

AMENDED IN ASSEMBLY MAY 31, 2013

AMENDED IN ASSEMBLY APRIL 30, 2013

AMENDED IN ASSEMBLY APRIL 15, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 45

**Introduced by Assembly Member Dickinson
(Principal coauthor: Assembly Member Skinner)
(Coauthor: Assembly Member Bonta)**

December 19, 2012

An act to amend Sections 81010, 82007, 82013, 82015, 84101, 84211, 84215, 84605, and 85201 of, and to add Sections 84215.5, 86119, and 90009 to, the Government Code, relating to the Political Reform Act of 1974.

LEGISLATIVE COUNSEL'S DIGEST

AB 45, as amended, Dickinson. Political Reform Act of 1974.

(1) The Political Reform Act of 1974 defines various terms for purposes of the reporting and disclosure requirements under the act.

The act defines the term “candidate” as including, in addition to other individuals, an officeholder who is the subject of a recall election. This definition also provides that an individual who becomes a candidate retains his or her status as a candidate until the time that this status is terminated.

This bill would revise this definition to provide that the term “candidate” includes any officeholder, regardless of whether he or she is the subject of a recall election, and would provide that a candidate retains that status until the time that he or she leaves office and the status is terminated.

The act defines a “committee” as any person or combination of persons who receives contributions or makes independent expenditures totaling \$1,000 or more in a calendar year.

This bill would increase the monetary threshold of contributions or independent expenditures that qualify a person or combination of persons as a committee to \$2,000. The bill also would make conforming changes.

(2) The act requires committees to file periodic campaign statements. The act requires that the campaign statements disclose certain information about contributors who have made aggregate contributions, as defined, of \$100 or more.

~~This bill would increase the monetary contribution threshold for requiring the disclosure of contributor information to \$200.~~ The bill would require the Fair Political Practices Commission to adopt regulations establishing reporting thresholds, with a minimum of \$500 and a maximum of \$2,500, for disclosure of contributions and expenditures, as specified, for a committee primarily formed to support or oppose a statewide ballot measure, and would authorize the Commission to adopt regulations to adjust these thresholds in any odd-numbered year after 2013 to reflect any increase or decrease in the Consumer Price Index, rounded to the nearest \$100.

This bill would revise the definition of “contribution” to include a payment to a multipurpose organization, as defined, made by a person who knows or has reason to know that the payment or portion of the payment will be used to make a contribution or an independent expenditure. The bill imposes a presumption that a donor has reason to know that his or her payment will be used to make a contribution or an independent expenditure if the recipient organization has made aggregate contributions or independent expenditures of \$2,000 or more within the calendar year in which the payment is made or four preceding calendar years or if the donor payment is \$50,000 or more, is made within the 6 months preceding the election, and the multipurpose organization makes a contribution or an independent expenditure of \$50,000 or more within the 6 months prior to the election.

(3) The act imposes specified duties on a filing officer with respect to reports and statements filed with that filing officer, including supplying the necessary forms and manuals and determining whether required documents have been filed and conform on their face with the requirements of the act.

This bill would additionally require a filing officer to immediately affix a date stamp to each statement of economic interests that the officer receives to reflect the date of receipt. By imposing additional duties on local officials, this bill would impose a state-mandated local program.

(4) The act requires that certain campaign statements be filed with the Secretary of State online or electronically. The act requires that persons filing campaign statements online or electronically also continue to file the statements in a paper format.

This bill would repeal the requirement that a person file a paper copy of a campaign statement that is filed with the Secretary of State online or electronically, except during such times as the online or electronic system operated by the Secretary of State is malfunctioning, unavailable, or otherwise not capable of receiving online or electronically filed campaign statements.

(5) The act is administered and enforced by the Fair Political Practices Commission.

This bill would authorize the Commission to seek injunctive relief in a superior court to compel disclosure consistent with the act, and would require a court to grant expedited review of an action filed pursuant to this provision, as specified.

(6) The act requires a lobbying firm and a lobbyist employer, as defined, to register and file periodic activity reports with the Secretary of State disclosing specified information. The act requires lobbyists, lobbying firms, and lobbyist employers to periodically report activity expenses, as defined.

This bill would require the Secretary of State to make these registration documents and reports that are filed with the Secretary of State available to the Commission, upon request by the Commission.

(7) The act makes a knowing or willful violation of its provisions a misdemeanor and subjects offenders to criminal penalties.

By expanding the scope of an existing crime, this bill would impose a state-mandated local program.

(8) 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 with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs

so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

(9) 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 81010 of the Government Code is
2 amended to read:

3 81010. With respect to reports and statements filed with him
4 or her pursuant to this title, the filing officer shall do all of the
5 following:

6 (a) Supply the necessary forms and manuals prescribed by the
7 Commission.

8 (b) Immediately affix a date stamp to each statement of
9 economic interests filed pursuant to Chapter 7 (commencing with
10 Section 87100) to reflect the date of receipt by the filing officer.

11 (c) Determine whether required documents have been filed and,
12 if so, whether they conform on their face with the requirements of
13 this title.

14 (d) Notify promptly all persons and known committees who
15 have failed to file a report or statement in the form and at the time
16 required by this title.

17 (e) Report apparent violations of this title to the appropriate
18 agencies.

19 (f) Compile and maintain a current list of all reports and
20 statements filed with this office.

21 SEC. 2. Section 82007 of the Government Code is amended
22 to read:

23 82007. "Candidate" means an individual who is listed on the
24 ballot, or who has qualified to have write-in votes on his or her
25 behalf counted by election officials, for nomination for or election
26 to an elective office, or who receives a contribution or makes an
27 expenditure or gives his or her consent for any other person to
28 receive a contribution or make an expenditure with a view to

1 bringing about his or her nomination or election to an elective
2 office, whether or not the specific elective office for which he or
3 she will seek nomination or election is known at the time the
4 contribution is received or the expenditure is made and whether
5 or not he or she has announced his or her candidacy or filed a
6 declaration of candidacy at that time. "Candidate" also includes
7 an officeholder. An individual who becomes a candidate shall
8 retain his or her status as a candidate until the time he or she leaves
9 office and his or her status as a candidate is terminated pursuant
10 to Section 84214. "Candidate" does not include a person within
11 the meaning of Section 301(b) of the Federal Election Campaign
12 Act of 1971.

13 SEC. 3. Section 82013 of the Government Code is amended
14 to read:

15 82013. "Committee" means any person or combination of
16 persons who directly or indirectly does any of the following:

17 (a) Receives contributions totaling two thousand dollars (\$2,000)
18 or more in a calendar year.

19 (b) Makes independent expenditures totaling two thousand
20 dollars (\$2,000) or more in a calendar year.

21 (c) Makes contributions totaling ten thousand dollars (\$10,000)
22 or more in a calendar year to or at the behest of candidates or
23 committees.

24 A person or combination of persons that becomes a committee
25 shall retain its status as a committee until such time as that status
26 is terminated pursuant to Section 84214.

27 SEC. 4. Section 82015 of the Government Code is amended
28 to read:

29 82015. (a) "Contribution" means a payment, a forgiveness of
30 a loan, a payment of a loan by a third party, or an enforceable
31 promise to make a payment except to the extent that full and
32 adequate consideration is received, unless it is clear from the
33 surrounding circumstances that it is not made for political purposes.

34 (b) (1) A payment made at the behest of a committee, as defined
35 in subdivision (a) of Section 82013, is a contribution to the
36 committee unless full and adequate consideration is received from
37 the committee for making the payment.

38 (2) A payment made at the behest of a candidate is a contribution
39 to the candidate unless the criteria in either subparagraph (A) or
40 (B) are satisfied:

1 (A) Full and adequate consideration is received from the
2 candidate.

3 (B) It is clear from the surrounding circumstances that the
4 payment was made for purposes unrelated to his or her candidacy
5 for elective office. The following types of payments are presumed
6 to be for purposes unrelated to a candidate's candidacy for elective
7 office:

8 (i) A payment made principally for personal purposes, in which
9 case it may be considered a gift under the provisions of Section
10 82028. Payments that are otherwise subject to the limits of Section
11 86203 are presumed to be principally for personal purposes.

12 (ii) A payment made by a state, local, or federal governmental
13 agency or by a nonprofit organization that is exempt from taxation
14 under Section 501(c)(3) of the Internal Revenue Code.

15 (iii) A payment not covered by clause (i), made principally for
16 legislative, governmental, or charitable purposes, in which case it
17 is neither a gift nor a contribution. However, payments of this type
18 that are made at the behest of a candidate who is an elected officer
19 shall be reported within 30 days following the date on which the
20 payment or payments equal or exceed five thousand dollars
21 (\$5,000) in the aggregate from the same source in the same
22 calendar year in which they are made. The report shall be filed by
23 the elected officer with the elected officer's agency and shall be
24 a public record subject to inspection and copying pursuant to
25 subdivision (a) of Section 81008. The report shall contain the
26 following information: name of payer, address of payer, amount
27 of the payment, date or dates the payment or payments were made,
28 the name and address of the payee, a brief description of the goods
29 or services provided or purchased, if any, and a description of the
30 specific purpose or event for which the payment or payments were
31 made. Once the five-thousand-dollar (\$5,000) aggregate threshold
32 from a single source has been reached for a calendar year, all
33 payments for the calendar year made by that source must be
34 disclosed within 30 days after the date the threshold was reached
35 or the payment was made, whichever occurs later. Within 30 days
36 after receipt of the report, state agencies shall forward a copy of
37 these reports to the Fair Political Practices Commission, and local
38 agencies shall forward a copy of these reports to the officer with
39 whom elected officers of that agency file their campaign
40 statements.

1 (C) For purposes of subparagraph (B), a payment is made for
2 purposes related to a candidate's candidacy for elective office if
3 all or a portion of the payment is used for election-related activities.
4 For purposes of this subparagraph, "election-related activities"
5 shall include, but are not limited to, the following:

6 (i) Communications that contain express advocacy of the
7 nomination or election of the candidate or the defeat of his or her
8 opponent.

9 (ii) Communications that contain reference to the candidate's
10 candidacy for elective office, the candidate's election campaign,
11 or the candidate's or his or her opponent's qualifications for
12 elective office.

13 (iii) Solicitation of contributions to the candidate or to third
14 persons for use in support of the candidate or in opposition to his
15 or her opponent.

16 (iv) Arranging, coordinating, developing, writing, distributing,
17 preparing, or planning of any communication or activity described
18 in clause (i), (ii), or (iii).

19 (v) Recruiting or coordinating campaign activities of campaign
20 volunteers on behalf of the candidate.

21 (vi) Preparing campaign budgets.

22 (vii) Preparing campaign finance disclosure statements.

23 (viii) Communications directed to voters or potential voters as
24 part of activities encouraging or assisting persons to vote if the
25 communication contains express advocacy of the nomination or
26 election of the candidate or the defeat of his or her opponent.

27 (D) A contribution made at the behest of a candidate for a
28 different candidate or to a committee not controlled by the
29 behesting candidate is not a contribution to the behesting candidate.

30 (3) A payment made at the behest of a member of the Public
31 Utilities Commission, made principally for legislative,
32 governmental, or charitable purposes, is not a contribution.
33 However, payments of this type shall be reported within 30 days
34 following the date on which the payment or payments equal or
35 exceed five thousand dollars (\$5,000) in the aggregate from the
36 same source in the same calendar year in which they are made.
37 The report shall be filed by the member with the Public Utilities
38 Commission and shall be a public record subject to inspection and
39 copying pursuant to subdivision (a) of Section 81008. The report
40 shall contain the following information: name of payer, address

1 of payer, amount of the payment, date or dates the payment or
2 payments were made, the name and address of the payee, a brief
3 description of the goods or services provided or purchased, if any,
4 and a description of the specific purpose or event for which the
5 payment or payments were made. Once the five-thousand-dollar
6 (\$5,000) aggregate threshold from a single source has been reached
7 for a calendar year, all payments for the calendar year made by
8 that source must be disclosed within 30 days after the date the
9 threshold was reached or the payment was made, whichever occurs
10 later. Within 30 days after receipt of the report, the Public Utilities
11 Commission shall forward a copy of these reports to the Fair
12 Political Practices Commission.

13 (c) "Contribution" includes the purchase of tickets for events
14 such as dinners, luncheons, rallies, and similar fundraising events;
15 the candidate's own money or property used on behalf of his or
16 her candidacy other than personal funds of the candidate used to
17 pay either a filing fee for a declaration of candidacy or a candidate
18 statement prepared pursuant to Section 13307 of the Elections
19 Code; the granting of discounts or rebates not extended to the
20 public generally or the granting of discounts or rebates by television
21 and radio stations and newspapers not extended on an equal basis
22 to all candidates for the same office; the payment of compensation
23 by any person for the personal services or expenses of any other
24 person if the services are rendered or expenses incurred on behalf
25 of a candidate or committee without payment of full and adequate
26 consideration.

27 (d) "Contribution" further includes any transfer of anything of
28 value received by a committee from another committee, unless
29 full and adequate consideration is received.

30 (e) "Contribution" does not include amounts received pursuant
31 to an enforceable promise to the extent those amounts have been
32 previously reported as a contribution. However, the fact that those
33 amounts have been received shall be indicated in the appropriate
34 campaign statement.

35 (f) "Contribution" does not include a payment made by an
36 occupant of a home or office for costs related to any meeting or
37 fundraising event held in the occupant's home or office if the costs
38 for the meeting or fundraising event are five hundred dollars (\$500)
39 or less.

1 (g) Notwithstanding the foregoing definition of “contribution,”
2 the term does not include volunteer personal services or payments
3 made by any individual for his or her own travel expenses if the
4 payments are made voluntarily without any understanding or
5 agreement that they shall be, directly or indirectly, repaid to him
6 or her.

7 (h) “Contribution” further includes the payment of public
8 moneys by a state or local governmental agency for a
9 communication to the public that satisfies both of the following:

10 (1) The communication expressly advocates the election or
11 defeat of a clearly identified candidate or the qualification, passage,
12 or defeat of a clearly identified measure, or, taken as a whole and
13 in context, unambiguously urges a particular result in an election.

14 (2) The communication is made at the behest of the affected
15 candidate or committee.

16 (i) (1) “Contribution” further includes a payment made to a
17 multipurpose organization if the donor knows or has reason to
18 know that the payment, or part of the payment, will be used to
19 make a contribution or an independent expenditure.

20 (2) For purposes of paragraph (1), a donor knows that a payment
21 to a multipurpose organization will be used to make a contribution
22 or an independent expenditure if the donor specifies that to be the
23 purpose for which the payment must be used or if the donor makes
24 the payment in response to a message or solicitation indicating the
25 multipurpose organization’s intent to make a contribution or an
26 independent expenditure.

27 (3) For purposes of paragraph (1), a donor is presumed to have
28 reason to know that a payment to a multipurpose organization will
29 be used to make a contribution or an independent expenditure if
30 the recipient multipurpose organization has made aggregate
31 contributions or independent expenditures of two thousand dollars
32 (\$2,000) or more during the calendar year in which the payment
33 is made or during any of the four preceding calendar years.

34 (4) For purposes of paragraph (1), a donor who makes an
35 aggregate payment of fifty thousand dollars (\$50,000) or more to
36 a multipurpose organization within the six months prior to an
37 election is presumed to have reason to know that the aggregate
38 payments will be used by the multipurpose organization to make
39 a contribution or an independent expenditure if the multipurpose
40 organization makes an aggregate contribution or independent

1 expenditure of fifty thousand dollars (\$50,000) or more to support
2 or oppose a candidate or ballot measure within the six months prior
3 to that election.

4 (5) A donor who makes a contribution described in paragraph
5 (1) shall be identified and reported by the multipurpose
6 organization receiving the contribution in accordance with
7 regulations adopted by the Commission.

8 (6) For purposes of this subdivision, “multipurpose organization”
9 means a nonprofit organization, a federal or out-of-state political
10 action committee, or a local club focusing on educational or social
11 activities.

12 SEC. 5. Section 84101 of the Government Code is amended
13 to read:

14 84101. (a) A committee that is a committee by virtue of
15 subdivision (a) of Section 82013 shall file a statement of
16 organization. The committee shall file the original of the statement
17 of organization with the Secretary of State and shall also file a
18 copy of the statement of organization with the local filing officer,
19 if any, with whom the committee is required to file the originals
20 of its campaign reports pursuant to Section 84215. The original
21 and copy of the statement of organization shall be filed within 10
22 days after the committee has qualified as a committee. The
23 Secretary of State shall assign a number to each committee that
24 files a statement of organization and shall notify the committee of
25 the number. The Secretary of State shall send a copy of statements
26 filed pursuant to this section to the county elections official of each
27 county that he or she deems appropriate. A county elections official
28 who receives a copy of a statement of organization from the
29 Secretary of State pursuant to this section shall send a copy of the
30 statement to the clerk of each city in the county that he or she
31 deems appropriate.

32 (b) In addition to filing the statement of organization as required
33 by subdivision (a), if a committee qualifies as a committee under
34 subdivision (a) of Section 82013 before the date of an election in
35 connection with which the committee is required to file preelection
36 statements, but after the closing date of the last campaign statement
37 required to be filed before the election pursuant to Section 84200.7,
38 84200.8, or 84200.9, the committee shall file, by facsimile
39 transmission, guaranteed overnight delivery, or personal delivery
40 within 24 hours of qualifying as a committee, the information

1 required to be reported in the statement of organization. The
2 information required by this subdivision shall be filed with the
3 filing officer with whom the committee is required to file the
4 originals of its campaign reports pursuant to Section 84215.

5 (c) If an independent expenditure committee qualifies as a
6 committee pursuant to subdivision (a) of Section 82013 during the
7 time period described in Section 82036.5 and makes independent
8 expenditures of one thousand dollars (\$1,000) or more to support
9 or oppose a candidate or candidates for office, the committee shall
10 file, by facsimile transmission, online transmission, guaranteed
11 overnight delivery, or personal delivery within 24 hours of
12 qualifying as a committee, the information required to be reported
13 in the statement of organization. The information required by this
14 section shall be filed with the filing officer with whom the
15 committee is required to file the original of its campaign reports
16 pursuant to Section 84215, and shall be filed at all locations
17 required for the candidate or candidates supported or opposed by
18 the independent expenditures. The filings required by this section
19 are in addition to filings that may be required by Sections 84203.5
20 and 84204.

21 (d) For purposes of this section, in calculating whether two
22 thousand dollars (\$2,000) in contributions has been received,
23 payments for a filing fee or for a statement of qualifications to
24 appear in a sample ballot shall not be included if these payments
25 have been made from the candidate's personal funds.

26 SEC. 6. Section 84211 of the Government Code is amended
27 to read:

28 84211. Each campaign statement required by this article shall
29 contain all of the following information:

30 (a) The total amount of contributions received during the period
31 covered by the campaign statement and the total cumulative amount
32 of contributions received.

33 (b) The total amount of expenditures made during the period
34 covered by the campaign statement and the total cumulative amount
35 of expenditures made.

36 (c) 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 ~~two~~ one hundred dollars ~~(\$200)~~ (\$100)
39 or more.

(d) The total amount of contributions received during the period covered by the campaign statement from persons who have given a cumulative amount of less than ~~two~~ *one* hundred dollars ~~(\$200)~~ *(\$100)*.

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

(f) If the cumulative amount of contributions (including loans) received from a person is ~~two~~ *one* hundred dollars ~~(\$200)~~ *(\$100)* or more and a contribution or loan has been received from that person during the period covered by the campaign statement, all of the following:

(1) His or her full name.

(2) His or her street address.

(3) His or her occupation.

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

(5) The date and amount received for each contribution received during the period covered by the campaign statement and, if the contribution is a loan, the interest rate for the loan.

(6) The cumulative amount of contributions.

(g) If the cumulative amount of loans received from or made to a person is ~~two~~ *one* hundred dollars ~~(\$200)~~ *(\$100)* or more, and a loan has been received from or made to a person during the period covered by the campaign statement, or is outstanding during the period covered by the campaign statement, all of the following:

(1) His or her full name.

(2) His or her street address.

(3) His or her occupation.

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

(5) The original date and amount of each loan.

(6) The due date and interest rate of the loan.

(7) The cumulative payment made or received to date at the end of the reporting period.

(8) The balance outstanding at the end of the reporting period.

(9) The cumulative amount of contributions.

(h) For each person, other than the filer, who is directly, indirectly, or contingently liable for repayment of a loan received

1 or outstanding during the period covered by the campaign
2 statement, all of the following:

3 (1) His or her full name.

4 (2) His or her street address.

5 (3) His or her occupation.

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

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

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

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

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

18 (1) His or her full name.

19 (2) His or her street address.

20 (3) The amount of each expenditure.

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

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

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

39 For purposes of subdivisions (i), (j), and (k) only, the term
40 “expenditure” or “expenditures” means any individual payment

1 or accrued expense, unless it is clear from surrounding
2 circumstances that a series of payments or accrued expenses are
3 for a single service or product.

4 (l) In the case of a controlled committee, an official committee
5 of a political party, or an organization formed or existing primarily
6 for political purposes, the amount and source of any miscellaneous
7 receipt.

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

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

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

29 (p) If the campaign statement is filed by a candidate, the name,
30 street address, and treasurer of any committee of which he or she
31 has knowledge which has received contributions or made
32 expenditures on behalf of his or her candidacy and whether the
33 committee is controlled by the candidate.

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

38 (r) If a committee primarily formed for the qualification or
39 support of, or opposition to, an initiative or ballot measure is
40 required to report an expenditure to a business entity pursuant to

subdivision (k) and 50 percent or more of the business entity is owned by a candidate or person controlling the committee, by an officer or employee of the committee, or by a spouse of any of these individuals, the committee's campaign statement shall also contain, in addition to the information required by subdivision (k), that person's name, the relationship of that person to the committee, and a description of that person's ownership interest or position with the business entity.

(s) (1) If a committee primarily formed for the qualification or support of, or opposition to, an initiative or ballot measure is required to report an expenditure to a business entity pursuant to subdivision (k), and a candidate or person controlling the committee, an officer or employee of the committee, or a spouse of any of these individuals is an officer, partner, consultant, or employee of the business entity, the committee's campaign statement shall also contain, in addition to the information required by subdivision (k), that person's name, the relationship of that person to the committee, and a description of that person's ownership interest or position with the business entity.

(2) For a committee primarily formed to support or oppose a statewide ballot measure, the reporting thresholds for disclosure of contributions, including loans, and expenditures specified in subdivisions (c), (d), (f), (g), (i), (j), and (k) shall be established in regulations adopted by the Commission and may be adjusted in regulations adopted by the Commission in any odd-numbered year after 2013 to reflect any increase or decrease in the Consumer Price Index, rounded to the nearest one hundred dollars (\$100). The thresholds established pursuant to this paragraph shall be not less than five hundred dollars (\$500) and not greater than two thousand five hundred dollars (\$2,500).

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

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

(2) If the filer is a business entity, a description of the business 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 that it represents,
3 including a specific description of any portion or faction of the
4 industry, trade, or profession that the association exclusively or
5 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 that
10 the person principally represents or from which its membership
11 or financial support is principally derived.

12 SEC. 7. Section 84215 of the Government Code is amended
13 to read:

14 84215. All candidates and elected officers and their controlled
15 committees, except as provided in subdivisions (d) and (e), shall
16 file one copy of the campaign statements required by Section 84200
17 with the elections official of the county in which the candidate or
18 elected official is domiciled, as defined in subdivision (b) of
19 Section 349 of the Elections Code. In addition, campaign
20 statements shall be filed at the following places:

21 (a) Statewide elected officers, including members of the State
22 Board of Equalization; Members of the Legislature; Supreme Court
23 justices, court of appeal justices, and superior court judges;
24 candidates for those offices and their controlled committees;
25 committees formed or existing primarily to support or oppose these
26 candidates, elected officers, justices and judges, or statewide
27 measures, or the qualification of state ballot measures; and all state
28 general purpose committees and filers not specified in subdivisions
29 (b) to (e), inclusive, shall file a campaign statement by online or
30 electronic means, as specified in Section 84605, and, if not required
31 to file the statement by online or electronic means, shall file the
32 original and one copy of the campaign statement in paper format
33 with the Secretary of State.

34 (b) Elected officers in jurisdictions other than legislative
35 districts, State Board of Equalization districts, or appellate court
36 districts that contain parts of two or more counties, candidates for
37 these offices, their controlled committees, and committees formed
38 or existing primarily to support or oppose candidates or local
39 measures to be voted upon in one of these jurisdictions shall file

1 the original and one copy with the elections official of the county
2 with the largest number of registered voters in the jurisdiction.

3 (c) County elected officers, candidates for these offices, their
4 controlled committees, committees formed or existing primarily
5 to support or oppose candidates or local measures to be voted upon
6 in any number of jurisdictions within one county, other than those
7 specified in subdivision (d), and county general purpose
8 committees shall file the original and one copy with the elections
9 official of the county.

10 (d) City elected officers, candidates for city office, their
11 controlled committees, committees formed or existing primarily
12 to support or oppose candidates or local measures to be voted upon
13 in one city, and city general purpose committees shall file the
14 original and one copy with the clerk of the city and are not required
15 to file with the local elections official of the county in which they
16 are domiciled.

17 (e) Elected members of the Board of Administration of the
18 Public Employees' Retirement System, elected members of the
19 Teachers' Retirement Board, candidates for these offices, their
20 controlled committees, and committees formed or existing
21 primarily to support or oppose these candidates or elected members
22 shall file the original and one copy with the Secretary of State, and
23 a copy shall be filed at the relevant board's office in Sacramento.
24 These elected officers, candidates, and committees need not file
25 with the elections official of the county in which they are
26 domiciled.

27 (f) Notwithstanding any other provision of this section, a
28 committee, candidate, or elected officer is not required to file more
29 than the original and one copy, or one copy, of a campaign
30 statement with any one county elections official or city clerk or
31 with the Secretary of State.

32 (g) If a committee is required to file campaign statements
33 required by Section 84200 or 84200.5 in places designated in
34 subdivisions (a) to (d), inclusive, it shall continue to file these
35 statements in those places, in addition to any other places required
36 by this title, until the end of the calendar year.

37 SEC. 8. Section 84215.5 is added to the Government Code, to
38 read:

1 84215.5. A statement or report filed with the Secretary of State
2 pursuant to this chapter shall be made available to the Commission
3 by the Secretary of State, upon request of the Commission.

4 SEC. 9. Section 84605 of the Government Code is amended
5 to read:

6 84605. (a) The following persons shall file online or
7 electronically with the Secretary of State:

8 (1) Any candidate, including superior court, appellate court,
9 and Supreme Court candidates and officeholders, committee, or
10 other persons who are required, pursuant to Chapter 4 (commencing
11 with Section 84100), to file statements, reports, or other documents
12 in connection with a state elective office or state measure, provided
13 that the total cumulative reportable amount of contributions
14 received, expenditures made, loans made, or loans received is
15 twenty-five thousand dollars (\$25,000) or more. In determining
16 the cumulative reportable amount, all controlled committees, as
17 defined by Section 82016, shall be included. For a committee
18 subject to this title prior to January 1, 2000, the beginning date for
19 calculating cumulative totals is January 1, 2000. For a committee
20 that is first subject to this title on or after January 1, 2000, the
21 beginning date for calculating cumulative totals is the date the
22 committee is first subject to this title. A committee, as defined in
23 subdivision (c) of Section 82013, shall file online or electronically
24 if it makes contributions of twenty-five thousand dollars (\$25,000)
25 or more in a calendar year.

26 (2) Any general purpose committees, as defined in Section
27 82027.5, including the general purpose committees of political
28 parties, and small contributor committees, as defined in Section
29 85203, that cumulatively receive contributions or make
30 expenditures totaling twenty-five thousand dollars (\$25,000) or
31 more to support or oppose candidates for any elective state office
32 or state measure. For a committee subject to this title prior to
33 January 1, 2000, the beginning date for calculating cumulative
34 totals is January 1, 2000. For a committee that first is subject to
35 this title on or after January 1, 2000, the beginning date for
36 calculating cumulative totals is the date the committee is first
37 subject to this title.

38 (3) Any slate mailer organization with cumulative reportable
39 payments received or made for the purposes of producing slate
40 mailers of twenty-five thousand dollars (\$25,000) or more. For a

1 slate mailer organization subject to this title prior to January 1,
2 2000, the beginning date for calculating cumulative totals is
3 January 1, 2000. For a slate mailer organization that first is subject
4 to this title on or after January 1, 2000, the beginning date for
5 calculating cumulative totals is the date the organization is first
6 subject to this title.

7 (4) Any lobbyist, lobbying firm, lobbyist employer, or other
8 persons required, pursuant to Chapter 6 (commencing with Section
9 86100), to file statements, reports, or other documents, provided
10 that the total amount of any category of reportable payments,
11 expenses, contributions, gifts, or other items is two thousand five
12 hundred dollars (\$2,500) or more in a calendar quarter.

13 (b) The Secretary of State shall also disclose on the Internet any
14 late contribution or late independent expenditure report, as defined
15 by Sections 84203 and 84204, respectively, not covered by
16 paragraph (1), (2), or (3) of subdivision (a) or any other provision
17 of law.

18 (c) Committees and other persons that are not required to file
19 online or electronically by this section may do so voluntarily.

20 (d) Once a person or entity is required to file online or
21 electronically, subject to subdivision (a) or (c), the person or entity
22 shall be required to file all subsequent reports online or
23 electronically.

24 (e) It shall be presumed that online or electronic filers file under
25 penalty of perjury.

26 (f) Persons filing online or electronically shall not be required
27 to continue to file required disclosure statements and reports in
28 paper format with the Secretary of State. However, an original
29 paper copy shall be filed with the Secretary of State during any
30 period of time for which the online or electronic system operated
31 by the Secretary of State is malfunctioning, unavailable, or
32 otherwise not capable of receiving online or electronically filed
33 disclosure statements and reports.

34 (g) The Secretary of State shall maintain at all times a secured,
35 official version of all original online and electronically filed
36 statements and reports required by this chapter. Upon determination
37 by the Secretary of State, pursuant to Section 84606, that the
38 system is operating securely and effectively, this online or
39 electronic version shall be the official version for audit and other
40 legal purposes.

1 (h) Except for statements related to a local elective office or a
2 local ballot measure filed by a candidate for local elective office
3 who is also a candidate for elective state office, a copy of a
4 statement, report, or other document filed by online or electronic
5 means with the Secretary of State shall not be filed with a local
6 filing officer.

7 SEC. 10. Section 85201 of the Government Code is amended
8 to read:

9 85201. (a) Upon the filing of the statement of intention
10 pursuant to Section 85200, the individual shall establish one
11 campaign contribution account at an office of a financial institution
12 located in the state.

13 (b) As required by subdivision (f) of Section 84102, a candidate
14 who raises contributions of two thousand dollars (\$2,000) or more
15 in a calendar year shall set forth the name and address of the
16 financial institution where the candidate has established a campaign
17 contribution account and the account number on the committee
18 statement of organization filed pursuant to Sections 84101 and
19 84103.

20 (c) All contributions or loans made to the candidate, to a person
21 on behalf of the candidate, or to the candidate's controlled
22 committee shall be deposited in the account.

23 (d) Any personal funds which will be utilized to promote the
24 election of the candidate shall be deposited in the account prior to
25 expenditure.

26 (e) All campaign expenditures shall be made from the account.

27 (f) Subdivisions (d) and (e) do not apply to a candidate's
28 payment for a filing fee and statement of qualifications from his
29 or her personal funds.

30 (g) This section does not apply to a candidate who will not
31 receive contributions and who makes expenditures from personal
32 funds of less than two thousand dollars (\$2,000) in a calendar year
33 to support his or her candidacy. For purposes of this section, a
34 candidate's payment for a filing fee and statement of qualifications
35 shall not be included in calculating the total expenditures made.

36 (h) An individual who raises contributions from others for his
37 or her campaign, but who raises or spends less than two thousand
38 dollars (\$2,000) in a calendar year, and does not qualify as a
39 committee under Section 82013, shall establish a campaign
40 contribution account pursuant to subdivision (a), but is not required

1 to file a committee statement of organization pursuant to Section
2 84101 or other statement of bank account information.

3 SEC. 11. Section 86119 is added to the Government Code, to
4 read:

5 86119. A registration or report filed with the Secretary of State
6 pursuant to this chapter shall be made available to the Commission
7 by the Secretary of State, upon request of the Commission.

8 SEC. 12. Section 90009 is added to the Government Code, to
9 read:

10 90009. (a) To further the purposes of this title, the Commission
11 may seek injunctive relief in a superior court to compel disclosure
12 consistent with this title.

13 (b) A court shall grant expedited review to an action filed
14 pursuant to subdivision (a) as follows:

15 (1) The court shall conduct an expedited hearing with an
16 opportunity for the defendant to respond.

17 (2) Briefs of the parties shall be required pursuant to an
18 expedited schedule.

19 (c) A superior or appellate court may, at its discretion, grant a
20 stay of an order granting relief pursuant to subdivision (a).

21 SEC. 13. No reimbursement is required by this act pursuant to
22 Section 6 of Article XIII B of the California Constitution for certain
23 costs that may be incurred by a local agency or school district
24 because, in that regard, this act creates a new crime or infraction,
25 eliminates a crime or infraction, or changes the penalty for a crime
26 or infraction, within the meaning of Section 17556 of the
27 Government Code, or changes the definition of a crime within the
28 meaning of Section 6 of Article XIII B of the California
29 Constitution.

30 However, if the Commission on State Mandates determines that
31 this act contains other costs mandated by the state, reimbursement
32 to local agencies and school districts for those costs shall be made
33 pursuant to Part 7 (commencing with Section 17500) of Division
34 4 of Title 2 of the Government Code.

35 SEC. 14. The Legislature finds and declares that this bill
36 furthers the purposes of the Political Reform Act of 1974 within
37 the meaning of subdivision (a) of Section 81012 of the Government
38 Code.

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