



**Registrar of Voters
COUNTY OF TULARE
AGENDA ITEM**

BOARD OF SUPERVISORS

KUYLER CROCKER
District One
PETE VANDER POEL
District Two
AMY SHUKLIAN
District Three
EDDIE VALERO
District Four
DENNIS TOWNSEND
District Five

AGENDA DATE: October 8, 2019

Public Hearing Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Scheduled Public Hearing w/Clerk	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Published Notice Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Advertised Published Notice	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Meet & Confer Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Electronic file(s) has been sent	Yes	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Budget Transfer (Aud 308) attached	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Personnel Resolution attached	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Agreements are attached and signature line for Chairman is marked with tab(s)/flag(s)	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>

CONTACT PERSON: Emily Oliveira PHONE: (559) 624-7300

SUBJECT: Adopt an ordinance amending Part 1 of the Tulare County Ordinance Code, adding chapter 33.

REQUEST(S):

That the Board of Supervisors:

1. Introduce and waive the first reading of an ordinance amending Part 1 of the Tulare County Ordinance Code, adding chapter 33 pertaining to requiring electronic campaign finance disclosure for Tulare County Registrar of Voters ("Ordinance").
2. Set the second reading of the Ordinance for October 22, 2019.
3. Direct the Clerk to publish a summary of the Ordinance before the second reading as required by law.

On October 22, 2019:

4. Waive the second reading and adopt the Ordinance to take effect immediately upon approval, pursuant to Government Code Section 25123.
5. Direct the Clerk to publish a summary of the Ordinance and post a full copy of the Ordinance after adoption as required by law.

SUMMARY:

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 any elected position within Tulare County and the qualification or passage of local ballot measures within the County of Tulare as currently required under the Political Reform Act, (commencing with California Government Code Section 84200 et seq.) in order to facilitate review and maximize the availability of this information to the public.

SUBJECT: Adopt an ordinance amending Part 1 of the Tulare County Ordinance Code, adding chapter 33.

DATE: October 8, 2019

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.

The Ordinance will require Candidates, Candidate Controlled Committees, and Independent Committees which are required to file a semi-annual campaign statement, a pre-election statement, or an amended campaign statement with the Registrar of Voters pursuant to the Political Reform Act to file financial statements in an electronic format. Only those parties listed above which have received a total contribution of \$2,000.00 or more or made contributions of \$1,000.00 or more in independent expenditures shall be required to file electronically.

The ordinance will require a twenty four (24) hour electronically filed disclosure of a contribution received by or made to a candidate of \$1,000.00 or more. Additionally, disclosing parties shall file any contribution made or received of over \$5,000.00 within ten (10) business days of the contribution.

The Ordinance will eliminate manual processing of filings by Candidates or Committees for local elections and will conserve resources and ensure the public has access to information disclosed in campaign statements and reports in a timelier manner.

FISCAL IMPACT/FINANCING:

No additional net County cost to the General Fund.

LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:

The County's five-year strategic plan includes organization performance. The increase in efficiency as a result of conservation of the Registrar of Voter's resources will permit improved organizational efficiency.

ADMINISTRATIVE SIGN-OFF:



Michelle Baldwin
Registrar of Voters

cc: County Administrative Office

Attachments:
Ordinance Code Full Text
Ordinance Summary

**BEFORE THE BOARD OF SUPERVISORS
COUNTY OF TULARE, STATE OF CALIFORNIA**

IN THE MATTER OF ADOPT AN)
ORDINANCE AMENDING PART 1 OF THE) Resolution No. _____
TULARE COUNTY ORIDNANCE CODE,) Agreement No. _____
ADDING CHAPTER 33.)

UPON MOTION OF SUPERVISOR _____, SECONDED BY
SUPERVISOR _____, THE FOLLOWING WAS ADOPTED BY THE
BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD _____
_____, BY THE FOLLOWING VOTE:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST: JASON T. BRITT
COUNTY ADMINISTRATIVE OFFICER/
CLERK, BOARD OF SUPERVISORS

BY: _____
Deputy Clerk

* * * * *

1. Waived the second reading and adopt the Ordinance to take effect immediately upon approval, pursuant to Government Code Section 25123.
2. Directed the Clerk to publish a summary of the Ordinance and post a full copy of the Ordinance after adoption as required by law.

Ordinance No. _____

AN ORDINANCE AMENDING PART 1 OF THE TULARE COUNTY ORDINANCE CODE, ADDING CHAPTER 33, PERTAINING TO REQUIRING ELECTRONIC CAMPAIGN FINANCE DISCLOSURE FOR CANDIDATES AND MEASURES IN TULARE COUNTY

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

Section 1. Chapter 33 of Part 1 of the Ordinance Code is added, to read as follows:

CHAPTER 33. MANDATORY ELECTRONIC CAMPAIGN FINANCE DISCLOSURE FOR ALL ELECTED POSITIONS AND BALLOT MEASURES WITHIN TULARE COUNTY

SECTION 1-33-1005 FINDINGS:

- A. The Board of Supervisors 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. 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.
- C. Government Code section 84615 authorizes a local jurisdiction to adopt an ordinance requiring the filing of campaign statements and reports solely in an electronic format.
- D. 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 timelier manner. The electronic filing system will operate securely and effectively and will not unduly burden filers.
- E. The system will be completely free to filers and viewers.

SECTION 1-33-1010 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 any election within the County and the qualification or passage of local ballot measures within the County of Tulare as currently required under the Political Reform Act, (commencing with Government Code Section 84200 et seq.) in order to facilitate review and maximize the availability of this information to the public.

SECTION 1-33-1015 AUTHORITY:

This Ordinance is adopted pursuant to 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, and pursuant to Government Code section 84615.

SECTION 1-33-1020 RELATIONSHIP TO THE POLITICAL REFORM ACT OF 1974:

This Ordinance is intended to supplement the Political Reform Act as amended. Unless a word or term is specifically defined in this Ordinance or the contrary is stated or clearly appears from the context, words and terms shall have the same meaning as when they are used in Title 9 of the Government Code, in which the Political Reform Act is codified, and as supplemented by the Regulations of the Fair Political Practices Commission as set forth in Title 2, Division 6 of the California Code of Regulations ("Regulations"), as well as any amendments to the Act or to the Regulations. If any provision of this Ordinance is held invalid, the terms of the Act and its Regulations control and supersede the terms of this Ordinance to the extent necessary to bring this Ordinance into full compliance therewith.

SECTION 1-33-1025 DEFINITIONS:

The following definitions used in this ordinance shall have the meanings set forth below:

- A. "Candidate" shall be defined as set forth in Government Code section 82007, provided that the term shall be limited to Candidates to any elected office within Tulare County.
- B. "Committee" shall be defined as any Person or combination of Persons who, directly or indirectly, does any of the following: (1) Receives Contributions totaling \$2,000.00 or more in any calendar year; or (2) Makes Independent Expenditures totaling \$1,000.00 or more in any calendar year. A Person or combination of Persons that becomes a Committee shall retain its status as a Committee until such time as that status is terminated pursuant to Government Code Section 84214. A Committee includes but is not limited to "Controlled Committee," "Independent Committee," and "General Purpose Committee."
- C. "Contribution" shall be defined as set forth in Government Code Section 82015.
- D. "Controlled Committee" means a Committee which is controlled directly or indirectly by a Candidate or which acts jointly with a Candidate or Controlled Committee in connection with the making of expenditures. A Candidate controls a Committee if he or she, his or her agent, or any other Committee such Candidate controls has a significant influence on the actions or decisions of the Committee.
- E. "General Purpose Committee" shall mean a committee to support or oppose candidates or measures voted on in only Tulare County, or in more than one jurisdiction within Tulare County.
- F. "Election" and/or "County Election" means any primary, general, special or recall election held in the County of Tulare.
- 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. "Independent Committee" means all Committees other than Controlled Committees.
- I. "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, which unambiguously urges a particular result in an Election but which is not made to or at the behest of the affected Candidate or Committee.

- J. "Person" means an individual, proprietorship, firm, partnership, joint venture, syndicate, business trust, company, corporation, limited liability company, association, committee, and any other organization or group of persons acting in concert. A Person shall include, but is not limited to, a Committee or Candidate.
- K. "Political Reform Act" means the Political Reform Act of 1974 (Government Code Sections 81000 et seq., as amended).

SECTION 1-33-1030 APPLICATION OF ORDINANCE:

The provisions of this Ordinance shall only apply to Candidates seeking election to any elected office in the County of Tulare, their Controlled Committees or Committees formed or existing primarily to support or oppose their candidacies, and to Committees formed or existing primarily to support or oppose a Candidate, or to support or oppose the qualification, passage or defeat of, a local ballot measure which is being voted on only in the County of Tulare, and to Local General Purpose Committees active only in Tulare County. In the event a County Candidate also runs for a non-County office, the provisions of this Ordinance do not apply to the Local Candidate's campaign for such other office, nor to any Committee established solely for the purpose of running for such other office.

SECTION 1-33-1035 ELECTRONIC CAMPAIGN DISCLOSURE:

- A. Each Candidate, Candidate Controlled Committee and Independent Committee that is required to file a semi-annual campaign statement, a pre-election campaign statement, or an amended campaign statement with the Registrar of Voters pursuant to the Political Reform Act, and that receives a total of \$2,000.00 or more in Contributions or spends a total of \$1,000.00 or more, shall file the statement with the Registrar of Voters in an electronic format.
- B. In addition to any other report required by this Ordinance, all Persons subject to the requirements of Section 1-33-1035 a. shall file the following reports with the Registrar of Voters in an electronic format:
 - (1) Within twenty-four (24) hours, a report disclosing 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 \$1,000.00 or more during an Election Cycle.
 - (2) Within ten (10) business days, a report disclosing a Contribution received by or made to a Candidate or a local ballot measure, or an Independent Expenditure made for or against a Candidate or local ballot measure, of \$5,000.00 or more at any time other than during an Election Cycle.
- C. A Candidate or Committee that has filed an electronic statement or report is not required to file a paper copy.
- D. Once a Candidate or Committee is subject to the electronic filing requirements imposed by this Ordinance, the Candidate or Committee will remain subject to the electronic filing requirements until the Candidate or Committee files a termination statement pursuant to the Political Reform Act.
- E. Any Candidate or Committee not required to file an electronic statement or report by this Section may voluntarily opt to file an electronic statement or report by submitting

written notice to the Registrar of Voters. A Candidate or Committee that opts to file an electronic statement or report is not required to file a paper copy.

SECTION 1-33-1040 ADMINISTRATIVE PENALTIES:

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

- A. Notice of Violation. If any Person subject to this Ordinance fails to comply with any provision herein, a Notice of Violation may be issued by the Registrar of Voters his or her designee.
- B. Content of Notice of Violation. The Notice of Violation shall contain the information listed below:
 - (1) Date, location and approximate time the violation was observed or discovered.
 - (2) The Ordinance section violated and a brief description of the violation.
 - (3) The amount of the penalty imposed for the violation.
 - (4) Instructions for the payment of the penalty, the time period by which it shall be paid, and the consequences of failure to pay the penalty within this time period.
 - (5) Instructions on how to appeal the Notice of Violation.
 - (6) The signature of the Registrar of Voters or his or her designee.
- C. Service of Notice of Violation. Service of Notice of Violation shall be effective upon deposit in United States mail in accordance with this Ordinance. A copy of the Notice of Violation shall be mailed by certified mail, return receipt requested to the Person who has violated the Ordinance, at the address listed for the Person on the Fair Political Practices Commission Form 410 Statement of Organization.
- D. Penalties.
 - (1) The penalties assessed for each violation shall be ten (\$10) dollars per day, and shall not exceed the cumulative amount stated in the late statement or report, or one hundred (\$100) dollars, whichever is greater.
 - (2) Payment of the penalty shall not excuse the failure to correct the violation nor shall it bar further enforcement action.
 - (3) The penalties assessed shall be payable to the County of Tulare, Registrar of Voters.
- E. Administrative Appeal.
 - (1) Notice of Appeal. The recipient of a Notice of Violation carrying a penalty may appeal by filing a written Notice of Appeal with the Registrar of Voters. The written Notice of Appeal must be filed within twenty (20) days of the service of the Notice of Violation. Failure to file a written notice of appeal within this time period shall constitute a waiver of the right to appeal. The Notice of Appeal shall contain the following information:
 - a) A brief statement setting forth appellant's interest in the proceedings;
 - b) A brief statement of the material facts which appellant claims supports his/her contention that no violation has occurred, no administrative penalty should be imposed or that an administrative penalty of a different amount is warranted;

- c) An address at which the appellant agrees notice of any additional proceeding or an order relating to the imposition of the administrative penalty may be received by mail.
- d) The signature of the appellant.
- (2) The Registrar of Voters, or her or his designee, shall review the appeal and issue a Notice of Decision within thirty (30) days of receipt of the Notice of Appeal. The Notice of Decision shall be final.
- (3) In addition to any other available remedies, the Registrar of Voters may bring a civil action and obtain a judgment in Superior Court for the purposes of collecting any unpaid monetary penalties, fees, or civil penalties imposed pursuant to Government Code Section 91013.5.

SECTION 1-33-1045 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 1-33-1050 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 2: The foregoing ordinance shall take immediately upon the passage hereof, as an ordinance affecting an election, and prior to the expiration of fifteen (15) days from the passage hereof a summary shall be published once in the Exeter Sun Gazette, a newspaper printed and published in the County of Tulare, State of California, together with the names of the Board of Supervisors voting for and against the same.

THE FOREGOING ORDINANCE was passed and adopted by the Board of Supervisors of the County of Tulare, State of California, on the _____ day of _____, 2019, at a regular meeting of said Board duly and regularly convened on said day by the following vote:

- AYES:
- NOES:
- ABSTAIN:
- ABSENT:

COUNTY OF TULARE

By: _____
Chairman, Board of Supervisors

ATTEST: JASON T. BRITT
County Administrative Officer/
Clerk of the Board of Supervisors

By: _____
Deputy Clerk

Approved as to Form:
County Counsel

By _____
Deputy

Matter # _____

ORDINANCE NO.

PURSUANT TO GOVERNMENT CODE SECTION 25124(b)(1), THE FOLLOWING IS A SUMMARY OF AN ORDINANCE AMENDING PART 1 OF THE TULARE COUNTY ORDINANCE CODE, ADDING CHAPTER 33 PERTAINING TO REQUIRING ELECTRONIC CAMPAIGN FINANCE DISCLOSURE FOR TULARE COUNTY REGISTRAR OF VOTERS

SUMMARY OF PROPOSED ORDINANCE

The Ordinance will require Candidates, Candidate Controlled Committees, and Independent Committees which are required to file a semi-annual campaign statement, a pre-election statement, or an amended campaign statement with the Registrar of Voters pursuant to the Political Reform Act to file financial statements in an electronic format. Only those parties listed above which have received a total contribution of \$2,000.00 or more or made contributions of \$1,000.00 or more in independent expenditures shall be required to file electronically.

The ordinance will require a twenty four (24) hour electronically filed disclosure of a contribution received by or made to a candidate of \$1,000.00 or more. Additionally, disclosing parties shall file any contribution made or received of over \$5,000.00 within ten (10) business days of the contribution. The Ordinance will eliminate manual processing of filings by Candidates or Committees for local elections and will conserve resources and ensure the public has access to information disclosed in campaign statements and reports in a timelier manner.

The ordinance herein summarized will be considered by the Board of Supervisors of the County of Tulare, State of California, on October 8, 2019, at a regular public meeting of said Board. At least five (5) days prior to October 22, 2019, a certified copy of the full text of the proposed ordinance shall be posted in the office of the Clerk of the Board of Supervisors and shall be available for public inspection at that location.

ATTEST: JASON T. BRITT
County Administrative Officer/
Clerk of the Board of Supervisors

By: _____
Deputy Clerk