

ASSEMBLY BILL

No. 1413

Introduced by Committee on Elections and Redistricting (Fong (Chair), Logue (Vice Chair), Bonilla, Hall, Mendoza, Swanson, and Valadao)

March 14, 2011

An act to amend Sections 81008, 83109, and 84211 of the Government Code, relating to the Political Reform Act of 1974.

LEGISLATIVE COUNSEL'S DIGEST

AB 1413, as introduced, Committee on Elections and Redistricting. Political Reform Act of 1974.

The Political Reform Act of 1974 requires that candidates for public office and committees file periodic campaign statements disclosing contributions received, expenditures made, and other specified information. If a campaign statement is filed by a candidate, the act requires that the statement identify the name, street address, and treasurer of any committee of which the candidate has knowledge that has received contributions or made expenditures on behalf of the candidate's candidacy, and whether the committee is controlled by the candidate. The act also requires that campaign statements be available for public inspection from 9 a.m. to 5 p.m. on the Saturday preceding a statewide primary or statewide general election at the offices of the Secretary of State, the Registrar-Recorder of Los Angeles County, the Registrar of Voters of San Diego County, and the Registrar of Voters of the City and County of San Francisco.

This bill would require that if a candidate files a campaign statement that identifies a committee that has received contributions or made expenditures on behalf of his or her candidacy, the statement shall

disclose the number assigned to the committee by the Secretary of State or, if no number has been assigned, the full name and street address of the treasurer of the committee. The bill would delete the requirement that campaign statements be available for public inspection on the Saturday preceding a statewide primary or general election at the Registrar-Recorder of Los Angeles County, the Registrar of Voters of San Diego County, and the Registrar of Voters of the City and County of San Francisco.

The bill also would make nonsubstantive changes to provisions regarding the applicability of civil service laws to the Fair Political Practices Commission.

Existing law makes a knowing or willful violation of the Political Reform Act of 1974 a misdemeanor and subjects offenders to criminal penalties.

This bill would impose a state-mandated local program by creating additional crimes.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act’s purposes upon a $\frac{2}{3}$ vote of each house and compliance with specified procedural requirements.

This bill would declare that it furthers the purposes of the act.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
 State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 81008 of the Government Code is
- 2 amended to read:
- 3 81008. (a) Every report and statement filed pursuant to this
- 4 title is a public record open for public inspection and reproduction
- 5 during regular business hours, commencing as soon as practicable,
- 6 but in any event not later than the second business day following
- 7 the day on which it was received. No conditions whatsoever shall
- 8 be imposed upon persons desiring to inspect or reproduce reports
- 9 and statements filed under this title, nor shall any information or

1 identification be required from these persons. Copies shall be
2 provided at a charge not to exceed ten cents (\$0.10) per page. In
3 addition, the filing officer may charge a retrieval fee not to exceed
4 five dollars (\$5) per request for copies of reports and statements
5 which are five or more years old. A request for more than one
6 report or statement or report and statement at the same time shall
7 be considered a single request.

8 (b) Campaign statements shall be open for public inspection
9 and reproduction from 9:00 a.m. to 5:00 p.m. on the Saturday
10 preceding a statewide primary or statewide general election in the
11 ~~offices~~ office of the Secretary of State, Registrar-Recorder of Los
12 Angeles County, Registrar of Voters of San Diego County, and
13 Registrar of Voters of the City and County of San Francisco.

14 SEC. 2. Section 83109 of the Government Code is amended
15 to read:

16 83109. For purposes of Section ~~18801~~ of the Government Code,
17 ~~no non-clerical 19818.6,~~ a *nonclerical* position under the
18 Commission shall *not* be included in the same class in the civil
19 service classification plan with any position of any other
20 department or agency.

21 SEC. 3. Section 84211 of the Government Code is amended
22 to read:

23 84211. Each campaign statement required by this article shall
24 contain all of the following information:

25 (a) The total amount of contributions received during the period
26 covered by the campaign statement and the total cumulative amount
27 of contributions received.

28 (b) The total amount of expenditures made during the period
29 covered by the campaign statement and the total cumulative amount
30 of expenditures made.

31 (c) The total amount of contributions received during the period
32 covered by the campaign statement from persons who have given
33 a cumulative amount of one hundred dollars (\$100) or more.

34 (d) The total amount of contributions received during the period
35 covered by the campaign statement from persons who have given
36 a cumulative amount of less than one hundred dollars (\$100).

37 (e) The balance of cash and cash equivalents on hand at the
38 beginning and the end of the period covered by the campaign
39 statement.

- 1 (f) If the cumulative amount of contributions (including loans)
- 2 received from a person is one hundred dollars (\$100) or more and
- 3 a contribution or loan has been received from that person during
- 4 the period covered by the campaign statement, all of the following:
 - 5 (1) His or her full name.
 - 6 (2) His or her street address.
 - 7 (3) His or her occupation.
 - 8 (4) The name of his or her employer; or, if self-employed, the
 - 9 name of the business.
 - 10 (5) The date and amount received for each contribution received
 - 11 during the period covered by the campaign statement and, if the
 - 12 contribution is a loan, the interest rate for the loan.
 - 13 (6) The cumulative amount of contributions.
- 14 (g) If the cumulative amount of loans received from or made to
- 15 a person is one hundred dollars (\$100) or more, and a loan has
- 16 been received from or made to a person during the period covered
- 17 by the campaign statement, or is outstanding during the period
- 18 covered by the campaign statement, all of the following:
 - 19 (1) His or her full name.
 - 20 (2) His or her street address.
 - 21 (3) His or her occupation.
 - 22 (4) The name of his or her employer; or, if self-employed, the
 - 23 name of the business.
 - 24 (5) The original date and amount of each loan.
 - 25 (6) The due date and interest rate of the loan.
 - 26 (7) The cumulative payment made or received to date at the end
 - 27 of the reporting period.
 - 28 (8) The balance outstanding at the end of the reporting period.
 - 29 (9) The cumulative amount of contributions.
- 30 (h) For each person, other than the filer, who is directly,
- 31 indirectly, or contingently liable for repayment of a loan received
- 32 or outstanding during the period covered by the campaign
- 33 statement, all of the following:
 - 34 (1) His or her full name.
 - 35 (2) His or her street address.
 - 36 (3) His or her occupation.
 - 37 (4) The name of his or her employer; or, if self-employed, the
 - 38 name of the business.
 - 39 (5) The amount of his or her maximum liability outstanding.

1 (i) The total amount of expenditures made during the period
2 covered by the campaign statement to persons who have received
3 one hundred dollars (\$100) or more.

4 (j) The total amount of expenditures made during the period
5 covered by the campaign statement to persons who have received
6 less than one hundred dollars (\$100).

7 (k) For each person to whom an expenditure of one hundred
8 dollars (\$100) or more has been made during the period covered
9 by the campaign statement, all of the following:

10 (1) His or her full name.

11 (2) His or her street address.

12 (3) The amount of each expenditure.

13 (4) A brief description of the consideration for which each
14 expenditure was made.

15 (5) In the case of an expenditure ~~which~~ *that* is a contribution to
16 a candidate, elected officer, or committee or an independent
17 expenditure to support or oppose a candidate or measure, in
18 addition to the information required in paragraphs (1) to (4) ~~above~~,
19 *inclusive*, the date of the contribution or independent expenditure,
20 the cumulative amount of contributions made to a candidate,
21 elected officer, or committee, or the cumulative amount of
22 independent expenditures made relative to a candidate or measure;
23 the full name of the candidate, and the office and district for which
24 he or she seeks nomination or election, or the number or letter of
25 the measure; and the jurisdiction in which the measure or candidate
26 is voted upon.

27 (6) The information required in paragraphs (1) to (4), inclusive,
28 for each person, if different from the payee, who has provided
29 consideration for an expenditure of five hundred dollars (\$500) or
30 more during the period covered by the campaign statement.

31 For purposes of subdivisions (i), (j), and (k) only, the terms
32 “expenditure” or “expenditures” mean any individual payment or
33 accrued expense, unless it is clear from surrounding circumstances
34 that a series of payments or accrued expenses are for a single
35 service or product.

36 (l) In the case of a controlled committee, an official committee
37 of a political party, or an organization formed or existing primarily
38 for political purposes, the amount and source of any miscellaneous
39 receipt.

1 (m) If a committee is listed pursuant to subdivision (f), (g), (h),
2 (k), (l), or ~~(q)~~ (p), the number assigned to the committee by the
3 Secretary of State shall be listed; or, if no number has been
4 assigned, the full name and street address of the treasurer of the
5 committee.

6 (n) In a campaign statement filed by a candidate who is a
7 candidate in both a state primary and general election, his or her
8 controlled committee, or a committee primarily formed to support
9 or oppose such a candidate, the total amount of contributions
10 received and the total amount of expenditures made for the period
11 January 1 through June 30 and the total amount of contributions
12 received and expenditures made for the period July 1 through
13 December 31.

14 (o) The full name, residential or business address, and telephone
15 number of the filer, or in the case of a campaign statement filed
16 by a committee defined by subdivision (a) of Section 82013, the
17 name, street address, and telephone number of the committee and
18 of the committee treasurer. In the case of a committee defined by
19 subdivision (b) or (c) of Section 82013, the name that the filer uses
20 on campaign statements shall be the name by which the filer is
21 identified for other legal purposes or any name by which the filer
22 is commonly known to the public.

23 (p) If the campaign statement is filed by a candidate, the name,
24 street address, and treasurer of any committee of which he or she
25 has knowledge ~~which~~ *that* has received contributions or made
26 expenditures on behalf of his or her candidacy, and whether the
27 committee is controlled by the candidate.

28 (q) A contribution need not be reported, nor shall it be deemed
29 accepted, if it is not cashed, negotiated, or deposited and is returned
30 to the contributor before the closing date of the campaign statement
31 on which the contribution would otherwise be reported.

32 (r) If a committee primarily formed for the qualification or
33 support of, or opposition to, an initiative or ballot measure is
34 required to report an expenditure to a business entity pursuant to
35 subdivision (k), and 50 percent or more of the business entity is
36 owned by a candidate or person controlling the committee, by an
37 officer or employee of the committee, or by a spouse of any of
38 these individuals, the committee's campaign statement shall also
39 contain, in addition to the information required by subdivision (k),
40 that person's name, the relationship of that person to the committee,

1 and a description of that person’s ownership interest or position
2 with the business entity.

3 (s) If a committee primarily formed for the qualification or
4 support of, or opposition to, an initiative or ballot measure is
5 required to report an expenditure to a business entity pursuant to
6 subdivision (k), and a candidate or person controlling the
7 committee, an officer or employee of the committee, or a spouse
8 of any of these individuals is an officer, partner, consultant, or
9 employee of the business entity, the committee’s campaign
10 statement shall also contain, in addition to the information required
11 by subdivision (k), that person’s name, the relationship of that
12 person to the committee, and a description of that person’s
13 ownership interest or position with the business entity.

14 (t) If the campaign statement is filed by a committee, as defined
15 in subdivision (b) or (c) of Section 82013, information sufficient
16 to identify the nature and interests of the filer, including:

17 (1) If the filer is an individual, the name and address of the
18 filer’s employer, if any, or his or her principal place of business
19 if the filer is self-employed, and a description of the business
20 activity in which the filer or his or her employer is engaged.

21 (2) If the filer is a business entity, a description of the business
22 activity in which it is engaged.

23 (3) If the filer is an industry, trade, or professional association,
24 a description of the industry, trade, or profession ~~which~~ *that* it
25 represents, including a specific description of any portion or faction
26 of the industry, trade, or profession ~~which~~ *that* the association
27 exclusively or primarily represents.

28 (4) If the filer is not an individual, business entity, or industry,
29 trade, or professional association, a statement of the person’s nature
30 and purposes, including a description of any industry, trade,
31 profession, or other group with a common economic interest ~~which~~
32 *that* the person principally represents or from which its membership
33 or financial support is principally derived.

34 SEC. 4. No reimbursement is required by this act pursuant to
35 Section 6 of Article XIII B of the California Constitution because
36 the only costs that may be incurred by a local agency or school
37 district will be incurred because this act creates a new crime or
38 infraction, eliminates a crime or infraction, or changes the penalty
39 for a crime or infraction, within the meaning of Section 17556 of
40 the Government Code, or changes the definition of a crime within

1 the meaning of Section 6 of Article XIII B of the California
2 Constitution.

3 SEC. 5. The Legislature finds and declares that this bill furthers
4 the purposes of the Political Reform Act of 1974 within the
5 meaning of subdivision (a) of Section 81012 of the Government
6 Code.

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