

ORDINANCE NO. CS-395

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARLSBAD, CALIFORNIA, AMENDING CARLSBAD MUNICIPAL CODE TITLE 1, CHAPTER 1.13 – ELECTION CAMPAIGN DISCLOSURES

WHEREAS, on May 23, 2017, the City Council of the City of Carlsbad, California (City Council) determined the Carlsbad Municipal Code (Code) requires revisions and amendments and a comprehensive update to the Code is necessary to improve clarity and consistency as well as to reflect current legal and professional best practices; and

WHEREAS, on May 23, 2017, the City Council adopted Resolution 2017-095 authorizing the Code update; and

WHEREAS, on July 23, 2019, the City Council adopted Resolution 2019-133 creating the ad hoc Carlsbad Municipal Code and City Council Policy Update Subcommittee (Subcommittee) to assist with the update and expanding the update to include both the Code and City Council Policies (Policies); and

WHEREAS, the Subcommittee has reviewed Chapter 1.13 – Election Campaign Disclosures and has made recommendations for revisions to this chapter; and

WHEREAS, establishing clear rules regarding the disclosure of campaign contributions promotes transparency in local elections.

NOW, THEREFORE, the City Council of the City of Carlsbad, California, ordains that:

1. The above recitations are true and correct.
2. Carlsbad Municipal Code Title 1, Chapter 1.13 is amended to read as follows:

Chapter 1.13

ELECTION CAMPAIGN DISCLOSURES

Sections:

- 1.13.010 Purpose and intent.**
- 1.13.020 Definitions.**
- 1.13.025 Contributions—Disclosure.**
- 1.13.026 Online filing of campaign statements.**
- 1.13.040 Penalties and enforcement.**
- 1.13.050 Rules of construction.**
- 1.13.060 Severability.**

1.13.010 Purpose and intent.

A. This chapter supplements the provisions of the Political Reform Act of 1974 (Act; Cal. Gov. Code, § 81000 et seq.) and its implementing regulations (Cal. Code of Regs., tit. 2, § 18110 et seq.) by:

1. Providing for online filing of campaign statements, reports and other documents (campaign statements); and
 2. Requiring additional campaign disclosures in city elections to ensure the city's voters will be fully informed about the receipts and expenditures of candidates and committees prior to the elections.
- B. The city council finds the online filing system will operate securely and effectively and will not unduly burden filers.
- C. The city council further finds this chapter is enacted in recognition of the city council's authority under California Government Code Sections 81009.5 and 81013 to impose additional campaign disclosure requirements that apply only to city elections and do not prevent a person from complying with the Act.

1.13.020 Definitions.

The words and phrases used in this chapter have the same meaning as defined in the Act.

1.13.025 Contributions—Disclosure.

- A. No person shall knowingly accept any contribution or loan in excess of \$100 without obtaining the name, address, occupation, employer's name, or if self-employed, the name of the business of the person making the contribution or loan.
- B. No person shall make a contribution or loan for any other person under an assumed name or under the name of any other person.
- C. Contributions or loans, not to exceed a total of \$100 from any one person or source, are permitted to be retained by a candidate or any committee, including a committee supporting or opposing the passage of a measure, when received from anonymous sources or from persons who do not consent to having their name made known. Any such amount in excess of \$100 shall be turned over to the city clerk and deposited into the city's treasury within 10 days of receipt of the contribution.
- D. Any candidate or committee that is required to file a campaign statement for a city election under the Act shall, in addition to the information otherwise required, list the name, address, occupation, name of employer, or if self-employed, the name of the business, and amount contributed or loaned by each person who has contributed or loaned a cumulative amount in excess of \$100.

1.13.026 Online filing of campaign statements.

- A. Any elected officer, candidate, committee or other person who is required to file campaign statements with the city clerk under California Government Code Section 84100 et seq., and who received contributions and made expenditures totaling \$2,000 or more in a calendar year, must file such statements using the city clerk's online system.
- B. When an original campaign statement is required to be filed with the Secretary of State and a copy of the statement is required to be filed with the city clerk, the copy may be, but is not required to be, filed using the city clerk's online system.
- C. If a campaign statement is filed under this chapter using the city clerk's online system, the statement does not have to be filed with the city clerk in paper format.
- D. The city clerk may establish and amend procedures for using the city clerk's online system as necessary to accomplish the following:
1. Ensure the online system complies with the requirements in California Government Code Section 84615, including containing a procedure allowing filers to comply with the obligation in California

Government Code Section 81004 for campaign statements to be signed under penalty of perjury.

2. Meet the purpose and intent of this chapter and comply with other applicable laws.
3. Ensure the integrity of the data transmitted and include safeguards against efforts to tamper with, manipulate, alter, or subvert the data.
4. Enable filers to complete and submit filings free of charge.

E. An online filing under this chapter will only be accepted if it is made in the standardized record format developed by the California Secretary of State under California Government Code Section 84602, subdivision (a)(2), and is compatible with the Secretary of State's system for receiving an online or electronic filing.

F. If a campaign statement is not required to be filed using the city clerk's online system, or if the city clerk's online system is not capable of accepting a particular type of statement, the statement must be filed with the city clerk in paper format. The city clerk must post copies of documents filed in paper format to the Internet within the time periods and subject to the requirements specified in subsection (J).

G. The city clerk must provide a person who files a campaign statement using the city clerk's online system with an electronic confirmation notifying the filer the statement was received. The confirmation must include the date and time the city clerk received the statement and the method by which the filer may view and print the data received.

H. The filing date of a campaign statement filed using the city clerk's online system is the date the city clerk received the statement.

I. The city clerk must make all data filed available on the Internet in an easily understood format that provides the greatest public access. The data must be made available free of charge and as soon as possible after receipt. The data made available on the Internet shall not contain the street name and building number 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 must make a complete, unredacted copy of a filed campaign statement available to any person upon request.

J. The city clerk must post a copy of a document filed in paper format to the Internet within 72 hours of the applicable filing deadline. If the final day of the 72-hour period is a Saturday, Sunday, or holiday, the period is extended to the next day that is not a Saturday, Sunday, or holiday. The Internet posting must otherwise comply with the requirements of subsection (I). The posted document must remain available for four years from the date of the election associated with the filing.

K. The city clerk's office must maintain, for a period of at least 10 years commencing from the date filed, a secured, official version of each online campaign statement filed under this chapter, which will serve as the official version of the record for purposes of audits and any other legal purpose. After data has been maintained for at least 10 years, the city clerk may archive it in a secure format.

1.13.040 Penalties and enforcement.

Violations of this chapter are subject to the enforcement and penalty provisions of California Government Code Sections 91000-91014. Any person who knowingly or willfully violates any provision of this chapter is guilty of a misdemeanor. The San Diego County District Attorney is the civil and criminal prosecutor for this chapter.

1.13.050 Rules of construction.

The provisions of this chapter must be construed liberally in order to accomplish the intent and purposes of this chapter and the Act.

1.13.060 Severability.

If any portion of this chapter, or its application to particular persons or circumstances, is held to be invalid or unconstitutional by a final decision of a court of competent jurisdiction, the decision will not affect the validity of the remaining portions of this chapter or the application of this chapter to persons or circumstances not similarly situated.

EFFECTIVE DATE: This ordinance shall be effective thirty days after its adoption; and the City Clerk shall certify the adoption of this ordinance and cause the full text of the ordinance or a summary of the ordinance prepared by the City Attorney to be published at least once in a newspaper of general circulation in the City of Carlsbad within fifteen days after its adoption.

INTRODUCED AND FIRST READ at a Regular Meeting of the Carlsbad City Council on the 6th day of April, 2021, and thereafter

PASSED, APPROVED AND ADOPTED at a Regular Meeting of the City Council of the City of Carlsbad on the 13th day of April, 2021, by the following vote, to wit:

AYES: Hall, Blackburn, Acosta, Bhat-Patel.

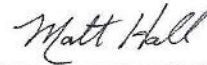
NAYS: None.

ABSENT: Schumacher.

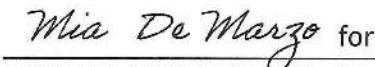
APPROVED AS TO FORM AND LEGALITY:



CELIA A. BREWER, City Attorney



MATT HALL, Mayor

 for

BARBARA ENGLESON, City Clerk

(SEAL)

