

ORDINANCE NO. 18-

AN ORDINANCE ADDING SECTION 15 TO CHAPTER 2, ARTICLE 13 OF THE HAYWARD MUNICIPAL CODE RELATING TO ELECTRONIC AND PAPERLESS FILING OF THE FAIR POLITICAL PRACTICES COMMISSION CAMPAIGN DISCLOSURE STATEMENTS

THE CITY COUNCIL OF THE CITY OF HAYWARD DOES ORDAIN AS FOLLOWS:

WHEREAS, 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, committee, or other person required to file statements, reports or other documents required by Chapter 4 of the Political Reform Act, except those whose contributions and expenditure each total less than one thousand dollars (\$1,000) in a calendar year, to file such statements, reports, or other documents online or electronically with the City Clerk; and

WHEREAS, the software used by the City Clerk's electronic filing system, NetFile, has been certified by the Secretary of State and meets the requirements set by Government Code Section 84615; and

WHEREAS, 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; and

WHEREAS, the City Council expressly finds and determines that the system will operate securely and effectively and will not unduly burden filers. Specifically: (1) the system will ensure the integrity of the data and includes safeguards against efforts to tamper with, manipulate, alter, or subvert the data; (2) the system will only accept a filing in the standardized record format developed by the Secretary of State and compatible with the Secretary of State's system for receiving an online or electronic filing; and (3) the system will be available free of charge to filers and to the public for viewing filings.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF HAYWARD DOES ORDAIN AS FOLLOWS:

Section 1. Provisions.

That new section 2-13.15 be, and the same is hereby added to, Chapter 2, Article 13 of the Hayward Municipal Code to read in full as follows:

SEC. 2-13.15 - ELECTRONIC FILING OF CAMPAIGN DISCLOSURE

- a) Any elected officer, candidate, committee or other person required to file specified statements, reports, or other documents with the City Clerk as required by Chapter 4 of the Political Reform Act (California Government Code Section 84100 et seq.) and that has received contributions or made expenditures of \$1,000 or more, may electronically 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. Elected officers, candidates and committees required to file statements, may file such statements using the City Clerk's online system, unless exempt from the requirement to file pursuant to Government Code Section 84615 because the elected officer, candidate or committee received contributions totaling less than \$1,000 and makes expenditures totaling less than \$1,000 in a calendar year.
- 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.
- d) 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 California Fair Political Practices Commission (FPPC) campaign forms 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 to ensure reporting continuity. 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.
- e) Any elected officer, candidate, committee or other person who has electronically filed a statement, report, or other document using the City Clerk's online system is not required to file a copy of that statement in paper format with the City Clerk.
- f) In any instance in which an original statement, report, or other document must be filed with the Secretary of State and a copy of that statement, report, or other document is required to be filed with the City Clerk, the filer may, but is not required to file the copy electronically.

- g) If the City Clerk's system is not capable of accepting a statement, an elected officer, candidate, committee or other person shall file that statement in paper format with the City Clerk.
- h) 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 2. Severance.

Should any part of this Ordinance be declared by a final decision by a court or tribunal of competent jurisdiction to be unconstitutional, invalid, or beyond the authority of the City, such decision shall not affect the validity of the remainder of this Ordinance, which shall continue in full force and effect, provided that the remainder of the Ordinance, absent the unexcised portion, can be reasonably interpreted to give effect to the intentions of the City Council.

Section 3. Effective Date.

In accordance with the provisions of Section 620 of the City Charter, this Ordinance shall become effective upon adoption.

INTRODUCED at a regular meeting of the City Council of the City of Hayward, held the ____ day of ____, 2018, by Council Member _____.

ADOPTED at a regular meeting of the City Council of the City of Hayward, held the ____ day of ____, 2018, by the following votes of members of said City Council.

AYES: COUNCIL MEMBERS:

MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

APPROVED: _____
Mayor of the City of Hayward

DATE: _____

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward