

ORDINANCE NO. 7,309–N.S.

ADDING SECTIONS 2.12.032, 2.12.033, AND 2.12.127 TO PROVIDE FOR THE ELECTRONIC FILING OF CAMPAIGN STATEMENTS AND AMENDING SECTIONS 2.12.025, 2.12.040, AND 2.12.295 OF THE BERKELEY MUNICIPAL CODE TO MAKE TECHNICAL CHANGES RELATED TO ELECTRONIC FILING

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. That the Council of the City of Berkeley hereby makes the following findings:

A. The electronic filing system will operate securely, ensure the integrity of the data transmitted, and shall include safeguards against efforts to tamper with, manipulate, alter, or subvert the data.

B. The electronic filing system will operate effectively and will not unduly burden filers.

C. The requirement for electronic filing of campaign statements furthers the purposes of the Berkeley Election Reform Act by providing greater public access to campaign finance data.

Section 2. That Section 2.12.032 is added to the Berkeley Municipal Code to read as follows:

2.12.032 Requirement to file statements and reports electronically.

A. An elected officer, candidate, committee, or other person required to file campaign reports or statements under this Chapter and Title 9, Chapter 4 of the California Government Code (commencing with Section 84100), who receives contributions totaling one thousand dollars (\$1,000) or more, or makes expenditures totaling one thousand dollars (\$1,000) or more, in a calendar year must submit all reports or statements as an electronic filing. Once an elected officer, candidate, committee, or other person is required to submit reports or statements as an electronic filing, that elected officer, candidate, committee, or other person shall continue to use electronic filing until the committee has officially terminated or the elected officer, candidate or other person has no further filing obligations.

1. An elected officer, candidate, committee, or other person that must file pursuant to this Chapter, but has not met the \$1,000 threshold in subsection A, may submit required reports or statements as an electronic filing or in paper format.

2. In any instance in which the original report, statement, or other document is required to be filed with the Secretary of State and a copy of that report, statement, or other document is required to be filed with the City of Berkeley, the copy may be submitted as an electronic filing.

Section 3. That Section 2.12.033 is added to the Berkeley Municipal Code to read as follows:

2.12.033 Filing procedures.

A. Electronic filing procedures shall be administered in accordance with California Government Code Section 84615.

B. Notwithstanding any other provision of law, any statement, report or other document submitted as an electronic filing pursuant to Section 2.12.032.A shall serve as the filing of record and shall not be required to be filed with the City Clerk in paper format.

Section 4. That Section 2.12.127 is added to the Berkeley Municipal Code to read as follows:

2.12.127 Electronic Filing.

“Electronic filing” means the submission of required reports and statements in an electronic format approved by the Secretary of State and the City Clerk.

Section 5. That Section 2.12.025 of the Berkeley Municipal Code is amended to read as follows:

2.12.025 Reports and statements—Signature and verification requirements.

Reports and statements filed under this chapter shall be signed under penalty of perjury and verified by the filer. The verification shall state that the filer has used all reasonable diligence in its preparation, and that to the best of his or her knowledge it is true and complete. A report or statement filed by a committee shall be signed and verified by the treasurer, and a report or statement filed by any other organization shall be signed and verified by a responsible officer of the organization or by an attorney or a certified public accountant. Every person who signs or verifies any report or statement required to be filed under this chapter which contains material which he or she knows to be false is guilty of perjury. For a report or statement submitted as an electronic filing pursuant to Section 2.12.032, a secure electronic signature shall meet the requirements of this section.

Section 6. That Section 2.12.040 of the Berkeley Municipal Code is amended to read as follows:

2.12.040 Statements--Public inspection requirements.

Campaign statements are to be available for public inspection during regular City business hours, at the office of the City Clerk and at the Berkeley Public Library during the normal hours it is open to the public. Copies of the statements or parts of statements shall be provided by the City Clerk at a price of not more than ten cents per page copied. The data contained in any campaign report or statement submitted as an electronic filing shall be available free of charge on the Internet in an easily understood format that is searchable and downloadable. The data made available on the Internet shall not contain the street name and building number of any person or entity

representative listed on the report or statement or any bank account number required to be disclosed pursuant to this Chapter or state law.

Section 7. That Section 2.12.295 of the Berkeley Municipal Code is amended to read as follows:

2.12.295 Report of late contributions.

All candidates and committees, including committees qualified under Section 2.12.095 but prior to filing required statements under Section 2.12.255 of this chapter, shall report all late contributions received by identifying the full name, street address, occupation, and the name of the employer, if any, or principal place of business if self-employed, of the contributor. Late contributions of one hundred dollars or more, but less than one thousand dollars, shall be reported to the City Clerk within forty-eight hours of receipt; late contributions of one thousand dollars or more shall be reported to the City Clerk within twenty-four hours of receipt. Such reports do not require an original signature. Late contributions shall be reported on subsequent campaign statements in addition to reports filed pursuant to this section.

Section 8. These amendments shall be effective on January 1, 2014.

Section 9. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of Old City Hall, 2134 Martin Luther King Jr. Way. Within fifteen days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

At a regular meeting of the Council of the City of Berkeley held on September 10, 2013 this Ordinance was passed to print and ordered published by posting by the following vote:

Ayes: Anderson, Arreguin, Capitelli, Maio, Moore, Wengraf, Worthington, Wozniak and Bates.

Noes: None.

Absent: None.

