

AMENDED IN SENATE JUNE 29, 2015

AMENDED IN ASSEMBLY APRIL 7, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

## ASSEMBLY BILL

**No. 594**

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**Introduced by Assembly Member Gordon**

February 24, 2015

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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” to include a person or combination of persons who receives contributions or makes independent expenditures of \$1,000 or more in a calendar year.* 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 threshold to \$2,000 for contributions received by a person or combination of persons.*

This bill would revise the definitions of “late contributions” and “late independent expenditures” 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 ~~one~~ two thousand dollars  
6     (\$1,000) (\$2,000) or more in a calendar year.

7     (b) Makes independent expenditures totaling one thousand  
8     dollars (\$1,000) or more in a calendar year; or

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

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

4 ~~SECTION 1.~~

5 *SEC. 2.* Section 82036 of the Government Code is amended  
6 to read:

7 82036. “Late contribution” means any of the following:

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

17 (b) A contribution, including a loan, that totals in the aggregate  
18 one thousand dollars (\$1,000) or more and is made to or received  
19 by a political party committee, as defined in Section 85205, within  
20 90 days before the date of a state election or on the date of the  
21 election.

22 ~~SEC. 2.~~

23 *SEC. 3.* Section 82036.5 of the Government Code is amended  
24 to read:

25 82036.5. “Late independent expenditure” means an independent  
26 expenditure that totals in the aggregate one thousand dollars  
27 (\$1,000) or more and is made for or against a specific candidate  
28 or measure involved in an election during the 90-day period  
29 preceding the date of the election or on the date of the election.  
30 For purposes of the Board of Administration of the Public  
31 Employees’ Retirement System and the Teachers’ Retirement  
32 Board, “the date of the election” is the deadline to return ballots.

33 ~~SEC. 3.~~

34 *SEC. 4.* Section 84101 of the Government Code is amended  
35 to read:

36 84101. (a) A committee that is a committee by virtue of  
37 subdivision (a) of Section 82013 shall file a statement of  
38 organization. The committee shall file the original of the statement  
39 of organization with the Secretary of State and shall also file a  
40 copy of the statement of organization with the local filing officer,

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

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

27 (c) If an independent expenditure committee qualifies as a  
28 committee pursuant to subdivision (a) of Section 82013 during the  
29 time period described in Section 82036.5 and makes independent  
30 expenditures of one thousand dollars (\$1,000) or more to support  
31 or oppose a candidate or candidates for office, the committee shall  
32 file, by facsimile transmission, online transmission, guaranteed  
33 overnight delivery, or personal delivery within 24 hours of  
34 qualifying as a committee, the information required to be reported  
35 in the statement of organization. The information required by this  
36 section shall be filed with the filing officer with whom the  
37 committee is required to file the original of its campaign reports  
38 pursuant to Section 84215, and shall be filed at all locations  
39 required for the candidate or candidates supported or opposed by

1 the independent expenditures. The filings required by this section  
2 are in addition to filings that may be required by Section 84204.

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

9 ~~SEC. 4.~~

10 SEC. 5. Section 84103 of the Government Code is amended  
11 to read:

12 84103. (a) If there is a change in any of the information  
13 contained in a statement of organization, an amendment shall be  
14 filed within 10 days to reflect the change. The committee shall file  
15 the original of the amendment with the Secretary of State and shall  
16 also file a copy of the amendment with the local filing officer, if  
17 any, with whom the committee is required to file the originals of  
18 its campaign reports pursuant to Section 84215.

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

31 (1) The name of the committee.

32 (2) The name of the treasurer or other principal officers.

33 (3) The name of any candidate or committee by which the  
34 committee is controlled or with which it acts jointly.

35 The notification shall include the changed information, the date  
36 of the change, the name of the person providing the notification,  
37 and the committee's name and identification number.

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

1     ~~SEC. 5.~~

2     ~~SEC. 6.~~ Section 84200.5 of the Government Code is repealed.

3     ~~SEC. 6.~~

4     ~~SEC. 7.~~ Section 84200.5 is added to the Government Code, to  
5 read:

6     84200.5. In addition to the campaign statements required by  
7 Section 84200, elected officers, candidates, and committees shall  
8 file preelection statements as follows:

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

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

24     (c) A state or county general purpose committee formed pursuant  
25 to subdivision (a) of Section 82013, other than a political party  
26 committee as defined in Section 84205, shall file the applicable  
27 preelection statements specified in Section 84200.8 if it makes  
28 contributions or independent expenditures totaling five hundred  
29 dollars (\$500) or more in connection with the statewide primary  
30 or general election during the period covered by the preelection  
31 statements. However, a state or county general purpose committee  
32 formed pursuant to subdivision (b) or (c) of Section 82013 is not  
33 required to file the preelection statements specified in Section  
34 84200.8.

35     (d) A political party committee as defined in Section 84205  
36 shall file the applicable preelection statements specified in Section  
37 84200.8 in connection with a state election if the committee  
38 receives contributions totaling one thousand dollars (\$1,000) or  
39 more, or if it makes contributions or independent expenditures

1 totaling five hundred dollars (\$500) or more, in connection with  
2 the election during the period covered by the preelection statement.

3 (e) A city general purpose committee formed pursuant to  
4 subdivision (a) of Section 82013 shall file the applicable  
5 preelection statements specified in Section 84200.8 if it makes  
6 contributions or independent expenditures totaling five hundred  
7 dollars (\$500) or more in connection with a city election in the  
8 committee's jurisdiction during the period covered by the  
9 preelection statements. However, a city general purpose committee  
10 formed pursuant to subdivision (b) or (c) of Section 82013 is not  
11 required to file the preelection statements specified in Section  
12 84200.8.

13 (f) During an election period for the Board of Administration  
14 of the Public Employees' Retirement System or the Teachers'  
15 Retirement Board:

16 (1) All candidates for these boards, their controlled committees,  
17 and committees primarily formed to support or oppose the  
18 candidates shall file the preelection statements specified in Section  
19 84200.9.

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

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

32 ~~SEC. 7.~~

33 *SEC. 8.* Section 84200.6 of the Government Code is amended  
34 to read:

35 84200.6. In addition to the campaign statements required by  
36 Sections 84200 and 84200.5, all candidates and committees shall  
37 file the following special statements and reports:

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

39 (b) Late independent expenditure reports, when required by  
40 Section 84204.

1     ~~SEC. 8.~~

2     *SEC. 9.* Section 84200.7 of the Government Code is repealed.

3     ~~SEC. 9.~~

4     *SEC. 10.* Section 84202.5 of the Government Code is repealed.

5     ~~SEC. 10.~~

6     *SEC. 11.* Section 84203.5 of the Government Code is repealed.

7     ~~SEC. 11.~~

8     *SEC. 12.* Section 84218 of the Government Code is amended  
9 to read:

10     84218. (a) A slate mailer organization shall file semiannual  
11 campaign statements no later than July 31 for the period ending  
12 June 30, and no later than January 31 for the period ending  
13 December 31.

14     (b) In addition to the semiannual statements required by  
15 subdivision (a), a slate mailer organization which produces a slate  
16 mailer supporting or opposing candidates or measures being voted  
17 on in an election shall file the statements specified in Section  
18 84200.8 if, during the period covered by the preelection statement,  
19 the slate mailer organization receives payments totaling five  
20 hundred dollars (\$500) or more from any person for the support  
21 of or opposition to candidates or ballot measures in one or more  
22 slate mailers, or expends five hundred dollars (\$500) or more to  
23 produce one or more slate mailers.

24     (c) A slate mailer organization shall file two copies of its  
25 campaign reports with the clerk of the county in which it is  
26 domiciled. A slate mailer organization is domiciled at the address  
27 listed on its statement of organization unless it is domiciled outside  
28 California, in which case its domicile shall be deemed to be Los  
29 Angeles County for purposes of this section.

30     In addition, slate mailer organizations shall file campaign reports  
31 as follows:

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

37     (2) A slate mailer organization which produces one or more  
38 slate mailers supporting or opposing candidates or measures voted  
39 on in only one county, or in more than one jurisdiction within one  
40 county, shall file campaign reports in the same manner as county



1 general purpose committees pursuant to subdivision (c) of Section  
2 84215.

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

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

12 ~~SEC. 12.~~

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

22 ~~SEC. 13.~~

23 *SEC. 14.* The Legislature finds and declares that this bill  
24 furthers the purposes of the Political Reform Act of 1974 within  
25 the meaning of subdivision (a) of Section 81012 of the Government  
26 Code.