



Deborah Clark
Pinellas County Supervisor of Elections

COMMISSION AGENDA:

4.9.13 #29

TO: The Honorable Kenneth T. Welch, Chairman
The Honorable Members of the Board of County Commissioners

FROM: Deborah Clark, Supervisor of Elections *dc*

DATE: April 9, 2013

RE: Electronic Filing of Campaign Finance Reports

RECOMMENDATION:

I RECOMMEND THE BOARD OF COUNTY COMMISSIONERS APPROVE THE ATTACHED RESOLUTION PROVIDING FOR ELECTRONIC FILING OF CAMPAIGN FINANCE REPORTS FOR COUNTY AND SPECIAL DISTRICT CANDIDATES, POLITICAL COMMITTEES, COUNTY EXECUTIVE COMMITTEES AND OTHER PEOPLE OR ENTITIES REQUIRED TO FILE SUCH REPORTS WITH THE SUPERVISOR OF ELECTIONS.

DISCUSSION:

As a convenience for those filing, the entire campaign finance report will be filed electronically, eliminating the need to file a paper copy of the summary page with original signatures. Currently, the original summary page must be mailed or hand delivered to the Supervisor of Elections. Florida Statutes, section 106.07, authorizes the governing body of a political subdivision to, by ordinance or resolution, provide electronic filing requirements of its own officers and candidates not in conflict with state law. The State of Florida and some counties already require this electronic filing of campaign treasurer's reports. This resolution would bring the same requirement to Pinellas County for those candidates who qualify with the Supervisor of Elections. Additionally, it would apply to campaign finance reports of political committees, executive committees of political parties, and electioneering communications organizations.

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RESOLUTION _____

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PINELLAS COUNTY, FLORIDA, IMPLEMENTING THE PROVISIONS OF SECTION 106.07(2)(a)2., FLORIDA STATUTES, REQUIRING ELECTRONIC FILING OF CAMPAIGN FINANCE REPORTS OF COUNTY AND SPECIAL DISTRICT CANDIDATES, POLITICAL COMMITTEES, COUNTY EXECUTIVE COMMITTEES OF POLITICAL PARTIES AND OTHER PEOPLE OR ENTITIES REQUIRED TO FILE SUCH REPORTS WITH THE PINELLAS COUNTY SUPERVISOR OF ELECTIONS; ESTABLISHING AN ELECTRONIC FILING SYSTEM AND REQUIRING A WRITTEN ACKNOWLEDGEMENT REGARDING CERTAIN MATTERS PERTAINING TO THE ELECTRONIC FILING SYSTEM.

WHEREAS, in accordance with the provisions of Section 106.07(2)(a)2., Florida Statutes, the Board of County Commissioners of Pinellas County is authorized to require electronic filing of campaign finance reports, as provided for in Chapter 106, Florida Statutes, of candidates for elective office who are required to qualify for office with the Pinellas County Supervisor of Elections; and

WHEREAS, Section 106.07(3), Florida Statutes, requires the campaign finance reports specified in Chapter 106, Florida Statutes, of political committees that have registered with a County's Supervisor of Elections to be subject to the same filing conditions as established for the campaign finance reports of candidates for elective office within such county; and

WHEREAS, Section 106.29(1), Florida Statutes, requires the campaign finance reports specified in Chapter 106, Florida Statutes, of executive committees of political parties that have registered with a County's Supervisor of Elections to be subject to the same filing conditions as established for the campaign finance reports of candidates for elective office within such county; and

WHEREAS, Section 106.0705, Florida Statutes, requires electronic filing of campaign finance reports for candidates and committees who are required to file such forms with the State of Florida's Division of Elections; and

WHEREAS, Deborah Clark, Pinellas County Supervisor of Elections, has requested that the Board of County Commissioners adopt this Resolution so as to require electronic filing of campaign finance reports required to be filed with her office; and

WHEREAS, by the adoption of this resolution, the Board of County Commissioners of Pinellas County, Florida, intends to require the campaign finance reports of certain candidates for elective office within the County, of political committees registered within the County, and of county executive committees of political parties to be filed with the County's Supervisor of Elections electronically in accordance with the provisions of Sections 106.07(2)(a)2, 106.07(3), and 106.29, Florida Statutes, as well as any other persons or entities required by Chapter 106, Florida Statutes, to file such reports with the Supervisor of Elections.

NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners of Pinellas County, Florida:

SECTION 1. Electronic filing required. Pursuant to Sections 106.07(2)(a)2, 106.07(3), 106.29, 106.0703(1)(d) and 106.071(1), Florida Statutes, and upon request of the Pinellas County Supervisor of Elections, the Board hereby declares the following persons and committees are required to electronically file campaign finance reports:

- (a) Candidates for elective office within the County who are required by law to qualify with the Supervisor;
- (b) County executive committees of political parties, who are required by law to file any required reports with the Supervisor; and
- (c) Political committees that are required by law to file any required reports with the Supervisor.
- (d) Electioneering communications organizations who are required by law to file any required reports with the Supervisor; and
- (e) Each person who makes an independent expenditure as described in Section 106.071(1) who is required by law to file any required reports with the Supervisor; and
- (f) Any other person or entity required by law to file any required reports with the Supervisor.

SECTION 2. Electronic filing specifications. The Supervisor is authorized and directed to develop and establish an electronic filing system, inclusive of such uniform procedures and forms as may be necessary and appropriate for the implementation thereof. At a minimum, the electronic filing system shall satisfy the following requirements:

- (a) Be based on access by means of the Internet;
- (b) Be accessible by anyone with Internet access using standard web-browsing software;

- (c) Provide for direct entry of campaign finance information as well as upload of such information from campaign finance software certified by the Division of Elections;
- (d) Provide a method that prevents unauthorized access to electronic filing system functions;
- (e) Provide for the issuance of an electronic receipt to the person submitting a campaign finance report indicating and verifying that the same has been filed;
- (f) Include a conspicuous statement at or immediately following the log-in page that campaign finance reports must be completed and filed through the electronic filing system not later than midnight of the day required by law thereof, and that late-filed campaign finance reports are subject to the penalties prescribed under Section 106.07(8), 106.29(3), 106.0703(7) Florida Statutes; and
- (g) Include a conspicuous statement at the prompt for submitting a campaign finance report that the same is considered to be certified as to correctness by the candidate and the candidate's treasurer, in the case of a candidate, by the political committee's chair and political committee's treasurer, in the case of a political committee, by the executive committee's chair and executive committee's treasurer, in the case of an executive committee of a political party, and by the electioneering communications organization's treasurer in the case of an electioneering communications organization and that such persons are subject to the provisions of Section 106.07(5), 106.29(2), or 106.0703(4), Florida Statutes.

SECTION 3. Acknowledgement. The Supervisor shall require each person given a secure sign-on to the electronic filing system to sign a written statement on a form prepared by the Supervisor acknowledging the following:

- (a) Campaign finance reports must be completed and filed through the electronic filing system no later than midnight of the day required by law therefore.
- (b) Campaign finance reports not filed by midnight of the required day are deemed late-filed and are subject to the penalties prescribed under Section 106.07(8), 106.29(3) or 106.0703(7), Florida Statutes.
- (c) Campaign finance reports filed through the electronic filing system are considered to be certified as to the correctness within the meaning of Section 106.07(5), 106.29(2), or 106.0703(4) Florida Statutes, by the candidate and the candidate's treasurer, in the case of a candidate, the political committee's chair and the political committee's treasurer, in the case of a political committee, the county executive committee's chair and the executive committee's treasurer, in the case of an executive committee of a political party, and by the electioneering communications organization's treasurer in the case of an electioneering

communications organization and such persons are subject to the provisions of Section 106.07(5), 106.29(2), or 106.0703(4), Florida Statutes.

- (d) The person signing the statement is responsible for protecting the sign-on credentials from disclosure, and for all filing using such credentials, unless the person has notified the Supervisor that such credentials have been compromised.

SECTION 4. Alternative procedure. The Supervisor is authorized and required to develop and establish an alternate filing procedure for campaign finance reports in the event the electronic filing system is not operable.

SECTION 5. Effective Date. This Resolution shall become effective upon its adoption.

Commissioner _____ offered the foregoing resolution and moved its adoption, which was seconded by Commissioner _____ upon the roll call the vote was:

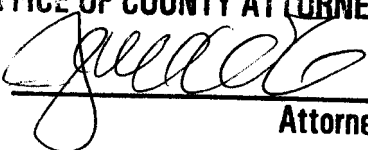
Ayes:

Nays:

Absent and not voting:

APPROVED AS TO FORM
OFFICE OF COUNTY ATTORNEY

By

A handwritten signature in black ink, appearing to be "J. [unclear]", written over a horizontal line.

Attorney