

AMENDED IN ASSEMBLY MAY 8, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 2452

Introduced by Assembly Member Ammiano

February 24, 2012

An act to add Section 84615 to the Government Code, relating to the Political Reform Act of 1974.

LEGISLATIVE COUNSEL'S DIGEST

AB 2452, as amended, Ammiano. Political Reform Act of 1974: online disclosure.

The Political Reform Act of 1974 requires specified candidates, committees, slate mailer organizations, and lobbyists, lobbying firms, and lobbyist employers to file campaign statements and reports online or electronically with the Secretary of State, as specified. The act requires certain of these entities to also file campaign statements and reports with local filing officers, as specified.

This bill, *with certain exceptions*, would authorize a local government agency to require an elected officer, candidate, committee, or other person required to file specified statements, reports, or other documents to file those statements, reports, or other documents online or electronically with a local filing officer. The bill would prescribe criteria that must be satisfied by a local government agency that requires online or electronic filing of statements, reports, or other documents, as specified, including, among others, that the system be available free of charge to filers and to the public for viewing filings, and that the system include a procedure for filers to comply with the requirement that they sign statements and reports under penalty of perjury.

The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act’s purposes upon a $\frac{2}{3}$ vote of each house and compliance with specified procedural requirements.

This bill would declare that it furthers the purposes of the act.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: no.

State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 84615 is added to the Government Code,
2 to read:

3 84615. A local government agency may require an elected
4 officer, candidate, committee, or other person required to file
5 statements, reports, or other documents required by Chapter 4
6 (commencing with Section 84100), *except an elected officer,*
7 *candidate, committee, or other person who receives contributions*
8 *totaling less than one thousand dollars (\$1,000), and makes*
9 *expenditures totaling less than one thousand dollars (\$1,000), in*
10 *a calendar year; to file those statements, reports, or other*
11 *documents online or electronically with a local filing officer. A*
12 *local government agency that requires online or electronic filing*
13 *pursuant to this section shall comply with all of the following:*

14 (a) The legislative body for the local government agency shall
15 adopt an ordinance approving the use of online or electronic filing,
16 which shall include a legislative finding that the online or electronic
17 filing system will operate securely and effectively and would not
18 unduly burden filers. The ordinance adopted by the legislative
19 body for the local government agency may, at the discretion of
20 that legislative body, specify that the electronic or online filing
21 requirements apply only to specifically identified types of filings
22 or are triggered only by identified monetary thresholds. *In any*
23 *instance in which the original statement, report, or other document*
24 *is required to be filed with the Secretary of State and a copy of*
25 *that statement, report, or other document is required to be filed*
26 *with the local government agency, the ordinance may permit, but*
27 *shall not require, that the copy be filed online or electronically.*

28 (b) The online or electronic filing system shall only accept a
29 filing in the standardized record format that is developed by the
30 Secretary of State pursuant to paragraph (2) of subdivision (a) of

1 Section 84602 and that is compatible with the Secretary of State's
2 system for receiving an online or electronic filing.

3 (c) The online or electronic filing system shall ensure the
4 integrity of the data transmitted and shall include safeguards against
5 efforts to tamper with, manipulate, alter, or subvert the ~~date~~ data.

6 (d) (1) *The local filing officer shall issue to a person who files*
7 *a statement, report, or other document online or electronically an*
8 *electronic confirmation that notifies the filer that the statement,*
9 *report, or other document was received. The confirmation shall*
10 *include the date and the time that the statement, report, or other*
11 *document was received by the filing officer and the method by*
12 *which the filer may view and print the data received by the filing*
13 *officer.*

14 (2) *A copy retained by the filer of a statement, report, or other*
15 *document that was filed online or electronically and the*
16 *confirmation issued pursuant to paragraph (1) that shows the filer*
17 *timely filed the statement, report, or other document shall create*
18 *a rebuttable presumption that the filer timely filed the statement,*
19 *report, or other document.*

20 (~~d~~)

21 (e) The date of filing for a statement, report, or other document
22 that is filed online or electronically shall be the day that it is
23 received by the local filing officer.

24 (~~e~~)

25 (f) The local filing officer shall make all the data filed available
26 on the Internet in an easily understood format that provides the
27 greatest public access. The data shall be made available free of
28 charge and as soon as possible after receipt. The data made
29 available on the Internet shall not contain the street name and
30 building number of the persons or entity representatives listed on
31 the electronically filed forms or any bank account number required
32 to be disclosed by the filer. *The local filing officer shall make a*
33 *complete, unredacted copy of any statement, report, or other*
34 *document filed pursuant to this section, including any street names,*
35 *building numbers, and bank account numbers disclosed by the*
36 *filer, available to any person upon request.*

37 (~~f~~)

38 (g) The online or electronic filing system shall include a
39 procedure for filers to comply with the requirement that they sign

1 statements and reports under penalty of perjury pursuant to Section
2 81004.

3 ~~(g)~~

4 (h) The local government agency shall enable filers to *complete*
5 *and* submit filings free of charge.

6 ~~(h)~~

7 (i) The local filing officer shall maintain, for a period of *at least*
8 10 years commencing from the date filed, a secured, official version
9 of each online or electronic statement, report, or other document
10 filed pursuant to this section, which shall serve as the official
11 version of that record for purpose of audits and any other legal
12 purpose. *Data that has been maintained for at least 10 years may*
13 *then be archived in a secure format.*

14 ~~(i)~~

15 (j) Notwithstanding any other provision of law, any statement,
16 report, or other document filed online or electronically pursuant
17 to this section shall not be required to be filed with the local filing
18 officer in paper format.

19 SEC. 2. The Legislature finds and declares that this bill furthers
20 the purposes of the Political Reform Act of 1974 within the
21 meaning of subdivision (a) of Section 81012 of the Government
22 Code.