

Agenda Report

DATE: NOVEMBER 3, 2008

TO: CITY COUNCIL

FROM: CITY CLERK

SUBJECT: DIRECT THE CITY CLERK TO POST CAMPAIGN DISCLOSURE STATEMENTS ON THE CITY'S WEBSITE FOR CANDIDATES AND OFFICEHOLDERS FOR CITY COUNCIL AND PASADENA UNIFIED SCHOOL DISTRICT (PUSD) BOARD OF EDUCATION, AND FOR LOCAL POLITICAL ACTION COMMITTEES

RECOMMENDATION:

It is recommended that the City Council direct the City Clerk to post campaign disclosure statements on the City's website for candidates and officeholders for City Council and PUSD Board of Education, and for local political action committees.

BACKGROUND:

On August 4, 2008, the City Clerk received direction to provide information and a recommendation regarding the feasibility of posting campaign disclosure statements on the City's website, with recommended policies and procedures for posting statements, and an overview of practices adopted by other local municipalities.

Pursuant to Government Code Section 81000 (Attachment A), also known as the California Political Reform Act, candidates and committees are required to file campaign disclosure statements which provide detailed accounting information on money spent or contributions received in support or opposition of a candidate, campaign, or measure. Campaign disclosure statements related to Pasadena local elections for City Council, PUSD, and local measures are filed with the City Clerk. For those candidates or committees that have spent or received more than \$1,000 in a calendar year, disclosure statements are required to be filed on a semi-annual basis, with increased reporting required during election years.

Government Code Section 81008(a) states, "Every report and statement filed pursuant to this title is a public record open for public inspection and reproduction during regular business hours, commencing as soon as practicable, but in any event not later than the second business day following the day on which it was received." In accordance with the provisions of the Political Reform Act, current practices of the City Clerk's Office allow for public inspection of these statements and reproduction of hard copies for a nominal fee. It is anticipated that statements can be scanned and made available on the City's webpage no later than the second business day following a filing deadline.

There are several positive aspects in posting campaign disclosure statements on the City's website. Having these documents available on the Internet increases public access to information and provides greater transparency regarding the election process and campaign finance. This will also augment the Taxpayer Protection Act (TPA) information posted on the City's webpage, providing a more complete picture regarding campaign finance in Pasadena. Finally, there will be a reduction in staff time and resources needed to retrieve and reproduce copies for those individuals requesting records. Logistically, posting and maintaining statements on the website is not a difficult task and will reduce the number of requests received by the City Clerk's Office for this type of information.

Requests for information related to campaign disclosure statements often require statements from two similar election cycles to provide the individual with the proper historical perspective as it relates to contributions received and money spent for a certain race. For instance, the upcoming 2009 election cycle will determine the races for City Council Districts 3, 5, and 7, and Board of Education Seats 1, 3, 5, and 7. The relevant campaign statements would not only include current statements but also those that were filed for the 2005 election, so that all previous campaign contributions and expenditures from the last election cycle are provided. A total of not more than four election cycles will be available on the City's webpage at one time. This will allow the City to meet the informational needs of the public without creating too much information so that it becomes a difficult tool to use.

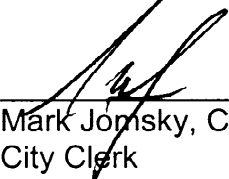
The types of statements that will be made available to the public via the website are those that provide the most relevant and requested information. This will include Campaign Disclosure Form 460 semi-annual statements, pre-election statements, amendments, and termination statements for campaigns that spend or receive more than \$1,000 in a calendar year; Form 470 Short Form statements for campaigns that do not spend or receive \$1,000 in a calendar year; Form 496 Independent Expenditure statements used for reporting expenditures that take place late in the election process; and Form 497 Contribution statements used for reporting contributions received late in the election process.

Attachment B provides a brief description of various California cities and their practices concerning the posting of campaign statements on the Internet. Some of the local cities often compared to Pasadena, such as City of Glendale, City of Burbank, City of Los Angeles, and City of Santa Monica, currently provide campaign statements, in one form or another, online for public access.

FISCAL IMPACT:

The total cost in terms of staff time needed for preparation of the webpage, scanning of documents, and posting of information on the website, as well as the loss of revenue received from the collection of duplication charges, is nominal and will be absorbed in the City Clerk's budget.

Respectfully submitted,



Mark Jomisky, CMC
City Clerk

CALIFORNIA CODES

GOVERNMENT CODE

SECTION 81000-81016

81000. This title shall be known and may be cited as the "Political Reform Act of 1974."

81001. The people find and declare as follows:

(a) State and local **government** should serve the needs and respond to the wishes of all citizens equally, without regard to their wealth;

(b) Public officials, whether elected or appointed, should perform their duties in an impartial manner, free from bias caused by their own financial interests or the financial interests of persons who have supported them;

(c) Costs of conducting election campaigns have increased greatly in recent years, and candidates have been forced to finance their campaigns by seeking large contributions from lobbyists and organizations who thereby gain disproportionate influence over governmental decisions;

(d) The influence of large campaign contributors is increased because existing laws for disclosure of campaign receipts and expenditures have proved to be inadequate;

(e) Lobbyists often make their contributions to incumbents who cannot be effectively challenged because of election laws and abusive practices which give the incumbent an unfair advantage;

(f) The wealthy individuals and organizations which make large campaign contributions frequently extend their influence by employing lobbyists and spending large amounts to influence legislative and administrative actions;

(g) The influence of large campaign contributors in ballot measure elections is increased because the ballot pamphlet mailed to the voters by the state is difficult to read and almost impossible for a layman to understand; and

(h) Previous laws regulating political practices have suffered from inadequate enforcement by state and local authorities.

81002. The people enact this title to accomplish the following purposes:

(a) Receipts and expenditures in election campaigns should be fully and truthfully disclosed in order that the voters may be fully informed and improper practices may be inhibited.

(b) The activities of lobbyists should be regulated and their finances disclosed in order that improper influences will not be directed at public officials.

(c) Assets and income of public officials which may be materially affected by their official actions should be disclosed and in appropriate circumstances the officials should be disqualified from acting in order that conflicts of interest may be avoided.

(d) The state ballot pamphlet should be converted into a useful document so that voters will not be entirely dependent on paid advertising for information regarding state measures.

(e) Laws and practices unfairly favoring incumbents should be abolished in order that elections may be conducted more fairly.

(f) Adequate enforcement mechanisms should be provided to public officials and private citizens in order that this title will be

vigorously enforced.

81003. This title should be liberally construed to accomplish its purposes.

81004. (a) All reports and statements filed under this title 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 knowledge it is true and complete.

(b) A report or statement filed by a committee which qualifies under subdivision (a) of Section 82013 shall be signed and verified by the treasurer, and a report or statement filed by any other person shall be signed and verified by the filer. If the filer is an entity other than an individual, the report or statement shall be signed and verified by a responsible officer of the entity or by an attorney or a certified public accountant acting as agent for the entity. Every person who signs and verifies any report or statement required to be filed under this title which contains material matter which he knows to be false is guilty of perjury.

81004.5. Any report or statement filed pursuant to this title may be amended by the filer at any time. Amending an incorrect or incomplete report or statement may be considered as evidence of good faith.

81006. Except as provided in this title, no fee or charge shall be collected by any officer for the filing of any report or statement or for the forms upon which reports or statements are to be prepared.

81007. When a report or statement or copies thereof required to be filed with any officer under this title have been sent by first-class mail or by any other guaranteed overnight delivery service addressed to the officer, it shall for purposes of any deadline be deemed to have been received by him or her on the date of the deposit in the mail or of receipt by that delivery service. It shall be presumed until the contrary is established that any date stamped by the post office on the envelope or contained on the delivery service receipt containing the report or statement is the date it was deposited in the mail or received by the delivery service. Mail which is not received by the filing officer shall be presumed not to have been sent unless the filer possesses a post office or delivery service receipt establishing the date of deposit and the name and address of the addressee.

81007.5. (a) Any report or statement or copies thereof required to be filed with any official under Chapter 4 (commencing with Section 84100) or Chapter 7 (commencing with Section 87100) may be faxed by the applicable deadline, provided that the required originals or paper copies are sent by first-class mail or by any other personal delivery or guaranteed overnight delivery service within 24 hours of the applicable deadline and provided that the total number of pages of each report or statement faxed is no more than 30 pages.

(b) A faxed report or statement shall not be deemed filed if the faxed report or statement is not a true and correct copy of the original or copy of the report or statement personally delivered or sent by first-class mail or guaranteed overnight delivery service pursuant to subdivision (a).

(c) A filing officer who receives a faxed report or statement shall make the report or statement available to the public in the same manner as provided in Section 81008. If the faxed report or statement is requested prior to the receipt of the original or copy of the report or statement by the filing officer, the filing officer shall inform the requester that the faxed report or statement will not be considered a filed report or statement if the requirements of subdivision (b) have not been met by the filer.

81008. (a) Every report and statement filed pursuant to this title is a public record open for public inspection and reproduction during regular business hours, commencing as soon as practicable, but in any event not later than the second business day following the day on which it was received. No conditions whatsoever shall be imposed upon persons desiring to inspect or reproduce reports and statements filed under this title, nor shall any information or identification be required from these persons. Copies shall be provided at a charge not to exceed ten cents (\$.10) per page. In addition, the filing officer may charge a retrieval fee not to exceed five dollars (\$5) per request for copies of reports and statements which are five or more years old. A request for more than one report or statement or report and statement at the same time shall be considered a single request.

(b) Campaign statements shall be open for public inspection and reproduction from 9:00 a.m. to 5:00 p.m. on the Saturday preceding a statewide primary or statewide general election in the offices of the Secretary of State, Registrar-Recorder of Los Angeles County, Registrar of Voters of San Diego County, and Registrar of Voters of the City and County of San Francisco.

81009. (a) Statements of organization, registration statements, and original campaign statements of persons holding elective state office, candidates for any such office, committees supporting any such officeholder or candidate, and committees supporting or opposing statewide measures, shall be retained by filing officers indefinitely.

(b) Original campaign statements of mayors, city council members, county supervisors, candidates for any of these offices, and committees supporting any officeholder or candidate shall be retained indefinitely, except that original campaign statements of candidates not elected to these offices and of committees supporting candidates not elected to these offices shall be retained by filing officers for a period of not less than five years.

(c) Original campaign statements of all other persons shall be retained by filing officers for a period of not less than seven years.

(d) Original statements of economic interests of persons holding statewide elective office shall be retained by filing officers indefinitely.

(e) Original reports and statements not specified above in this section shall be retained by filing officers for a period of not less than seven years.

(f) Copies of reports or statements shall be retained by the officer with whom they are filed for a period of not less than four

years, provided, however, that a filing officer is not required to retain more than one copy of a report or statement.

(g) After an original report or statement or a copy has been on file for at least two years, the officer with whom it is filed may comply with this section by retaining a copy on microfilm or other space-saving materials available for public inspection instead of the original report or statement or copy. Upon request, the officer shall provide copies of such statements pursuant to Section 81008.

81009.5. (a) Any local **government** agency which has enacted, enacts, amends, or repeals an ordinance or other provision of law affecting campaign contributions and expenditures shall file a copy of the action with the commission.

(b) Notwithstanding Section 81013, no local **government** agency shall enact any ordinance imposing filing requirements additional to or different from those set forth in Chapter 4 (commencing with Section 84100) for elections held in its jurisdiction unless the additional or different filing requirements apply only to the candidates seeking election in that jurisdiction, 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 of, or passage of, a local ballot measure which is being voted on only in that jurisdiction, and to city or county general purpose committees active only in that city or county, respectively.

81010. With respect to reports and statements filed with him pursuant to this title, the filing officer shall:

(a) Supply the necessary forms and manuals prescribed by the Commission;

(b) Determine whether required documents have been filed and, if so, whether they conform on their face with the requirements of this title;

(c) Notify promptly all persons and known committees who have failed to file a report or statement in the form and at the time required by this title;

(d) Report apparent violations of this title to the appropriate agencies; and

(e) Compile and maintain a current list of all reports and statements filed with this office.

81011.5. Any provision of law to the contrary notwithstanding, the election precinct of a person signing a statewide petition shall not be required to appear on the petition when it is filed with the county elections official, nor any additional information regarding a signer other than the information required to be written by the signer.

81012. This title may be amended or repealed by the procedures set forth in this section. If any portion of subdivision (a) is declared invalid, then subdivision (b) shall be the exclusive means of amending or repealing this title.

(a) This title may be amended to further its purposes by statute, passed in each house by rollcall vote entered in the journal, two-thirds of the membership concurring and signed by the Governor,

if at least 12 days prior to passage in each house the bill in its final form has been delivered to the commission for distribution to the news media and to every person who has requested the commission to send copies of such bills to him or her.

(b) This title may be amended or repealed by a statute that becomes effective only when approved by the electors.

81013. Nothing in this title prevents the Legislature or any other state or local agency from imposing additional requirements on any person if the requirements do not prevent the person from complying with this title. If any act of the Legislature conflicts with the provisions of this title, this title shall prevail.

81014. Whenever any reference is made in this title to a federal or state statute and that statute has been or is subsequently repealed or amended, the Commission may promulgate regulations to carry out the intent of this title as nearly as possible.

81015. If any provision of this title, or the application of any such provision to any person or circumstances, shall be held invalid, the remainder of this title to the extent it can be given effect, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby, and to this end the provisions of this title are severable.

81016. Chapter 8 of this title shall go into effect immediately. The Director of Finance shall make sufficient funds available to the Secretary of State out of the emergency fund or any other fund of the state for the immediate implementation of Chapter 8. The remainder of this title shall go into effect on January 7, 1975. Wherever reference is made in this title to the effective date of this title, the date referred to is January 7, 1975.

Exhibit B

| City | Population Est. 2007 | 400 Forms Online | Archives | Web Site |
|------------------|----------------------|------------------|--------------------|---|
| Arcadia | 56,218 | no | | |
| Alhambra | 86,352 | no | | |
| Burbank | 103,286 | yes | most current | http://www.ci.burbank.ca.us/cityclerk/2006%20Semi%20Annual%20Filings/2006SemiAnnualFilings.htm |
| Carson | 92,812 | no | | |
| El Monte | 122,272 | no | | |
| Fontana | 183,502 | no | | |
| Fullerton | 132,066 | no | | |
| Garden Grove | 165,610 | no | | |
| Glendale | 196,979 | yes | 2004 - present | http://www.ci.glendale.ca.us/city-clerk/election.asp |
| Los Angeles | 3,834,340 | yes | 1998 - present | http://ethics.lacity.org/efs/public_index.cfm?showall=yes |
| Newport Beach | 79,554 | yes | 2004 - present | http://www.city.newport-beach.ca.us/ClerkNotices/Election2004/CampaignDisclosureStatements.htm |
| Orange | 134,299 | no | | |
| Oxnard | 184,725 | yes | 2004 - present | http://cityclerk.cityofoxnard.org/Department.aspx?DepartmentID=2&ResourceID=696 |
| Pomona | 152,631 | no | | |
| Rancho Cucamonga | 170,266 | no | | |
| Riverside | 294,437 | no | | |
| Sacramento | 460,242 | yes | 2004 - present | http://www.cityofsacramento.org/clerk/election_info/ |
| Santa Ana | 339,555 | no | | |
| Santa Monica | 85,685 | yes | 2002 - present | http://www01.smgov.net/cityclerk/election_info.htm |
| Simi Valley | 120,464 | no | | |
| Thousand Oaks | 123,349 | yes | current candidates | http://www.ci.thousand-oaks.ca.us/city_hall/depts/city_clerk/elections/general_information.asp |