

AMENDED IN SENATE APRIL 21, 2014

SENATE BILL

No. 1102

Introduced by Senator Padilla

February 19, 2014

An act to amend Section 85309 of the Government Code, relating to the Political Reform Act of 1974.

LEGISLATIVE COUNSEL'S DIGEST

SB 1102, as amended, Padilla. Political Reform Act of 1974: contributions.

Existing law, the Political Reform Act of 1974, provides for the comprehensive regulation of campaign financing, including requiring the reporting of campaign contributions and expenditures and imposing other reporting and recordkeeping requirements on campaign committees. The act requires that a candidate for elective state office or a committee primarily formed to support or oppose a state ballot measure, if the candidate or committee has reportable contributions or expenditures of \$25,000 or more, file a report with the Secretary of State disclosing the receipt of a contribution of \$1,000 or more during an election cycle, as defined, within 24 hours of receiving the contribution. At times other than during the election cycle, the act requires those candidates and committees to file a report for contributions of \$5,000 or more within 10 business days of receipt of the contribution. 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 modify these reporting requirements to instead require the above-described candidates and committees, *and a committee that makes an expenditure in support of or opposition to candidates for*

elective state office or state ballot measures, to file a report with the Secretary of State disclosing the receipt of a contribution of \$100 or more during an election cycle within 24 hours of receipt of the contribution. At times other than during an election cycle, the bill would require those candidates and committees to file a report for contributions of \$100 or more within 5 business days of receipt of the contribution. Because this bill would expand the definition of an existing crime, it would impose 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 85309 of the Government Code is
 2 amended to read:
 3 85309. (a) In addition to any other report required by this title,
 4 *if a candidate for elective state office* ~~who~~, *or a committee that*
 5 *makes an expenditure in support of or opposition to one or more*
 6 *candidates for elective state office or state ballot measures*, is
 7 required to file reports pursuant to Section 84605, *that candidate*
 8 *or committee* shall file online or electronically with the Secretary
 9 of State a report disclosing receipt of a contribution of one hundred
 10 dollars (\$100) or more ~~received during an election cycle~~. Those
 11 reports shall disclose the same information required by subdivision
 12 (a) of Section 84203 ~~and~~. *A report of a contribution received during*
 13 *an election cycle shall be filed within 24 hours of receipt of the*
 14 *contribution. A report of a contribution received at any time other*
 15 *than during an election cycle shall be filed within five business*
 16 *days of receipt of the contribution.*

1 (b) In addition to any other report required by this title, any
2 committee primarily formed to support or oppose one or more
3 state ballot measures that is required to file reports pursuant to
4 Section 84605 shall file online or electronically with the Secretary
5 of State a report disclosing receipt of a contribution of one hundred
6 dollars (\$100) or more ~~received during an election cycle~~. Those
7 reports shall disclose the same information required by subdivision
8 (a) of Section 84203 ~~and. A report of a contribution received during~~
9 ~~an election cycle shall be filed within 24 hours of receipt of the~~
10 ~~contribution. A report of a contribution received at any time other~~
11 ~~than during an election cycle shall be filed within five business~~
12 ~~days of receipt of the contribution.~~

13 ~~(e) In addition to any other report required by this title, a~~
14 ~~candidate for elective state office who is required to file reports~~
15 ~~pursuant to Section 84605 shall file online or electronically with~~
16 ~~the Secretary of State a report disclosing receipt of a contribution~~
17 ~~of one hundred dollars (\$100) or more received at any time other~~
18 ~~than during an election cycle. Those reports shall disclose the same~~
19 ~~information required by subdivision (a) of Section 84203 and shall~~
20 ~~be filed within five business days of receipt of the contribution.~~

21 ~~(d) In addition to any other report required by this title, a~~
22 ~~committee primarily formed to support or oppose a state ballot~~
23 ~~measure that is required to file reports pursuant to Section 84605~~
24 ~~shall file online or electronically with the Secretary of State a report~~
25 ~~disclosing receipt of a contribution of one hundred dollars (\$100)~~
26 ~~or more received at any time other than during an election cycle.~~
27 ~~Those reports shall disclose the same information required by~~
28 ~~subdivision (a) of Section 84203 and shall be filed within five~~
29 ~~business days of receipt of the contribution.~~

30 SEC. 2. No reimbursement is required by this act pursuant to
31 Section 6 of Article XIII B of the California Constitution because
32 the only costs that may be incurred by a local agency or school
33 district will be incurred because this act creates a new crime or
34 infraction, eliminates a crime or infraction, or changes the penalty
35 for a crime or infraction, within the meaning of Section 17556 of
36 the Government Code, or changes the definition of a crime within
37 the meaning of Section 6 of Article XIII B of the California
38 Constitution.

39 SEC. 3. The Legislature finds and declares that this bill furthers
40 the purposes of the Political Reform Act of 1974 within the

- 1 meaning of subdivision (a) of Section 81012 of the Government
- 2 Code.

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