

ORDINANCE NO. 20-_____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CUPERTINO
ADDING CITY CODE SECTION 2.20.120 (ELECTRONIC FILING) TO TITLE 2
(ADMINISTRATION AND PERSONNEL)**

The City Council of the City of Cupertino finds that:

1. Government Code Section 84615 currently provides that a local agency may adopt an ordinance to require 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 (commencing with Section 84100 of the Government Code), except an elected officer, candidate, committee, or other person who receives contributions totaling less than \$1,000 and who makes independent expenditures totaling less than \$1,000 in a calendar year, to file those statements, reports, or other documents online or electronically with the local filing officer; and
2. The City has entered into an agreement with Granicus, a vendor approved by the California Secretary of State, to provide an online electronic filing system ("System") for campaign disclosure statements; and
3. The System will operate securely and effectively and will not unduly burden filers. Specifically: (1) the System will ensure the integrity of the data and includes safeguards against efforts to tamper with, manipulate, alter, or subvert the data; (2) the System will only accept a filing in the standardized record format developed by the Secretary of State and compatible with the Secretary of State's system for receiving an online or electronic filing; and (3) the System will be available free of charge to filers and to the public for viewing filings; and
4. The City of Cupertino wishes to amend Title 2 of the Cupertino Municipal Code (Administration and Personnel) to add a new Section relating to electronic filing of campaign and conflict of interest statements.

**NOW, THEREFORE, THE CITY COUNCIL OF THE OF CITY OF CUPERTINO
DOES ORDAIN AS FOLLOWS:**

SECTION 1. Adoption.

The Cupertino Municipal Code, Title 2, is hereby amended to add Section 2.20.120, to insert language shown in *italics* as shown below.

2.20.120 Electronic filing of campaign statements.

A. (a) Any elected officer, candidate, committee or other person required to file statements, reports or other documents required by Chapter 4 (commencing with Section 84100 of the Government Code), except an elected officer, candidate, committee or other person who receives contributions totaling less than one thousand dollars (\$1,000) and makes expenditures totaling less than one thousand dollars (\$1,000) in a calendar year, shall file those statements, reports or other documents online or electronically with the city clerk.

B. In any instance in which an original statement, report or other document must be filed with the California Secretary of State and a copy of that statement, report or other document is required to be filed with the city clerk, the filer may, but is not required to, file the copy electronically.

C. If the city clerk's electronic system is not capable of accepting a particular type of statement, report or other document, an elected officer, candidate, committee or other person shall file that document with the city clerk in an alternative format.

SECTION 2: Severability and Continuity.

The City Council declares that each section, sub-section, paragraph, sub-paragraph, sentence, clause and phrase of this ordinance is severable and independent of every other section, sub-section, paragraph, sub-paragraph, sentence, clause and phrase of this ordinance. If any section, sub-section, paragraph, sub-paragraph, sentence, clause or phrase of this ordinance is held invalid, or its application to any person or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, the City Council declares that it would have adopted the remaining provisions of this ordinance irrespective of such portion, and further declares its express intent that the remaining portions of this ordinance should remain in effect after the invalid portion has been eliminated. To the extent the provisions of this Ordinance are substantially the same as previous provisions of the Cupertino Municipal Code, these provisions shall be construed as continuations of those provisions and not as an amendment to or readoption of the earlier provisions.

SECTION 4: Effective Date.

This Ordinance shall take effect thirty days after adoption as provided by Government Code Section 36937.

SECTION 5: Publication.

The City Clerk shall give notice of adoption of this Ordinance as required by law. Pursuant to Government Code Section 36933, a summary of this Ordinance may be prepared by the City Clerk and published in lieu of publication of the entire text. The City Clerk shall post in the office of the City Clerk a certified copy of the full text of the Ordinance listing the names of the City Council members voting for and against the ordinance.

INTRODUCED at a regular meeting of the Cupertino City Council on July 7, 2020 and **ENACTED** at a regular meeting of the Cupertino City Council on _____, 2020 the following vote:

Vote Members of the City Council

AYES:

NOES:

ABSENT:

ABSTAIN:

SIGNED: _____ Steven Scharf, Mayor City of Cupertino	 _____ Date
ATTEST: _____ Kirsten Squarcia, City Clerk	 _____ Date
APPROVED AS TO FORM: _____ Heather Minner, City Attorney	 _____ Date