

**Introduced by Senator Padilla**February 19, 2014

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An act to amend Sections 85200 and 85201 of the Government Code, relating to the Political Reform Act of 1974.

## LEGISLATIVE COUNSEL'S DIGEST

SB 1103, as introduced, Padilla. Political Reform Act of 1974: candidacy for elective state office.

The Political Reform Act of 1974 requires an individual to file a statement of intention to be a candidate for an elective office, signed under penalty of perjury, prior to soliciting or receiving a contribution or loan. The act requires the individual to establish one campaign contribution account, as specified, upon filing the statement of intention to be a candidate.

This bill would provide that, if an individual files a statement of intention to be a candidate for elective state office, the filing of a subsequent statement of intention to be a candidate for a different elective state office that is to be voted upon at the same election would effect a revocation of the prior statement of intention to be a candidate, and the individual would thereafter be prohibited from soliciting or receiving a contribution or loan for the elective state office for which he or she previously filed a statement of intention to be a candidate. The bill would prohibit an individual from filing, and the Secretary of State from accepting, a statement of intention to be a candidate for an elective state office at an election other than the election at which that elective state office will next appear on the ballot.

A violation of the act's provisions is punishable as a misdemeanor. By expanding the scope of an existing crime, this bill 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 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: 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 85200 of the Government Code is  
2 amended to read:

3 85200. (a) Prior to the solicitation or receipt of ~~any~~ a  
4 contribution or loan, an individual who intends to be a candidate  
5 for an elective state office, as that term is defined by Section 82024,  
6 shall file with the Secretary of State an original statement, signed  
7 under penalty of perjury, of intention to be a candidate for a specific  
8 office.

9 (1) *If an individual has previously filed a statement of intention*  
10 *to be a candidate for an elective state office, the subsequent filing*  
11 *of a statement of intention to be a candidate for a different elective*  
12 *state office to be voted upon at the same election shall constitute*  
13 *a revocation of the previously filed statement of intention to be a*  
14 *candidate, and the individual shall not thereafter solicit or receive*  
15 *a contribution or loan for the elective state office for which he or*  
16 *she previously filed a statement of intention to be a candidate.*

17 (2) *An individual shall not file, and the Secretary of State shall*  
18 *not accept, a statement of intention to be a candidate for an elective*  
19 *state office at an election other than the election at which that*  
20 *elective state office will next appear on the ballot.*

21 ~~At~~

22 (b) *An individual who intends to be a candidate for any other*  
23 *elective office shall file the statement of intention to be a candidate*  
24 *with the same filing officer and in the same location as the*

1 individual would file an original campaign statement pursuant to  
2 subdivisions (b), (c), and (d) of Section 84215.

3 ~~For~~

4 (c) For purposes of this section, “contribution” and “loan” do  
5 not include any payments from the candidate’s personal funds for  
6 a candidate filing fee or a candidate statement of qualifications  
7 fee.

8 SEC. 2. Section 85201 of the Government Code is amended  
9 to read:

10 85201. (a) Upon ~~the filing of the~~ a statement of intention to  
11 *be a candidate* pursuant to Section 85200, ~~the~~ an individual shall  
12 establish one campaign contribution account at an office of a  
13 financial institution located in the state. *If an individual has*  
14 *established campaign contribution accounts for multiple elective*  
15 *state offices that are to be voted upon at the same election, the*  
16 *individual shall deposit contributions only into the campaign*  
17 *contribution account associated with the most recently filed*  
18 *statement of intention to be a candidate.*

19 (b) As required by subdivision (f) of Section 84102, a candidate  
20 who raises contributions of one thousand dollars (\$1,000) or more  
21 in a calendar year shall set forth the name and address of the  
22 financial institution where the candidate has established a campaign  
23 contribution account and the account number on the committee  
24 statement of organization filed pursuant to Sections 84101 and  
25 84103.

26 (c) All contributions or loans made to the candidate, to a person  
27 on behalf of the candidate, or to the candidate’s controlled  
28 committee shall be deposited in the account.

29 (d) Any personal funds ~~which~~ *that* will be utilized to promote  
30 the election of the candidate shall be deposited in the account prior  
31 to expenditure.

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

33 (f) Subdivisions (d) and (e) do not apply to a candidate’s  
34 payment for a filing fee and statement of qualifications from his  
35 or her personal funds.

36 (g) This section does not apply to a candidate who will not  
37 receive contributions and who makes expenditures from personal  
38 funds of less than one thousand dollars (\$1,000) in a calendar year  
39 to support his or her candidacy. For purposes of this section, a

1 candidate's payment for a filing fee and statement of qualifications  
2 shall not be included in calculating the total expenditures made.

3 (h) An individual who raises contributions from others for his  
4 or her campaign, but who raises or spends less than one thousand  
5 dollars (\$1,000) in a calendar year, and does not qualify as a  
6 committee under Section 82013, shall establish a campaign  
7 contribution account pursuant to subdivision (a), but is not required  
8 to file a committee statement of organization pursuant to Section  
9 84101 or other statement of bank account information.

10 SEC. 3. No reimbursement is required by this act pursuant to  
11 Section 6 of Article XIII B of the California Constitution because  
12 the only costs that may be incurred by a local agency or school  
13 district will be incurred because this act creates a new crime or  
14 infraction, eliminates a crime or infraction, or changes the penalty  
15 for a crime or infraction, within the meaning of Section 17556 of  
16 the Government Code, or changes the definition of a crime within  
17 the meaning of Section 6 of Article XIII B of the California  
18 Constitution.

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