

**CITY OF EL PASO, TEXAS
AGENDA ITEM
DEPARTMENT HEAD'S SUMMARY FORM**

CITY CLERK DEPT.
2013 FEB -5 PM 5:51

DEPARTMENT: Municipal Clerk

AGENDA DATE: February 11, 2013

PUBLIC HEARING DATE: February 19, 2013

CONTACT PERSON NAME AND PHONE NUMBER: Richarda Duffy Momsen, Municipal Clerk

DISTRICT(S) AFFECTED: ALL

SUBJECT:

APPROVE a resolution / ordinance / lease to do what? **OR AUTHORIZE** the City Manager to do what? Be descriptive of what we want Council to approve. Include \$ amount if applicable.

Approve an amendment to the Ethics Ordinance, Title 2, Chapter 2.92.100 D to require electronic filing of campaign finance reports from candidates and office holders. The filer will attest to the truthfulness of the report when affixing the electronic signature.

An exception to allow for paper filing may be granted by the City Clerk to the candidate or office holder for the reasons cited in the ordinance, upon the filing of an affidavit.

BACKGROUND / DISCUSSION:

Discussion of the what, why, where, when, and how to enable Council to have reasonably complete description of the contemplated action. This should include attachment of bid tabulation, or ordinance or resolution if appropriate. What are the benefits to the City of this action? What are the citizen concerns?

This change was requested by some City Council members to allow electronic filing of campaign finance reports. The benefit to filers is that they will be able to file electronically without coming in person to the City Clerk's Office to submit their reports on the due dates. The benefit to the City Clerk's office will be to allow quicker receipt and uploading of reports to the web for public viewing.

A computer in the City Clerk's Office will be made available to any filer who requests to use it for this purpose.

PRIOR COUNCIL ACTION:

Has the Council previously considered this item or a closely related one?

No. This is new, adapting to the cultural movement to e-filing and transactions. It's a cyber world now.

AMOUNT AND SOURCE OF FUNDING:

How will this item be funded? Has the item been budgeted? If so, identify funding source by account numbers and description of account. Does it require a budget transfer?

There is no budgetary impact.

*****REQUIRED AUTHORIZATION*****

DEPARTMENT HEAD:



(If Department Head Summary Form is initiated by Purchasing, client department should sign also)

ORDINANCE NO. _____
AN ORDINANCE AMENDING TITLE 2 (ADMINISTRATION AND PERSONNEL), CHAPTER 2.92 (ETHICS), SECTION 2.92.100 (CAMPAIGN FINANCES), PARAGRAPH 2.92.100 (D) (REQUIRED FILINGS) TO REQUIRE ELECTRONIC FILING OF CAMPAIGN CONTRIBUTION AND EXPENDITURE REPORTS FILED WITH THE CITY CLERK'S OFFICE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That Title 2 (Administration and Personnel), Chapter 2.92 (Ethics), Section 2.92.100 (Campaign Finances)(D) is amended to allow electronic filing of campaign contribution and expenditure reports and will be amended in its entirety to read as follows:

Paragraph 2.92.100

D. Required Filings.

1. Each candidate shall file with his application, consent and affidavit of candidate, a written statement acknowledging that he or she has received a copy of this chapter.
2. A political committee which makes contributions or expenditures in connection with advocating or opposing a position or issue in a city election must file with the city clerk a copy of each contribution and expenditure report filed with the Texas Ethics Commission. The filing date for filing with the city clerk shall be the date established under the Texas Election Code for filing with the Texas Ethics Commission.
3. The starting and ending dates of reporting periods and the due dates of contribution and expenditure reports by candidates for city elections, officeholders and by political committees shall be governed by the Texas Election Code.
4. Contribution and expenditure reports required to be filed with the City Clerk's Office under the Texas Election Code must be filed and updated electronically except as provided in Section 2.92.100 (D)(4)(b).
 - a. The City will provide access to computer equipment for candidates to file the electronic reports.
 - b. A candidate, officeholder, or political committee that is required to file electronic reports under this chapter may apply for an exemption with the City Clerk if
 - i. the candidate, officeholder, or campaign treasurer of the committee files with the City Clerk's Office an affidavit stating that the candidate, officeholder, or committee, or a person with whom the candidate, officeholder, or committee contracts does not use computer equipment to keep the current records of political contributions, political

