

ORDINANCE NO. NS-300.857

AN ORDINANCE OF THE BOARD OF SUPERVISORS  
OF THE COUNTY OF SANTA CLARA  
AMENDING SECTIONS 8, 10, AND 11 OF DIVISION A11 OF THE SANTA  
CLARA COUNTY ORDINANCE CODE  
RELATING TO ELECTRONIC FILING OF CAMPAIGN STATEMENTS.

Summary

This ordinance amends existing provisions regarding electronic filing of campaign statements with the Registrar of Voters to include specified persons and committees for which the Registrar of Voters is the Filing Officer.

THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA CLARA ORDAINS AS FOLLOWS:

SECTION 1. Section A11-8 of Division A11 of the Santa Clara County Code is amended to read as follows:

Sec. A11-8. Electronic filing; findings and purpose.

- (a) The Board finds that public access to campaign 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.
- (b) 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. Government Code section 84615, effective January 1, 2013, authorizes local jurisdictions to require the filing of campaign statements and reports solely in an electronic form, with a specified exemption. The purpose of these laws is to assist voters in making informed electoral decisions and to assist in ensuring compliance with campaign contributions laws. In any instance in which the original statement, report, or other document is required to be filed with the Secretary of State and a copy of that statement, report, or other documents is required to be filed with the local government agency, the filer is exempt from filing the statement electronically as provided by Government Codes section 84615.

- (c) 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 efficiently to review and compare these statements.
- (d) The Board makes the following findings in support of requiring that political committees and candidates that meet certain financial thresholds file their campaign statements electronically:
  - (i) An electronic system reduces paper waste and time spent processing and storing paper filings, so that efforts can be focused on helping filers comply with filing requirements.
  - (ii) An electronic system is not unduly burdensome on candidates in that it reduces the need for candidates to print out and physically mail statements to the Registrar of Voters office, and it eases the entry of contributors' information in that the system recognizes repeat contributors and automatically populates their information.
  - (iii) The system used by the County contains multiple safeguards to protect the integrity and security of the data.
  - (iv) An electronic system streamlines the filing process, by storing information previously entered, calculating numbers, and helping catch errors before filings are submitted.
  - (v) Once the statements are placed online, they are easily accessible for public viewing and allow the public to search reports by field, including, but not limited to, election, candidate, date, contributor and expenditure.

SECTION 2. Section A11-10 of Division A11 of the Santa Clara County Code is amended to read as follows:

Sec. A11-10. - Filing of campaign statements.

- (a) Whenever any elected officer, candidate or committee is required by the California Political Reform Act to file a semi-annual campaign statement, a pre-election campaign statement, an amended campaign statement, a supplemental pre-election campaign statement, a report disclosing a contribution received by or made to a candidate, local ballot measure, or an independent expenditure made for or against

a candidate or local ballot measure, of \$1,000 dollars, or more, during an election cycle with the Registrar of Voters, it shall be filed electronically. The elected officer, candidate or committee shall file the statement using the electronic filing system available on the Registrar of Voters' website. The street or address or building number of the persons or entity representatives, or any bank account number, shall not be displayed online.

- (b) Statements or reports that are filed electronically with the Registrar of Voters pursuant to this section need not also be filed in a paper format.
- (c) This requirement does not apply to any elected officer or candidate who receives contributions totaling less than \$1,000.00, and makes expenditures totaling less than \$1,000.00, in a calendar year.

SECTION 3. Section A11-11 of Division A11 of the Santa Clara County Code is amended to read as follows:

Sec. A11-11. - Penalties for late filing.

- (a) Any person who files an electronic copy of a statement or report required by this article after the deadline imposed by the California Political Reform Act for filing the written copy of the statement or report **shall be liable** in the same amount and on the same terms as set forth in the Act for late filing of the written copy of the campaign statement or report, except that no fines shall be waived by the Registrar of Voters.
- (b) Any person required to file an electronic copy of a statement or a report required by this article, who does not do so by the deadline imposed under the California Political Reform Act, shall be notified by the Registrar of Voters of that failure no later than the expiration of 10 days following the deadline to file the statement or report. The Registrar of Voters shall notify such persons that the matter will be referred to the Santa Clara County District Attorney and the Fair Political Practices Commission if the required electronic statement is not filed by the end of the 20<sup>th</sup> day following the deadline to file the electronic statement or report. The notification shall be made at the telephone number, fax line or electronic mail address on the "Campaign Statement Reporting Notification" form provided by the Registrar of Voters.

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- (c) The Registrar of Voters shall immediately refer to the District Attorney and FPPC any persons required by this article to file the electronic statement or report set forth in subsection (a) who fails to do so by the 20<sup>th</sup> day following the deadline.

**PASSED AND ADOPTED** by the Board of Supervisors of the County of Santa Clara, State of California, on MAY 13 2014 by the following vote:

AYES: **CHAVEZ, CORTESE, SIMITIAN, WASSERMAN, YEAGER**

NOES: **NONE**

ABSENT: **NONE**



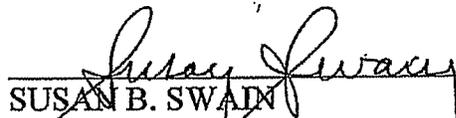
**MIKE WASSERMAN**, President  
Board of Supervisors

Signed and certified that a copy of this document has been delivered by electronic or other means to the Chair, Board of Supervisors.

ATTEST:

  
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**LYNN REGADANZ**  
Clerk of the Board of Supervisors

APPROVED AS TO FORM AND LEGALITY:

  
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**SUSAN B. SWAIN**  
Lead Deputy County Counsel

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