

AMENDED IN ASSEMBLY APRIL 7, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 594

Introduced by Assembly Member Gordon

February 24, 2015

An act to amend Sections ~~82013~~, 82036, 82036.5, 84101, 84103, 84200.6, and 84218 of, to repeal Sections 84200.7, 84202.5, and 84203.5 of, and to repeal and add Section 84200.5 of, the Government Code, relating to the Political Reform Act of 1974.

LEGISLATIVE COUNSEL’S DIGEST

AB 594, as amended, Gordon. Political Reform Act of 1974: campaign statements.

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 elected officers, candidates, and committees to file various reports, including semiannual reports, preelection statements, and supplemental preelection statements.

This bill would recast the requirements for filing preelection statements and would repeal other reporting requirements, including supplemental preelection statements and supplemental independent expenditure reports.

The act defines “committee” as a person or combination of persons ~~who receives contributions or makes independent expenditures of \$1,000 or more in a calendar year or who makes contributions of \$10,000 or more in a calendar year to or at the behest of candidates.~~ The act defines “late contributions” and “late independent expenditures” for purposes

of the act to include certain contributions and independent expenditures, respectively, that are made within 90 days before the date of the election.

~~This bill would revise the definition of “committee” by increasing the qualifying monetary thresholds to \$2,000 for contributions received or independent expenditures made by a person or combination of persons or \$20,000 for contributions made to or at the behest of candidates by a person or combination of persons.~~

This bill would revise the definitions of “late contributions” and “late independent expenditures” to ~~increase the reporting threshold to \$2,000 and to~~ specify that those terms also include contributions and independent expenditures that are made on the date of the election.

The bill would also make conforming changes.

A violation of the act’s provisions is punishable as a misdemeanor. By expanding the scope of a 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 $\frac{2}{3}$ 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 82013 of the Government Code is~~
- 2 ~~amended to read:~~
- 3 ~~82013. “Committee” means any person or combination of~~
- 4 ~~persons who directly or indirectly does any of the following:~~
- 5 ~~(a) Receives contributions totaling two thousand dollars (\$2,000)~~
- 6 ~~or more in a calendar year.~~
- 7 ~~(b) Makes independent expenditures totaling two thousand~~
- 8 ~~dollars (\$2,000) or more in a calendar year; or~~

1 ~~(e) Makes contributions totaling twenty thousand dollars~~
2 ~~(\$20,000) or more in a calendar year to or at the behest of~~
3 ~~candidates or committees.~~

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

7 ~~SEC. 2.~~

8 *SECTION 1.* Section 82036 of the Government Code is
9 amended to read:

10 82036. “Late contribution” means any of the following:

11 (a) A contribution, including a loan, that totals in the aggregate
12 ~~two one thousand dollars (\$2,000)~~ *(\$1,000)* or more and is made
13 to or received by a candidate, a controlled committee, or a
14 committee formed or existing primarily to support or oppose a
15 candidate or measure ~~on the date of the election, or during the~~
16 ~~90-day period preceding the date of the election, or on the date of~~
17 ~~the election~~, at which the candidate or measure is to be voted on.
18 For purposes of the Board of Administration of the Public
19 Employees’ Retirement System and the Teachers’ Retirement
20 Board, “the date of the election” is the deadline to return ballots.

21 (b) A contribution, including a loan, that totals in the aggregate
22 ~~two one thousand dollars (\$2,000)~~ *(\$1,000)* or more and is made
23 to or received by a political party committee, as defined in Section
24 85205, ~~on the date of a state election or within 90 days before the~~
25 ~~date of a state election~~ *or on the date of the election.*

26 ~~SEC. 3.~~

27 *SEC. 2.* Section 82036.5 of the Government Code is amended
28 to read:

29 82036.5. “Late independent expenditure” means an independent
30 expenditure that totals in the aggregate ~~two one thousand dollars~~
31 ~~(\$2,000)~~ *(\$1,000)* or more and is made for or against a specific
32 candidate or measure involved in an election ~~on the date of the~~
33 ~~election or during the 90-day period preceding the date of the~~
34 ~~election~~ *or on the date of the election.* For purposes of the Board
35 of Administration of the Public Employees’ Retirement System
36 and the Teachers’ Retirement Board, “the date of the election” is
37 the deadline to return ballots.

38 ~~SEC. 4.~~

39 *SEC. 3.* Section 84101 of the Government Code is amended
40 to read:

1 84101. (a) A committee that is a committee by virtue of
2 subdivision (a) of Section 82013 shall file a statement of
3 organization. The committee shall file the original of the statement
4 of organization with the Secretary of State and shall also file a
5 copy of the statement of organization with the local filing officer,
6 if any, with whom the committee is required to file the originals
7 of its campaign reports pursuant to Section 84215. The original
8 and copy of the statement of organization shall be filed within 10
9 days after the committee has qualified as a committee. The
10 Secretary of State shall assign a number to each committee that
11 files a statement of organization and shall notify the committee of
12 the number. The Secretary of State shall send a copy of statements
13 filed pursuant to this section to the county elections official of each
14 county that he or she deems appropriate. A county elections official
15 who receives a copy of a statement of organization from the
16 Secretary of State pursuant to this section shall send a copy of the
17 statement to the clerk of each city in the county that he or she
18 deems appropriate.

19 (b) In addition to filing the statement of organization as required
20 by subdivision (a), if a committee qualifies as a committee under
21 subdivision (a) of Section 82013 before the date of an election in
22 connection with which the committee is required to file preelection
23 statements, but after the closing date of the last campaign statement
24 required to be filed before the election pursuant to Section 84200.8
25 or 84200.9, the committee shall file, by facsimile transmission,
26 online transmission, guaranteed overnight delivery, or personal
27 delivery within 24 hours of qualifying as a committee, the
28 information required to be reported in the statement of organization.
29 The information required by this subdivision shall be filed with
30 the filing officer with whom the committee is required to file the
31 originals of its campaign reports pursuant to Section 84215.

32 (c) If an independent expenditure committee qualifies as a
33 committee pursuant to subdivision (a) of Section 82013 during the
34 time period described in Section 82036.5 and makes independent
35 expenditures of ~~two~~ *one* thousand dollars ~~(\$2,000)~~ *(\$1,000)* or
36 more to support or oppose a candidate or candidates for office, the
37 committee shall file, by facsimile transmission, online transmission,
38 guaranteed overnight delivery, or personal delivery within 24 hours
39 of qualifying as a committee, the information required to be
40 reported in the statement of organization. The information required

by this section shall be filed with the filing officer with whom the committee is required to file the original of its campaign reports pursuant to Section 84215, and shall be filed at all locations required for the candidate or candidates supported or opposed by the independent expenditures. The filings required by this section are in addition to filings that may be required by Section 84204.

(d) For purposes of this section, in calculating whether ~~two~~ *one* thousand dollars ~~(\$2,000)~~ *(\$1,000)* in contributions has been received, payments for a filing fee or for a statement of qualifications to appear in a sample ballot shall not be included if these payments have been made from the candidate's personal funds.

~~SEC. 5.~~

SEC. 4. Section 84103 of the Government Code is amended to read:

84103. (a) If there is a change in any of the information contained in a statement of organization, an amendment shall be filed within 10 days to reflect the change. The committee shall file the original of the amendment with the Secretary of State and shall also file a copy of the amendment with the local filing officer, if any, with whom the committee is required to file the originals of its campaign reports pursuant to Section 84215.

(b) In addition to filing an amendment to a statement of organization as required by subdivision (a), a committee as defined in subdivision (a) of Section 82013 shall, by facsimile transmission, online transmission, guaranteed overnight delivery, or personal delivery within 24 hours, notify the filing officer with whom it is required to file the originals of its campaign reports pursuant to Section 84215 if the change requiring the amendment occurs before the date of the election in connection with which the committee is required to file a preelection statement, but after the closing date of the last preelection statement required to be filed for the election pursuant to Section 84200.8, if any of the following information is changed:

- (1) The name of the committee.
- (2) The name of the treasurer or other principal officers.
- (3) The name of any candidate or committee by which the committee is controlled or with which it acts jointly.

1 The notification shall include the changed information, the date
2 of the change, the name of the person providing the notification,
3 and the committee's name and identification number.

4 A committee may file a notification online only if the appropriate
5 filing officer is capable of receiving the notification in that manner.

6 ~~SEC. 6.~~

7 *SEC. 5.* Section 84200.5 of the Government Code is repealed.

8 ~~SEC. 7.~~

9 *SEC. 6.* Section 84200.5 is added to the Government Code, to
10 read:

11 84200.5. In addition to the campaign statements required by
12 Section 84200, elected officers, candidates, and committees shall
13 file preelection statements as follows:

14 (a) All candidates appearing on the ballot to be voted on at the
15 next election, their controlled committees, and committees
16 primarily formed to support or oppose an elected officer, candidate,
17 or a measure appearing on the ballot to be voted on at the next
18 election shall file the applicable preelection statements specified
19 in Section 84200.8.

20 (b) All elected state officers and candidates for elective state
21 office who are not appearing on the ballot at the next statewide
22 primary or general ~~election ballot~~, *election*, and who, during the
23 preelection reporting periods covered by Section 84200.8,
24 contribute to any committee required to report receipts,
25 expenditures, or contributions pursuant to this title, or make an
26 independent expenditure of ~~one thousand five hundred~~ dollars
27 ~~(\$1,000)~~ *(\$500)* or more in connection with the statewide primary
28 or general election, shall file the applicable preelection statements
29 specified in Section 84200.8.

30 (c) A state or county general purpose ~~recipient~~ committee
31 formed pursuant to subdivision (a) of Section 82013, other than a
32 political party committee as defined in Section 84205, shall file
33 the applicable preelection statements specified in Section 84200.8
34 if it makes contributions or independent expenditures totaling ~~one~~
35 ~~thousand five hundred~~ dollars ~~(\$1,000)~~ *(\$500)* or more in
36 connection with the statewide primary or general election during
37 the period covered by the preelection statements. However, a state
38 or county general purpose committee formed pursuant to
39 subdivision (b) or (c) of Section 82013 is not required to file the
40 preelection statements specified in Section 84200.8.

(d) A political party committee as defined in Section 84205 shall file the applicable preelection statements specified in Section 84200.8 in connection with a ~~statewide~~ *state* election if the committee receives contributions totaling one thousand dollars (\$1,000) or more, or if it makes contributions or independent expenditures totaling ~~one thousand~~ *five hundred* dollars ~~(\$1,000)~~ (\$500) or more, in connection with the election during the period covered by the preelection statement.

(e) A city general purpose committee formed pursuant to subdivision (a) of Section 82013 shall file the applicable preelection statements specified in Section 84200.8 if it makes contributions or independent expenditures totaling ~~one thousand~~ *five hundred* dollars ~~(\$1,000)~~ (\$500) or more in connection with a city election in the committee's jurisdiction during the period covered by the preelection statements. However, a city general purpose committee formed pursuant to subdivision (b) or (c) of Section 82013 is not required to file the preelection statements specified in Section 84200.8.

~~(f) CalPERS and CalSTRS Elections.~~ During an election period for the Board of Administration of the Public Employees' Retirement System or the Teachers' Retirement Board:

(1) All candidates for these boards, their controlled committees, and committees primarily formed to support or oppose the candidates shall file the preelection statements specified in Section 84200.9.

(2) A state or county general purpose committee formed pursuant to subdivision (a) of Section 82013 shall file the preelection statements specified in Section 84200.9 if it makes contributions or independent expenditures totaling ~~one thousand~~ *five hundred* dollars ~~(\$1,000)~~ (\$500) or more during the period covered by the preelection statement to support or oppose a candidate, or a committee primarily formed to support or oppose a candidate on the ballot for the Board of Administration of the Public Employees' Retirement System or the Teachers' Retirement Board.

(3) However, a general purpose committee formed pursuant to subdivision (b) or (c) of Section 82013 is not required to file the statements specified in Section 84200.9.

1 ~~SEC. 8.~~

2 *SEC. 7.* Section 84200.6 of the Government Code is amended
3 to read:

4 84200.6. In addition to the campaign statements required by
5 Sections 84200 and 84200.5, all candidates and committees shall
6 file the following special statements and reports:

7 (a) Late contribution reports, when required by Section 84203.

8 (b) Late independent expenditure reports, when required by
9 Section 84204.

10 ~~SEC. 9.~~

11 *SEC. 8.* Section 84200.7 of the Government Code is repealed.

12 ~~SEC. 10.~~

13 *SEC. 9.* Section 84202.5 of the Government Code is repealed.

14 ~~SEC. 11.~~

15 *SEC. 10.* Section 84203.5 of the Government Code is repealed.

16 ~~SEC. 12.~~

17 *SEC. 11.* Section 84218 of the Government Code is amended
18 to read:

19 84218. (a) A slate mailer organization shall file semiannual
20 campaign statements no later than July 31 for the period ending
21 June 30, and no later than January 31 for the period ending
22 December 31.

23 (b) In addition to the semiannual statements required by
24 subdivision (a), a slate mailer organization which produces a slate
25 mailer supporting or opposing candidates or measures being voted
26 on in an election shall file the statements specified in Section
27 84200.8 if, during the period covered by the preelection statement,
28 the slate mailer organization receives payments totaling ~~one~~
29 ~~thousand five hundred~~ dollars ~~(\$1,000)~~ (\$500) or more from any
30 person for the support of or opposition to candidates or ballot
31 measures in one or more slate mailers, or expends five hundred
32 dollars (\$500) or more to produce one or more slate mailers.

33 (c) A slate mailer organization shall file two copies of its
34 campaign reports with the clerk of the county in which it is
35 domiciled. A slate mailer organization is domiciled at the address
36 listed on its statement of organization unless it is domiciled outside
37 California, in which case its domicile shall be deemed to be Los
38 Angeles County for purposes of this section.

39 In addition, slate mailer organizations shall file campaign reports
40 as follows:

1 (1) A slate mailer organization which produces one or more
2 slate mailers supporting or opposing candidates or measures voted
3 on in a state election, or in more than one county, shall file
4 campaign reports in the same manner as state general purpose
5 committees pursuant to subdivision (a) of Section 84215.

6 (2) A slate mailer organization which produces one or more
7 slate mailers supporting or opposing candidates or measures voted
8 on in only one county, or in more than one jurisdiction within one
9 county, shall file campaign reports in the same manner as county
10 general purpose committees pursuant to subdivision (c) of Section
11 84215.

12 (3) A slate mailer organization which produces one or more
13 slate mailers supporting or opposing candidates or measures voted
14 on in only one city shall file campaign reports in the same manner
15 as city general purpose committees pursuant to subdivision (d) of
16 Section 84215.

17 (4) Notwithstanding the above, no slate mailer organization
18 shall be required to file more than the original and one copy, or
19 two copies, of a campaign report with any one county or city clerk
20 or with the Secretary of State.

21 ~~SEC. 13.~~

22 *SEC. 12.* No reimbursement is required by this act pursuant
23 to Section 6 of Article XIII B of the California Constitution because
24 the only costs that may be incurred by a local agency or school
25 district will be incurred because this act creates a new crime or
26 infraction, eliminates a crime or infraction, or changes the penalty
27 for a crime or infraction, within the meaning of Section 17556 of
28 the Government Code, or changes the definition of a crime within
29 the meaning of Section 6 of Article XIII B of the California
30 Constitution.

31 ~~SEC. 14.~~

32 *SEC. 13.* The Legislature finds and declares that this bill
33 furthers the purposes of the Political Reform Act of 1974 within
34 the meaning of subdivision (a) of Section 81012 of the Government
35 Code.