

AMENDED IN SENATE AUGUST 17, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1413**

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

March 14, 2011

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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 amended, 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.

*This bill would also incorporate additional changes in Section 84211 of the Government Code proposed by AB 1146, that would become operative only if AB 1146 and this bill are both chaptered and become effective on or before January 1, 2012, and this bill is chaptered last.*

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

1 during regular business hours, commencing as soon as practicable,  
2 but in any event not later than the second business day following  
3 the day on which it was received. No conditions whatsoever shall  
4 be imposed upon persons desiring to inspect or reproduce reports  
5 and statements filed under this title, nor shall any information or  
6 identification be required from these persons. Copies shall be  
7 provided at a charge not to exceed ten cents (\$0.10) per page. In  
8 addition, the filing officer may charge a retrieval fee not to exceed  
9 five dollars (\$5) per request for copies of reports and statements  
10 which are five or more years old. A request for more than one  
11 report or statement or report and statement at the same time shall  
12 be considered a single request.

13 (b) Campaign statements shall be open for public inspection  
14 and reproduction from 9 a.m. to 5 p.m. on the Saturday preceding  
15 a statewide primary or statewide general election in the office of  
16 the Secretary of State.

17 SEC. 2. Section 83109 of the Government Code is amended  
18 to read:

19 83109. For purposes of Section 19818.6, a nonclerical position  
20 under the Commission shall not be included in the same class in  
21 the civil service classification plan with any position of any other  
22 department or agency.

23 SEC. 3. Section 84211 of the Government Code is amended  
24 to read:

25 84211. Each campaign statement required by this article shall  
26 contain all of the following information:

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

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

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

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

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

1 (4) The name of his or her employer or, if self-employed, the  
2 name of the business.

3 (5) The amount of his or her maximum liability outstanding.

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

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

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

13 (1) His or her full name.

14 (2) His or her street address.

15 (3) The amount of each expenditure.

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

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

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

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

39 (l) In the case of a controlled committee, an official committee  
40 of a political party, or an organization formed or existing primarily

1 for political purposes, the amount and source of any miscellaneous  
2 receipt.

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

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

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

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

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

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

1 that person's name, the relationship of that person to the committee,  
2 and a description of that person's ownership interest or position  
3 with the business entity.

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

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

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

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

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

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

35 *SEC. 3.5. Section 84211 of the Government Code is amended*  
36 *to read:*

37 84211. Each campaign statement required by this article shall  
38 contain all of the following information:

- 1 (a) The total amount of contributions received during the period
- 2 covered by the campaign statement and the total cumulative amount
- 3 of contributions received.
- 4 (b) The total amount of expenditures made during the period
- 5 covered by the campaign statement and the total cumulative amount
- 6 of expenditures made.
- 7 (c) The total amount of contributions received during the period
- 8 covered by the campaign statement from persons who have given
- 9 a cumulative amount of ~~one~~ *two* hundred dollars ~~(\$100)~~ *(\$200)* or
- 10 more.
- 11 (d) The total amount of contributions received during the period
- 12 covered by the campaign statement from persons who have given
- 13 a cumulative amount of less than ~~one~~ *two* hundred dollars ~~(\$100)~~
- 14 *(\$200)*.
- 15 (e) The balance of cash and cash equivalents on hand at the
- 16 beginning and the end of the period covered by the campaign
- 17 statement.
- 18 (f) If the cumulative amount of contributions (including loans)
- 19 received from a person is ~~one~~ *two* hundred dollars ~~(\$100)~~ *(\$200)*
- 20 or more and a contribution or loan has been received from that
- 21 person during the period covered by the campaign statement, all
- 22 of the following:
  - 23 (1) His or her full name.
  - 24 (2) His or her street address.
  - 25 (3) His or her occupation.
  - 26 (4) The name of his or her employer; or, if self-employed, the
  - 27 name of the business.
  - 28 (5) The date and amount received for each contribution received
  - 29 during the period covered by the campaign statement and, if the
  - 30 contribution is a loan, the interest rate for the loan.
  - 31 (6) The cumulative amount of contributions.
- 32 (g) If the cumulative amount of loans received from or made to
- 33 a person is ~~one~~ *two* hundred dollars ~~(\$100)~~ *(\$200)* or more, and a
- 34 loan has been received from or made to a person during the period
- 35 covered by the campaign statement, or is outstanding during the
- 36 period covered by the campaign statement, all of the following:
  - 37 (1) His or her full name.
  - 38 (2) His or her street address.
  - 39 (3) His or her occupation.

- 1 (4) The name of his or her employer; or, if self-employed, the  
2 name of the business.
- 3 (5) The original date and amount of each loan.
- 4 (6) The due date and interest rate of the loan.
- 5 (7) The cumulative payment made or received to date at the end  
6 of the reporting period.
- 7 (8) The balance outstanding at the end of the reporting period.
- 8 (9) The cumulative amount of contributions.
- 9 (h) For each person, other than the filer, who is directly,  
10 indirectly, or contingently liable for repayment of a loan received  
11 or outstanding during the period covered by the campaign  
12 statement, all of the following:
- 13 (1) His or her full name.
- 14 (2) His or her street address.
- 15 (3) His or her occupation.
- 16 (4) The name of his or her employer; or, if self-employed, the  
17 name of the business.
- 18 (5) The amount of his or her maximum liability outstanding.
- 19 (i) The total amount of expenditures made during the period  
20 covered by the campaign statement to persons who have received  
21 ~~one~~ *two* hundred dollars ~~(\$100)~~ *(\$200)* or more.
- 22 (j) The total amount of expenditures made during the period  
23 covered by the campaign statement to persons who have received  
24 less than ~~one~~ *two* hundred dollars ~~(\$100)~~ *(\$200)*.
- 25 (k) For each person to whom an expenditure of ~~one~~ *two* hundred  
26 dollars ~~(\$100)~~ *(\$200)* or more has been made during the period  
27 covered by the campaign statement, all of the following:
- 28 (1) His or her full name.
- 29 (2) His or her street address.
- 30 (3) The amount of each expenditure.
- 31 (4) A brief description of the consideration for which each  
32 expenditure was made.
- 33 (5) In the case of an expenditure ~~which~~ *that* is a contribution to  
34 a candidate, elected officer, or committee or an independent  
35 expenditure to support or oppose a candidate or measure, in  
36 addition to the information required in paragraphs (1) to (4) ~~above~~,  
37 *inclusive*, the date of the contribution or independent expenditure,  
38 the cumulative amount of contributions made to a candidate,  
39 elected officer, or committee, or the cumulative amount of  
40 independent expenditures made relative to a candidate or measure;

1 the full name of the candidate, and the office and district for which  
2 he or she seeks nomination or election, or the number or letter of  
3 the measure; and the jurisdiction in which the measure or candidate  
4 is voted upon.

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

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

14 (l) In the case of a controlled committee, an official committee  
15 of a political party, or an organization formed or existing primarily  
16 for political purposes, the amount and source of any miscellaneous  
17 receipt.

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

23 (n) In a campaign statement filed by a candidate who is a  
24 candidate in both a state primary and general election, his or her  
25 controlled committee, or a committee primarily formed to support  
26 or oppose such a candidate, the total amount of contributions  
27 received and the total amount of expenditures made for the period  
28 January 1 ~~through~~ to June 30, *inclusive*, and the total amount of  
29 contributions received and expenditures made for the period July  
30 1 ~~through~~ to December 31, *inclusive*.

31 (o) The full name, residential or business address, and telephone  
32 number of the filer, or in the case of a campaign statement filed  
33 by a committee defined by subdivision (a) of Section 82013, the  
34 name, street address, and telephone number of the committee and  
35 of the committee treasurer. In the case of a committee defined by  
36 subdivision (b) or (c) of Section 82013, the name that the filer uses  
37 on campaign statements shall be the name by which the filer is  
38 identified for other legal purposes or any name by which the filer  
39 is commonly known to the public.

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

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

10 (r) If a committee primarily formed for the qualification or  
11 support of, or opposition to, an initiative or ballot measure is  
12 required to report an expenditure to a business entity pursuant to  
13 subdivision (k), and 50 percent or more of the business entity is  
14 owned by a candidate or person controlling the committee, by an  
15 officer or employee of the committee, or by a spouse of any of  
16 these individuals, the committee's campaign statement shall also  
17 contain, in addition to the information required by subdivision (k),  
18 that person's name, the relationship of that person to the committee,  
19 and a description of that person's ownership interest or position  
20 with the business entity.

21 (s) If a committee primarily formed for the qualification or  
22 support of, or opposition to, an initiative or ballot measure is  
23 required to report an expenditure to a business entity pursuant to  
24 subdivision (k), and a candidate or person controlling the  
25 committee, an officer or employee of the committee, or a spouse  
26 of any of these individuals is an officer, partner, consultant, or  
27 employee of the business entity, the committee's campaign  
28 statement shall also contain, in addition to the information required  
29 by subdivision (k), that person's name, the relationship of that  
30 person to the committee, and a description of that person's  
31 ownership interest or position with the business entity.

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

35 (1) If the filer is an individual, the name and address of the  
36 filer's employer, if any, or his or her principal place of business  
37 if the filer is self-employed, and a description of the business  
38 activity in which the filer or his or her employer is engaged.

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

1 (3) If the filer is an industry, trade, or professional association,  
 2 a description of the industry, trade, or profession—~~which~~ *that* it  
 3 represents, including a specific description of any portion or faction  
 4 of the industry, trade, or profession—~~which~~ *that* the association  
 5 exclusively or primarily represents.

6 (4) If the filer is not an individual, business entity, or industry,  
 7 trade, or professional association, a statement of the person’s nature  
 8 and purposes, including a description of any industry, trade,  
 9 profession, or other group with a common economic interest—~~which~~  
 10 *that* the person principally represents or from which its membership  
 11 or financial support is principally derived.

12 *SEC. 4. Section 3.5 of this bill incorporates amendments to*  
 13 *Section 84211 of the Government Code proposed by both this bill*  
 14 *and Assembly Bill 1146. It shall only become operative if (1) both*  
 15 *bills are enacted and become effective on or before January 1,*  
 16 *2012, (2) each bill amends Section 84211 of the Government Code,*  
 17 *and (3) this bill is enacted after Assembly Bill 1146, in which case*  
 18 *Section 3 of this bill shall not become operative.*

19 ~~SEC. 4.~~

20 *SEC. 5. No reimbursement is required by this act pursuant to*  
 21 *Section 6 of Article XIII B of the California Constitution because*  
 22 *the only costs that may be incurred by a local agency or school*  
 23 *district will be incurred because this act creates a new crime or*  
 24 *infraction, eliminates a crime or infraction, or changes the penalty*  
 25 *for a crime or infraction, within the meaning of Section 17556 of*  
 26 *the Government Code, or changes the definition of a crime within*  
 27 *the meaning of Section 6 of Article XIII B of the California*  
 28 *Constitution.*

29 ~~SEC. 5.~~

30 *SEC. 6. The Legislature finds and declares that this bill furthers*  
 31 *the purposes of the Political Reform Act of 1974 within the*  
 32 *meaning of subdivision (a) of Section 81012 of the Government*  
 33 *Code.*