

AMENDED IN SENATE AUGUST 13, 2014

AMENDED IN ASSEMBLY MAY 1, 2014

AMENDED IN ASSEMBLY APRIL 8, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1666

Introduced by Assembly Member Garcia
(Coauthor: Assembly Member Gatto)
(Coauthor: Senator Padilla)

February 12, 2014

An act to amend Section 89513 of the Government Code, and to amend Section 86 of the Penal Code, relating to the Political Reform Act of 1974.

LEGISLATIVE COUNSEL'S DIGEST

AB 1666, as amended, Garcia. Political Reform Act of 1974: campaign funds: bribery fines.

Existing law, the Political Reform Act of 1974, provides for the comprehensive regulation of campaign financing and prohibits the use of campaign funds to pay or reimburse fines, penalties, judgments, or settlements, except as specified. Existing law makes a knowing or willful violation of the Political Reform Act of 1974 a misdemeanor and subjects offenders to criminal penalties.

Existing law subjects any member of the Legislature or any member of the legislative body of a city, county, city and county, school district, or other special district who asks for or receives a bribe in exchange for influence over his or her official action to imprisonment in a state prison and imposes prescribed restitution fines based on whether a bribe has actually been received.

This bill would incorporate additional changes to Section 89513 of the Government Code, proposed by AB 1692 and SB 831, that would become operative only if this bill and either or both of those bills are chaptered and become effective on or before January 1, 2015, and this bill is chaptered last.

This bill would increase the restitution fines to twice the original amount and prohibit the use of campaign funds to pay for the restitution fines. By introducing a new prohibition, the violation of which would be a misdemeanor, the bill would create a crime, thereby imposing a state-mandated local program.

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 89513 of the Government Code is
 2 amended to read:
 3 89513. This section governs the use of campaign funds for the
 4 specific expenditures set forth in this section. It is the intent of the
 5 Legislature that this section shall guide the interpretation of the
 6 standard imposed by Section 89512 as applied to other expenditures
 7 not specifically set forth in this section.
 8 (a) (1) Campaign funds shall not be used to pay or reimburse
 9 the candidate, the elected officer, or any individual or individuals
 10 with authority to approve the expenditure of campaign funds held
 11 by a committee, or employees or staff of the committee, or the
 12 elected officer’s governmental agency for travel expenses and
 13 necessary accommodations except when these expenditures are
 14 directly related to a political, legislative, or governmental purpose.

1 (2) For the purposes of this section, payments or reimbursements
2 for travel and necessary accommodations shall be considered as
3 directly related to a political, legislative, or governmental purpose
4 if the payments would meet standards similar to the standards of
5 the Internal Revenue Service pursuant to Sections 162 and 274 of
6 the Internal Revenue Code for deductions of travel expenses under
7 the federal income tax law.

8 (3) For the purposes of this section, payments or reimbursement
9 for travel by the household of a candidate or elected officer when
10 traveling to the same destination in order to accompany the
11 candidate or elected officer shall be considered for the same
12 purpose as the candidate's or elected officer's travel.

13 (4) Whenever campaign funds are used to pay or reimburse a
14 candidate, elected officer, his or her representative, or a member
15 of the candidate's household for travel expenses and necessary
16 accommodations, the expenditure shall be reported as required by
17 Section 84211.

18 (5) Whenever campaign funds are used to pay or reimburse for
19 travel expenses and necessary accommodations, any mileage credit
20 that is earned or awarded pursuant to an airline bonus mileage
21 program shall be deemed personally earned by or awarded to the
22 individual traveler. Neither the earning or awarding of mileage
23 credit, nor the redeeming of credit for actual travel, shall be subject
24 to reporting pursuant to Section 84211.

25 (b) (1) Campaign funds shall not be used to pay for or reimburse
26 the cost of professional services unless the services are directly
27 related to a political, legislative, or governmental purpose.

28 (2) Expenditures by a committee to pay for professional services
29 reasonably required by the committee to assist it in the performance
30 of its administrative functions are directly related to a political,
31 legislative, or governmental purpose.

32 (3) Campaign funds shall not be used to pay health-related
33 expenses for a candidate, elected officer, or any individual or
34 individuals with authority to approve the expenditure of campaign
35 funds held by a committee, or members of his or her household.
36 "Health-related expenses" includes, but is not limited to,
37 examinations by physicians, dentists, psychiatrists, psychologists,
38 or counselors, expenses for medications, treatments or medical
39 equipment, and expenses for hospitalization, health club dues, and
40 special dietary foods. However, campaign funds may be used to

1 pay employer costs of health care benefits of a bona fide employee
2 or independent contractor of the committee.

3 (c) (1) Campaign funds shall not be used to pay or reimburse
4 fines, penalties, judgments, or settlements, except those resulting
5 from either of the following:

6 (A) Parking citations incurred in the performance of an activity
7 that was directly related to a political, legislative, or governmental
8 purpose.

9 (B) Any other action for which payment of attorney’s fees from
10 contributions would be permitted pursuant to this title.

11 (2) Campaign funds shall not be used to pay a restitution fine
12 imposed under Section 86 of the Penal Code.

13 (d) Campaign funds shall not be used for campaign, business,
14 or casual clothing except specialty clothing that is not suitable for
15 everyday use, including, but not limited to, formal wear, if this
16 attire is to be worn by the candidate or elected officer and is directly
17 related to a political, legislative, or governmental purpose.

18 (e) (1) Except where otherwise prohibited by law, campaign
19 funds may be used to purchase or reimburse for the costs of
20 purchase of tickets to political fundraising events for the attendance
21 of a candidate, elected officer, or his or her immediate family, or
22 an officer, director, employee, or staff of the committee or the
23 elected officer’s governmental agency.

24 (2) Campaign funds shall not be used to pay for or reimburse
25 for the costs of tickets for entertainment or sporting events for the
26 candidate, elected officer, or members of his or her immediate
27 family, or an officer, director, employee, or staff of the committee,
28 unless their attendance at the event is directly related to a political,
29 legislative, or governmental purpose.

30 (3) The purchase of tickets for entertainment or sporting events
31 for the benefit of persons other than the candidate, elected officer,
32 or his or her immediate family are governed by subdivision (f).

33 (f) (1) Campaign funds shall not be used to make personal gifts
34 unless the gift is directly related to a political, legislative, or
35 governmental purpose. The refund of a campaign contribution
36 does not constitute the making of a gift.

37 (2) Nothing in this section shall prohibit the use of campaign
38 funds to reimburse or otherwise compensate a public employee
39 for services rendered to a candidate or committee while on
40 vacation, leave, or otherwise outside of compensated public time.

1 (3) An election victory celebration or similar campaign event,
2 or gifts with a total cumulative value of less than two hundred fifty
3 dollars (\$250) in a single year made to an individual employee, a
4 committee worker, or an employee of the elected officer's agency,
5 are considered to be directly related to a political, legislative, or
6 governmental purpose. For purposes of this paragraph, a gift to a
7 member of a person's immediate family shall be deemed to be a
8 gift to that person.

9 (g) Campaign funds shall not be used to make loans other than
10 to organizations pursuant to Section 89515, or, unless otherwise
11 prohibited, to a candidate for elective office, political party, or
12 committee.

13 *SEC. 1.1. Section 89513 of the Government Code is amended*
14 *to read:*

15 89513. This section governs the use of campaign funds for the
16 specific expenditures set forth in this section. It is the intent of the
17 Legislature that this section shall guide the interpretation of the
18 standard imposed by Section 89512 as applied to other expenditures
19 not specifically set forth in this section.

20 (a) (1) Campaign funds shall not be used to pay or reimburse
21 the candidate, the elected officer, or any individual or individuals
22 with authority to approve the expenditure of campaign funds held
23 by a committee, or employees or staff of the committee or the
24 elected officer's governmental agency for travel expenses and
25 necessary accommodations except when these expenditures are
26 directly related to a political, legislative, or governmental purpose.

27 (2) For the purposes of this section, payments or reimbursements
28 for travel and necessary accommodations shall be considered as
29 directly related to a political, legislative, or governmental purpose
30 if the payments would meet standards similar to the standards of
31 the Internal Revenue Service pursuant to Sections 162 and 274 of
32 the Internal Revenue Code for deductions of travel expenses under
33 the federal income tax law.

34 (3) For the purposes of this section, payments or reimbursement
35 for travel by the household of a candidate or elected officer when
36 traveling to the same destination in order to accompany the
37 candidate or elected officer shall be considered for the same
38 purpose as the candidate's or elected officer's travel.

39 (4) Whenever campaign funds are used to pay or reimburse a
40 candidate, elected officer, his or her representative, or a member

1 of the candidate’s household for travel expenses and necessary
 2 accommodations, the expenditure shall be reported as required by
 3 Section 84211.

4 (5) Whenever campaign funds are used to pay or reimburse for
 5 travel expenses and necessary accommodations, any mileage credit
 6 that is earned or awarded pursuant to an airline bonus mileage
 7 program shall be deemed personally earned by or awarded to the
 8 individual traveler. Neither the earning or awarding of mileage
 9 credit, nor the redeeming of credit for actual travel, shall be subject
 10 to reporting pursuant to Section 84211.

11 (b) (1) Campaign funds shall not be used to pay for or reimburse
 12 the cost of professional services unless the services are directly
 13 related to a political, legislative, or governmental purpose.

14 (2) Expenditures by a committee to pay for professional services
 15 reasonably required by the committee to assist it in the performance
 16 of its administrative functions are directly related to a political,
 17 legislative, or governmental purpose.

18 (3) Campaign funds shall not be used to pay health-related
 19 expenses for a candidate, elected officer, or any individual or
 20 individuals with authority to approve the expenditure of campaign
 21 funds held by a committee, or members of his or her household.
 22 “Health-related expenses” includes, but is not limited to,
 23 examinations by physicians, dentists, psychiatrists, psychologists,
 24 or counselors, expenses for medications, treatments or medical
 25 equipment, and expenses for hospitalization, health club dues, and
 26 special dietary foods. However, campaign funds may be used to
 27 pay employer costs of health care benefits of a bona fide employee
 28 or independent contractor of the committee.

29 (c) (1) Campaign funds shall not be used to pay or reimburse
 30 fines, penalties, judgments, or settlements, except those resulting
 31 from either of the following:

32 ~~(1)~~

33 (A) Parking citations incurred in the performance of an activity
 34 that was directly related to a political, legislative, or governmental
 35 purpose.

36 ~~(2)~~

37 (B) Any other action for which payment of attorney’s fees from
 38 contributions would be permitted pursuant to this title. *However,*
 39 *campaign funds shall not be used to pay a fine, penalty, judgment,*

1 *or settlement relating to an expenditure of campaign funds that*
2 *resulted in either of the following:*

3 *(i) A personal benefit to the candidate or officer if it is*
4 *determined that the expenditure was not reasonably related to a*
5 *political, legislative, or governmental purpose.*

6 *(ii) A substantial personal benefit to the candidate or officer if*
7 *it is determined that the expenditure was not directly related to a*
8 *political, legislative, or governmental purpose.*

9 *(2) Campaign funds shall not be used to pay a restitution fine*
10 *imposed under Section 86 of the Penal Code.*

11 (d) Campaign funds shall not be used for campaign, business,
12 or casual clothing except specialty clothing that is not suitable for
13 everyday use, including, but not limited to, formal wear, if this
14 attire is to be worn by the candidate or elected officer and is directly
15 related to a political, legislative, or governmental purpose.

16 (e) (1) Except where otherwise prohibited by law, campaign
17 funds may be used to purchase or reimburse for the costs of
18 purchase of tickets to political fundraising events for the attendance
19 of a candidate, elected officer, or his or her immediate family, or
20 an officer, director, employee, or staff of the committee or the
21 elected officer's governmental agency.

22 (2) Campaign funds shall not be used to pay for or reimburse
23 for the costs of tickets for entertainment or sporting events for the
24 candidate, elected officer, or members of his or her immediate
25 family, or an officer, director, employee, or staff of the committee,
26 unless their attendance at the event is directly related to a political,
27 legislative, or governmental purpose.

28 (3) The purchase of tickets for entertainment or sporting events
29 for the benefit of persons other than the candidate, elected officer,
30 or his or her immediate family are governed by subdivision (f).

31 (f) (1) Campaign funds shall not be used to make personal gifts
32 unless the gift is directly related to a political, legislative, or
33 governmental purpose. The refund of a campaign contribution
34 does not constitute the making of a gift.

35 (2) Nothing in this section shall prohibit the use of campaign
36 funds to reimburse or otherwise compensate a public employee
37 for services rendered to a candidate or committee while on
38 vacation, leave, or otherwise outside of compensated public time.

39 (3) An election victory celebration or similar campaign event,
40 or gifts with a total cumulative value of less than two hundred fifty

1 dollars (\$250) in a single year made to an individual employee, a
2 committee worker, or an employee of the elected officer’s agency,
3 are considered to be directly related to a political, legislative, or
4 governmental purpose. For purposes of this paragraph, a gift to a
5 member of a person’s immediate family shall be deemed to be a
6 gift to that person.

7 (g) Campaign funds shall not be used to make loans other than
8 to organizations pursuant to Section 89515, or, unless otherwise
9 prohibited, to a candidate for elective office, political party, or
10 committee.

11 *SEC. 1.2. Section 89513 of the Government Code is amended*
12 *to read:*

13 89513. This section governs the use of campaign funds for the
14 specific expenditures set forth in this section. It is the intent of the
15 Legislature that this section ~~shall~~ guide the interpretation of the
16 standard imposed by Section 89512 as applied to other expenditures
17 not specifically set forth in this section.

18 (a) (1) Campaign funds shall not be used to pay or reimburse
19 ~~the a~~ candidate, ~~the~~ elected officer, or any individual or individuals
20 with authority to approve the expenditure of campaign funds held
21 by a committee, or employees or staff of the committee or the
22 elected officer’s governmental ~~agency~~ *agency*, for travel expenses
23 and necessary ~~accommodations~~ *accommodations*, except when
24 these expenditures are directly related to a political, legislative, or
25 governmental purpose.

26 (2) ~~For~~ the purposes of this section, payments or reimbursements
27 for travel and necessary accommodations shall be considered as
28 directly related to a political, legislative, or governmental purpose
29 if the payments would meet standards similar to the standards of
30 the Internal Revenue Service pursuant to Sections 162 and 274 of
31 the Internal Revenue Code for deductions of travel expenses under
32 the federal income tax law.

33 (3) ~~For~~ the purposes of this section, payments or reimbursement
34 for travel by the household of a candidate or elected officer when
35 traveling to the same destination in order to accompany the
36 candidate or elected officer shall be considered for the same
37 purpose as the candidate’s or elected officer’s travel.

38 (4) ~~Whenever~~ *If* campaign funds are used to pay or reimburse
39 a candidate, elected officer, his or her representative, or a member
40 of the candidate’s household for travel expenses and necessary

1 accommodations, the expenditure shall be reported as required by
2 Section 84211.

3 (5) ~~Whenever~~*If* campaign funds are used to pay or reimburse
4 for travel expenses and necessary accommodations, any mileage
5 credit that is earned or awarded pursuant to an airline bonus
6 mileage program shall be deemed personally earned by or awarded
7 to the individual traveler. Neither the earning or awarding of
8 mileage credit, nor the redeeming of credit for actual travel, shall
9 be subject to reporting pursuant to Section 84211.

10 (6) *Campaign funds shall not be used to make a payment for a*
11 *personal vacation for a candidate; elected officer; immediate*
12 *family member of a candidate or elected officer; or an officer,*
13 *director, employee, or member of the staff of a candidate, elected*
14 *officer, or committee.*

15 (b) (1) Campaign funds shall not be used to pay for or reimburse
16 the cost of professional services unless the services are directly
17 related to a political, legislative, or governmental purpose.

18 (2) Expenditures by a committee to pay for professional services
19 reasonably required by the committee to assist it in the performance
20 of its administrative functions are directly related to a political,
21 legislative, or governmental purpose.

22 (3) Campaign funds shall not be used to pay health-related
23 expenses for a candidate, elected officer, or any individual or
24 individuals with authority to approve the expenditure of campaign
25 funds held by a committee, or members of his or her household.
26 “Health-related expenses” includes, but is not limited to,
27 examinations by physicians, dentists, psychiatrists, psychologists,
28 or ~~counselors~~, *counselors*; expenses for medications, ~~treatments~~
29 *treatments*, or medical ~~equipment~~, *equipment*; and expenses for
30 ~~hospitalization, health club dues~~, *hospitalization* and special dietary
31 foods. However, campaign funds may be used to pay employer
32 costs of health care benefits of a bona fide employee or independent
33 contractor of the committee.

34 (4) *Campaign funds shall not be used to make a payment for*
35 *membership dues for a country club, health club, or other*
36 *recreational facility.*

37 (5) *Campaign funds shall not be used to make tuition payments,*
38 *unless the payments are directly related to a political, legislative,*
39 *or governmental purpose.*

1 (c) (1) Campaign funds shall not be used to pay or reimburse
 2 fines, penalties, judgments, or settlements, except those resulting
 3 from either of the following:

4 ~~(1)~~

5 (A) Parking citations incurred in the performance of an activity
 6 that was directly related to a political, legislative, or governmental
 7 purpose.

8 ~~(2)~~

9 (B) Any other action for which payment of attorney’s fees from
 10 contributions would be permitted pursuant to this title.

11 (2) *Campaign funds shall not be used to pay a restitution fine*
 12 *imposed under Section 86 of the Penal Code.*

13 ~~(d) Campaign funds shall not be used for campaign, business,~~
 14 ~~or casual clothing except specialty clothing that is not suitable for~~
 15 ~~everyday use, including, but not limited to, formal wear, if this~~
 16 ~~attire is to purchase clothing to be worn by the a candidate or~~
 17 ~~elected officer and is directly related to a political, legislative, or~~
 18 ~~governmental purpose officer.~~

19 (e) (1) Except where otherwise prohibited by law, campaign
 20 funds may be used to purchase or reimburse for the costs of
 21 purchase of tickets to political fundraising events for the attendance
 22 of a candidate, elected officer, or his or her immediate family, or
 23 an officer, director, employee, or staff of the committee or the
 24 elected officer’s governmental agency.

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 26 for the costs of tickets for entertainment or sporting events for the
 27 candidate, elected officer, or members of his or her immediate
 28 family, or an officer, director, employee, or staff of the committee,
 29 unless their attendance at the event is directly related to a political,
 30 legislative, or governmental purpose.

31 (3) The purchase of tickets for entertainment or sporting events
 32 for the benefit of persons other than the candidate, elected officer,
 33 or his or her immediate family are governed by subdivision (f).

34 (f) (1) Campaign funds shall not be used to make ~~personal gifts~~
 35 *a gift to a spouse, child, sibling, or parent of a candidate, elected*
 36 *officer, or other individual with authority to approve the*
 37 *expenditure of campaign funds held by a committee, except for a*
 38 *gift of nominal value that is substantially similar to a gift made to*
 39 *other persons and that is directly related to a political, legislative,*
 40 *or governmental purpose. Campaign funds shall not be used to*

1 *make personal gifts to any other person not described in this*
2 *paragraph unless the gift is directly related to a political,*
3 *legislative, or governmental purpose. The refund of a campaign*
4 *contribution does not constitute the making of a gift.*

5 (2) ~~Nothing in this section shall~~ *This section does not prohibit*
6 *the use of campaign funds to reimburse or otherwise compensate*
7 *a public employee for services rendered to a candidate or*
8 *committee while on vacation, leave, or otherwise outside of*
9 *compensated public time.*

10 (3) An election victory celebration or similar campaign event,
11 or gifts with a total cumulative value of less than two hundred fifty
12 dollars (\$250) in a single year made to an individual employee, a
13 committee worker, or an employee of the elected officer's agency,
14 are considered to be directly related to a political, legislative, or
15 governmental purpose. For purposes of this paragraph, a gift to a
16 member of a person's immediate family shall be deemed to be a
17 gift to that person.

18 (g) Campaign funds shall not be used to make loans other than
19 to organizations pursuant to Section 89515, or, unless otherwise
20 prohibited, to a candidate for elective office, political party, or
21 committee.

22 *SEC. 1.3. Section 89513 of the Government Code is amended*
23 *to read:*

24 89513. This section governs the use of campaign funds for the
25 specific expenditures set forth in this section. It is the intent of the
26 Legislature that this section ~~shall~~ guide the interpretation of the
27 standard imposed by Section 89512 as applied to other expenditures
28 not specifically set forth in this section.

29 (a) (1) Campaign funds shall not be used to pay or reimburse
30 ~~the a candidate, the~~ elected officer, or any individual or individuals
31 with authority to approve the expenditure of campaign funds held
32 by a committee, or employees or staff of the committee or the
33 elected officer's governmental ~~agency~~ *agency*, for travel expenses
34 and necessary ~~accommodations~~ *accommodations*, except when
35 these expenditures are directly related to a political, legislative, or
36 governmental purpose.

37 (2) ~~For the~~ purposes of this section, payments or reimbursements
38 for travel and necessary accommodations shall be considered as
39 directly related to a political, legislative, or governmental purpose
40 if the payments would meet standards similar to the standards of

1 the Internal Revenue Service pursuant to Sections 162 and 274 of
 2 the Internal Revenue Code for deductions of travel expenses under
 3 the federal income tax law.

4 (3) For the purposes of this section, payments or reimbursement
 5 for travel by the household of a candidate or elected officer when
 6 traveling to the same destination in order to accompany the
 7 candidate or elected officer shall be considered for the same
 8 purpose as the candidate's or elected officer's travel.

9 (4) ~~Whenever~~ If campaign funds are used to pay or reimburse
 10 a candidate, elected officer, his or her representative, or a member
 11 of the candidate's household for travel expenses and necessary
 12 accommodations, the expenditure shall be reported as required by
 13 Section 84211.

14 (5) ~~Whenever~~ If campaign funds are used to pay or reimburse
 15 for travel expenses and necessary accommodations, any mileage
 16 credit that is earned or awarded pursuant to an airline bonus
 17 mileage program shall be deemed personally earned by or awarded
 18 to the individual traveler. Neither the earning or awarding of
 19 mileage credit, nor the redeeming of credit for actual travel, shall
 20 be subject to reporting pursuant to Section 84211.

21 (6) *Campaign funds shall not be used to make a payment for a*
 22 *personal vacation for a candidate; elected officer; immediate*
 23 *family member of a candidate or elected officer; or an officer,*
 24 *director, employee, or member of the staff of a candidate, elected*
 25 *officer, or committee.*

26 (b) (1) Campaign funds shall not be used to pay for or reimburse
 27 the cost of professional services unless the services are directly
 28 related to a political, legislative, or governmental purpose.

29 (2) Expenditures by a committee to pay for professional services
 30 reasonably required by the committee to assist it in the performance
 31 of its administrative functions are directly related to a political,
 32 legislative, or governmental purpose.

33 (3) Campaign funds shall not be used to pay health-related
 34 expenses for a candidate, elected officer, or any individual or
 35 individuals with authority to approve the expenditure of campaign
 36 funds held by a committee, or members of his or her household.
 37 "Health-related expenses" includes, but is not limited to,
 38 examinations by physicians, dentists, psychiatrists, psychologists,
 39 or ~~counselors~~, *counselors*; expenses for medications, ~~treatments~~
 40 *treatments*, or medical ~~equipment~~, *equipment*; and expenses for

1 ~~hospitalization, health club dues, hospitalization~~ and special dietary
2 foods. However, campaign funds may be used to pay employer
3 costs of health care benefits of a bona fide employee or independent
4 contractor of the committee.

5 (4) *Campaign funds shall not be used to make a payment for*
6 *membership dues for a country club, health club, or other*
7 *recreational facility.*

8 (5) *Campaign funds shall not be used to make tuition payments,*
9 *unless the payments are directly related to a political, legislative,*
10 *or governmental purpose.*

11 (c) (1) Campaign funds shall not be used to pay or reimburse
12 fines, penalties, judgments, or settlements, except those resulting
13 from either of the following:

14 ~~(1)~~

15 (A) Parking citations incurred in the performance of an activity
16 that was directly related to a political, legislative, or governmental
17 purpose.

18 ~~(2)~~

19 (B) Any other action for which payment of attorney's fees from
20 contributions would be permitted pursuant to this title. *However,*
21 *campaign funds shall not be used to pay a fine, penalty, judgment,*
22 *or settlement relating to an expenditure of campaign funds that*
23 *resulted in either of the following:*

24 (i) *A personal benefit to the candidate or officer if it is*
25 *determined that the expenditure was not reasonably related to a*
26 *political, legislative, or governmental purpose.*

27 (ii) *A substantial personal benefit to the candidate or officer if*
28 *it is determined that the expenditure was not directly related to a*
29 *political, legislative, or governmental purpose.*

30 (2) *Campaign funds shall not be used to pay a restitution fine*
31 *imposed under Section 86 of the Penal Code.*

32 (d) Campaign funds shall not be used for ~~campaign, business,~~
33 ~~or casual clothing except specialty clothing that is not suitable for~~
34 ~~everyday use, including, but not limited to, formal wear, if this~~
35 ~~attire is to purchase clothing to be worn by the a candidate or~~
36 ~~elected officer and is directly related to a political, legislative, or~~
37 ~~governmental purpose officer.~~

38 (e) (1) Except where otherwise prohibited by law, campaign
39 funds may be used to purchase or reimburse for the costs of
40 purchase of tickets to political fundraising events for the attendance

1 of a candidate, elected officer, or his or her immediate family, or
2 an officer, director, employee, or staff of the committee or the
3 elected officer’s governmental agency.

4 (2) Campaign funds shall not be used to pay for or reimburse
5 for the costs of tickets for entertainment or sporting events for the
6 candidate, elected officer, or members of his or her immediate
7 family, or an officer, director, employee, or staff of the committee,
8 unless their attendance at the event is directly related to a political,
9 legislative, or governmental purpose.

10 (3) The purchase of tickets for entertainment or sporting events
11 for the benefit of persons other than the candidate, elected officer,
12 or his or her immediate family are governed by subdivision (f).

13 (f) (1) Campaign funds shall not be used to make ~~personal gifts~~
14 *a gift to a spouse, child, sibling, or parent of a candidate, elected*
15 *officer, or other individual with authority to approve the*
16 *expenditure of campaign funds held by a committee, except for a*
17 *gift of nominal value that is substantially similar to a gift made to*
18 *other persons and that is directly related to a political, legislative,*
19 *or governmental purpose. Campaign funds shall not be used to*
20 *make personal gifts to any other person not described in this*
21 *paragraph unless the gift is directly related to a political,*
22 *legislative, or governmental purpose. The refund of a campaign*
23 *contribution does not constitute the making of a gift.*

24 (2) ~~Nothing in this section shall~~ *This section does not* prohibit
25 the use of campaign funds to reimburse or otherwise compensate
26 a public employee for services rendered to a candidate or
27 committee while on vacation, leave, or otherwise outside of
28 compensated public time.

29 (3) An election victory celebration or similar campaign event,
30 or gifts with a total cumulative value of less than two hundred fifty
31 dollars (\$250) in a single year made to an individual employee, a
32 committee worker, or an employee of the elected officer’s agency,
33 are considered to be directly related to a political, legislative, or
34 governmental purpose. For purposes of this paragraph, a gift to a
35 member of a person’s immediate family shall be deemed to be a
36 gift to that person.

37 (g) Campaign funds shall not be used to make loans other than
38 to organizations pursuant to Section 89515, or, unless otherwise
39 prohibited, to a candidate for elective office, political party, or
40 committee.

1 SEC. 2. Section 86 of the Penal Code is amended to read:

2 86. Every Member of either house of the Legislature, or any
3 member of the legislative body of a city, county, city and county,
4 school district, or other special district, who asks, receives, or
5 agrees to receive, any bribe, upon any understanding that his or
6 her official vote, opinion, judgment, or action shall be influenced
7 thereby, or shall give, in any particular manner, or upon any
8 particular side of any question or matter upon which he or she may
9 be required to act in his or her official capacity, or gives, or offers
10 or promises to give, any official vote in consideration that another
11 Member of the Legislature, or another member of the legislative
12 body of a city, county, city and county, school district, or other
13 special district shall give this vote either upon the same or another
14 question, is punishable by imprisonment in the state prison for
15 two, three, or four years and, in cases in which no bribe has been
16 actually received, by a restitution fine of not less than four thousand
17 dollars (\$4,000) or not more than twenty thousand dollars (\$20,000)
18 or, in cases in which a bribe was actually received, by a restitution
19 fine of at least the actual amount of the bribe received or four
20 thousand dollars (\$4,000), whichever is greater, or any larger
21 amount of not more than double the amount of any bribe received
22 or twenty thousand dollars (\$20,000), whichever is greater.

23 In imposing a fine under this section, the court shall consider
24 the defendant's ability to pay the fine.

25 *SEC. 3. (a) Section 1.1 of this bill incorporates amendments*
26 *to Section 89513 of the Government Code proposed by both this*
27 *bill and Assembly Bill 1692. It shall only become operative if (1)*
28 *both bills are enacted and become effective on or before January*
29 *1, 2015, (2) each bill amends Section 89513 of the Government*
30 *Code, (3) Senate Bill 831 is not enacted or as enacted does not*
31 *amend Section 89513 of the Government Code, and (4) this bill is*
32 *enacted after Assembly Bill 1692, in which case Sections 1, 1.2,*
33 *and 1.3 of this bill shall not become operative.*

34 *(b) Section 1.2 of this bill incorporates amendments to Section*
35 *89513 of the Government Code proposed by both this bill and*
36 *Senate Bill 831. It shall only become operative if (1) both bills are*
37 *enacted and become effective on or before January 1, 2015, (2)*
38 *each bill amends Section 89513 of the Government Code, (3)*
39 *Assembly Bill 1692 is not enacted or as enacted does not amend*
40 *Section 89513 of the Government Code, and (4) this bill is enacted*

1 after Senate Bill 831, in which case Sections 1, 1.1, and 1.3 of this
2 bill shall not become operative.

3 (c) Section 1.3 of this bill incorporates amendments to Section
4 89513 of the Government Code proposed by this bill, Assembly
5 Bill 1692, and Senate Bill 831. It shall only become operative if
6 (1) all three bills are enacted and become effective on or before
7 January 1, 2015, (2) all three bills amend Section 89513 of the
8 Government Code, and (3) this bill is enacted after Assembly Bill
9 1692 and Senate Bill 831, in which case Sections 1, 1.1, and 1.2
10 of this bill shall not become operative.

11 ~~SEC. 3.~~

12 SEC. 4. No reimbursement is required by this act pursuant to
13 Section 6 of Article XIII B of the California Constitution because
14 the only costs that may be incurred by a local agency or school
15 district will be incurred because this act creates a new crime or
16 infraction, eliminates a crime or infraction, or changes the penalty
17 for a crime or infraction, within the meaning of Section 17556 of
18 the Government Code, or changes the definition of a crime within
19 the meaning of Section 6 of Article XIII B of the California
20 Constitution.

21 ~~SEC. 4.~~

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