

**ASSEMBLY BILL**

**No. 1697**

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**Introduced by Assembly Member Bonilla**

January 21, 2016

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An act to amend Section 85309 of the Government Code, relating to the Political Reform Act of 1974, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 1697, as introduced, Bonilla. 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 \$1,000 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 \$1,000 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.

This bill would declare that it is to take effect immediately as an urgency statute.

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 office, or a committee*  
 5 *that makes an expenditure in support of or opposition to one or*  
 6 *more candidates for elective state office or state ballot measures,*  
 7 *is required to file reports pursuant to Section ~~84605~~ 84605, that*  
 8 *candidate or committee shall file online or electronically with the*  
 9 *Secretary of State a report disclosing receipt of a contribution of*  
 10 *one thousand dollars (\$1,000) or more received during an election*  
 11 *cycle. more.* Those reports shall disclose the same information  
 12 required by subdivision (a) of Section ~~84203~~ and 84203. *A report*  
 13 *of a contribution received during an election cycle shall be filed*  
 14 *within 24 hours of receipt of the contribution. A report of a*

1 *contribution received at any time other than during an election*  
2 *cycle shall be filed within five business days of receipt of the*  
3 *contribution.*

4 (b) In addition to any other report required by this title, any  
5 committee primarily formed to support or oppose one or more  
6 state ballot measures that is required to file reports pursuant to  
7 Section 84605 shall file online or electronically with the Secretary  
8 of State a report disclosing receipt of a contribution of one thousand  
9 dollars (\$1,000) ~~or more received during an election cycle.~~ *more.*  
10 Those reports shall disclose the same information required by  
11 subdivision (a) of Section ~~84203 and 84203.~~ *A report of a*  
12 *contribution received during an election cycle shall be filed within*  
13 *24 hours of receipt of the contribution. A report of a contribution*  
14 *received at any time other than during an election cycle shall be*  
15 *filed within five business days of receipt of the contribution.*

16 ~~(e) In addition to any other report required by this title, a~~  
17 ~~candidate for elective state office who is required to file reports~~  
18 ~~pursuant to Section 84605 shall file online or electronically with~~  
19 ~~the Secretary of State a report disclosing receipt of a contribution~~  
20 ~~of five thousand dollars (\$5,000) or more received at any time~~  
21 ~~other than during an election cycle. Those reports shall disclose~~  
22 ~~the same information required by subdivision (a) of Section 84203~~  
23 ~~and shall be filed within 10 business days of receipt of the~~  
24 ~~contribution.~~

25 ~~(d) In addition to any other report required by this title, a~~  
26 ~~committee primarily formed to support or oppose a state ballot~~  
27 ~~measure that is required to file reports pursuant to Section 84605~~  
28 ~~shall file online or electronically with the Secretary of State a report~~  
29 ~~disclosing receipt of a contribution of five thousand dollars~~  
30 ~~(\$5,000) or more received at any time other than during an election~~  
31 ~~cycle. Those reports shall disclose the same information required~~  
32 ~~by subdivision (a) of Section 84203 and shall be filed within 10~~  
33 ~~business days of receipt of the contribution.~~

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

1 the meaning of Section 6 of Article XIII B of the California  
2 Constitution.

3 SEC. 3. The Legislature finds and declares that this bill furthers  
4 the purposes of the Political Reform Act of 1974 within the  
5 meaning of subdivision (a) of Section 81012 of the Government  
6 Code.

7 SEC. 4. This act is an urgency statute necessary for the  
8 immediate preservation of the public peace, health, or safety within  
9 the meaning of Article IV of the Constitution and shall go into  
10 immediate effect. The facts constituting the necessity are:

11 In order to protect the interests of Californians who are  
12 empowered with the right to vote, it is appropriate that they be  
13 duly informed regarding campaign contributions and expenditures  
14 that affect elections. The need for greater transparency of campaign  
15 contribution reports is vital to the interests of the State such that  
16 this act must take effect immediately.