- D. If the City Clerk's system is not capable of accepting a Statement, an elected officer, candidate, or committee shall file that Statement in paper format with the City Clerk.
- E. The online filing system shall enable electronic filers to complete and submit filings free of charge.

2.44.050 Availability of Statements for Public Review; Record Retention.

- A. The City Clerk's system shall make all the data filed available on the Internet in an easily understood format that provides the greatest public access. The data shall be made available free of charge and as soon as possible after receipt. The data made available on the Internet shall not contain the street name of the persons or entity representatives listed on the electronically filed forms or any bank account number required to be disclosed by the filer. The City Clerk's office shall make a complete, unredacted copy of the statement available to the Fair Political Practices Commission for 87200 filers.
- B. The City Clerk's office shall maintain, for a period of at least 10 years commencing from the date filed, a secured, official version of each online or electronic statement which shall serve as the official version of that record for purpose of audits

Section II. Severability.

In any section, subsection, paragraph, sentence, clause or phrase of this ordinance for any reason shall be held to be invalid or unconstitutional; the decision shall not affect the remaining portions of this ordinance. The Council of the City of Richmond hereby declare that it would have passed this ordinance and each article, section, subsection, paragraph, sentence, clause or phrase which is a part thereof, irrespective of the fact that any one or more articles, sections, subsections, paragraphs, sentences, clauses or phrases are declared to be invalid or unconstitutional.

Section III. Effective Date and Publication.

This ordinance shall take effect thirty (30) days after its adoption and, shall be published in summary format within fifteen (15) days after adoption, in a newspaper of general circulation published and circulated within the City of Richmond.

First read at a regular meeting of the Council of the City of Richmond held October 24, 2017, and finally passed and adopted at a regular meeting thereof held November 21, 2017, by the following vote:

AYES: Councilmembers Choi, Martinez, Myrick, Recinos, Willis, Vice Mayor Beckles, and Mayor Butt.
NOES: None.
ABSTENTIONS: None.
ABSENT: None.

PAMELA CHRISTIAN
CLERK OF THE CITY OF RICHMOND
(SEAL)

Approved:
TOM BUTT
Mayor

Approved as to form:
BRUCE GOODMILLER
City Attorney

State of California }
County of Contra Costa } : ss.
City of Richmond }

I certify that the foregoing is a true copy of **Ordinance No. 22-17 N.S.**, passed and adopted by the City Council of the City of Richmond at a regular meeting held on November 21, 2017.



Pamela Christian, City Clerk of the City of Richmond