

ORDINANCE NO. 1414

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM DESERT, CALIFORNIA, ADDING SECTION 2.38.070 TO THE PALM DESERT MUNICIPAL CODE APPROVING ELECTRONIC AND PAPER METHODS OF FILING CAMPAIGN FINANCE DISCLOSURE STATEMENTS

City Attorney's Summary

The purpose of this ordinance is to amend the Palm Desert Municipal Code to allow for the electronic or paper filing of campaign finance disclosure statements required by Chapter 4 of the Political Reform Act.

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 expenditures each total less than two thousand dollars (\$2,000) in a calendar year, to file such statements, reports, or other documents online or electronically with the City Clerk; and

WHEREAS, the City will enter into an agreement with a vendor qualified by the Secretary of State for campaign disclosure documents that meets the requirements set by Government Code Section 84615; and

WHEREAS, the City Council approves the use of an electronic system, which includes that: it will operate securely and effectively and will not unduly burden filers; it must be available free of charge to filers and the public for viewing filings; and it must include a procedure for filers to comply with the requirement that they sign statements and reports under penalty of perjury.

THE CITY COUNCIL OF THE CITY OF PALM DESERT DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The recitals above are each incorporated by reference and adopted as findings of the City Council.

SECTION 2. The City Council hereby approves the addition of Section 2.38.070, *Campaign Finance Disclosure Statements - Electronic Filing System*, to be added to Chapter 2.38, *General Municipal Elections*, to read as follows:

Section 2.38.070 Campaign Finance Disclosure Statements - Electronic Filing System

A. Required Use of Electronic Filing System.

1. Except as set forth in subsection B of this Section 2.38.070, any elected officer, candidate, committee, other person required to file specified statements, reports, forms, or other documents with the City Clerk as required by Chapter 4 (commencing with Section 84100 of Title 9 of the California Government Code, also known as the Political Reform Act), and that has received contributions or made expenditures of \$2,000 or more in a calendar year, may electronically file such statements using the City's online system according to procedures established by the City Clerk. However, to ensure reporting continuity, once a statement, report, form, or other document is filed electronically on behalf of any elected officer, candidate, committee, or other person, all future statements, reports, forms, and other documents filed on behalf of that officer, candidate, committee, or other person must be filed electronically.
 2. An elected officer, candidate, committee, or other person may choose not to use the electronic filing system by filing all original statements, reports, forms, or other documents in paper format with the City Clerk, until such time as the City Council determines that electronic filing is mandatory for all filers.
- B. Paper Filing Not Required After Electronic Filing. Any elected officer, candidate, committee, or other person who has electronically filed a statement, report, form, or other document using the City's online system is not required to file a copy of that document in a paper format with the City Clerk.
- C. Filing Options When a Copy Must be Filed with the City Clerk. In any instance in which an original statement, report, form, or other document must be filed with the Secretary of State or other agency, and a copy of that document is required to be filed with the City Clerk, the filer may electronically file a copy with the City Clerk or may file in a paper format.
- D. Paper Filing When Cannot File Electronically. If, for technical reasons, the City's system is not capable of accepting a particular type of statement, report, form, or other document, an elected officer, candidate, committee, or other person shall timely file that document in paper format with the City Clerk.

E. Internet Posting of Data. The City Clerk shall ensure that the City's system makes all electronically filed statements, reports, forms, or other documents 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/deadline. 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 also make a complete, unredacted copy of the statement, report, form, or other document available to the Fair Political Practices Commission for Government Code Section 87200 filers.

F. Records Retention. The City Clerk's office shall maintain records according to the City's records retention schedule and applicable State law commencing from the date filed, a secured, official version of each online or electronic statement, report, form, or other document, which shall serve as the official version of that record.

Section 3. Severability. If any section, subsection, clause, or phrase of this Ordinance or any part thereof is for any reason held to be invalid, unconstitutional, or unenforceable by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of the Ordinance. The City Council declares that it would have passed each section, subsection, paragraph, sentence, clause, or phrase thereof, irrespective of the fact that any one or more section, subsection, sentence, clause, or phrase would be declared invalid, unconstitutional or unenforceable.

SECTION 18. Publication. The City Clerk of the City of Palm Desert, California, is hereby directed to publish a summary of this Ordinance in the Desert Sun, a newspaper of general circulation, published and circulated in the City of Palm Desert, California, and shall be in full force and effective thirty (30) days after its adoption.

ADOPTED ON _____, 2024.

 KARINA QUINTANILLA
 MAYOR

ATTEST:

 ANTHONY J. MEJIA
 CITY CLERK

I, Anthony J. Mejia, City Clerk of the City of Palm Desert, California, do hereby certify that Ordinance No. 1414 is a full, true, and correct copy, and was introduced at a regular meeting of the Palm Desert City Council on May 9, 2024, and adopted at a regular meeting of the City Council held on _____, 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

RECUSED:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Palm Desert, California, on _____.

ANTHONY J. MEJIA
CITY CLERK