

RESOLUTION 2013-40

A RESOLUTION OF THE CITY OF OCALA, FLORIDA, IMPLEMENTING THE PROVISIONS OF SECTION 106.07(2)(a)2., FLORIDA STATUTES, REQUIRING ELECTRONIC FILING OF CAMPAIGN FINANCE REPORTS OF LOCAL CANDIDATES AND POLITICAL COMMITTEES; ESTABLISHING AN ELECTRONIC FILING SYSTEM AND REQUIRING A WRITTEN ACKNOWLEDGEMENT REGARDING CERTAIN MATTERS PERTAINING TO THE ELECTRONIC FILING SYSTEM AND PROVIDING FOR EFFECTIVE DATE.

WHEREAS, in accordance with the provisions of Section 106.07(2)(a)2., Florida Statutes, the City Council of the City of Ocala is authorized to require electronic filing, as provided for in Chapter 106, Florida Statutes, of candidates for elective office required to qualify for office with the City Clerk of the City of Ocala; 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 the City Clerk to be subject to the same filing conditions as established for the campaign finance reports of candidates for elective office within such city; and

WHEREAS, the Marion County Supervisor of Elections has agreed to allow electronic filing of said campaign finance reports for City of Ocala elections with his office consistent with the requirements of Chapter 106, Florida Statutes; and

WHEREAS, by the adoption of this resolution, the City Council of the City of Ocala, Florida, intends to require the campaign finance reports of certain candidates for elective office within the City and of political committees registered within the City to be filed electronically with the City Clerk by means of the Marion County's Supervisor of Elections electronic filing system in accordance with the provisions of Sections 106.07(2)(a)2 and 106.07(3), Florida Statutes.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OCALA, FLORIDA, in regular session, as follows:

Section 1. Pursuant to the provisions of Section 106.07(2)(a)2, Florida Statutes, the following persons and committees are required to electronically file finance reports:

- (a) Candidates for elective office within the City who are required by law to qualify before the City Clerk;
- (b) Political committees that are required by law to qualify before the City Clerk.

Electronic filing required. Pursuant to Sections 106.07(2)(a)2 and 106.07(3), Florida Statutes, the City Council of the City of Ocala hereby establishes the requirement that each campaign finance report of candidates, political committees and officers must be filed with the City Clerk by means of the Supervisor of Elections' electronic filing system.

Section 2. Electronic filing specifications. The Marion County Supervisor of Elections 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;
- (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), 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 within the meaning of Section 106.07(5), Florida Statutes, by the candidate and the candidate's treasurer, in the case of a candidate, and by the political committee's chair and political committee's treasurer, in the case of a political committee, and that such persons are subject to the provisions of Section 106.07(5), Florida Statutes.

Section 3. Acknowledgement. The City Clerk 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 Marion County Supervisor of Elections 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), 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), Florida Statutes, by the candidate and the candidate's treasurer, in the case of a candidate, or by the political committee's chair and the political committee's treasurer, in the case of a political committee, and such persons are subject to the provisions of Section 106.07(5), 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 City Clerk that such credentials have been compromised.

Section 4. Alternative procedure. The Marion County Supervisor of Elections 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 approval by City Council.

This resolution adopted this 2 day of April, 2013.

CITY OF OCALA

By: Mary S Rich
Mary S. Rich
President, Ocala City Council

ATTEST:

By: Angel B. Jacobs
Angel B. Jacobs
City Clerk

Approved as to form and legality:

By: [Signature]
~~Patrick G. Gilligan~~
~~City Attorney~~

W. James Gooding III
Assistant City Attorney