

AMENDED IN ASSEMBLY JANUARY 8, 1996

CALIFORNIA LEGISLATURE—1995–96 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1709**

**Introduced by Assembly Member McPherson**

February 24, 1995

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An act to amend ~~Section 84202.5 of the Government Code, relating to the Political Reform Act of 1974.~~, *repeal, and add Section 13001 of the Elections Code, relating to elections.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1709, as amended, McPherson. ~~Political Reform Act of 1974: supplemental preelection statements~~ *Special elections: costs.*

*Existing law requires that all expenses authorized and necessarily incurred in the preparation for and conduct of elections as provided in the Elections Code be paid from the county treasuries, except that the expenses of an election called by the governing body of a city are required to be paid from the treasury of the city.*

*This bill would create an exception requiring that, until January 1, 2000, all expenses authorized and necessarily incurred in the preparation for and conduct of elections proclaimed by the Governor to fill a vacancy in the office of Senator or Member of the Assembly, or to fill a vacancy in the office of United States Senator or Representative in the United States House of Representatives, be paid by the state.*

*This bill would further require that if an election proclaimed by the Governor to fill a vacancy in any of these*

*offices is consolidated with any other local election, only those additional expenses directly related to the election proclaimed by the Governor to fill a vacancy in the office shall be paid by the state.*

~~Existing provisions of the Political Reform Act of 1974 require candidates and committees, as defined, to periodically file reports with the Secretary of State and other specified agencies disclosing their contributions received and expenditures made. Among these required reports is a supplemental preelection statement that candidates and committees must file no later than 12 days before the election for the period ending 17 days before the election when they make contributions totaling \$5,000 or more in connection with that election.~~

~~This bill would require that the same report be filed when candidates or committees make independent expenditures, as defined, totaling \$5,000 or more in connection with an election.~~

~~Existing law makes a violation of the act subject to administrative, civil, and criminal penalties.~~

~~This bill would impose a state-mandated local program by imposing these penalties on certain persons who violate the provisions of the bill.~~

~~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 with a  $\frac{2}{3}$  vote of each house and compliance with specified procedural requirements.~~

~~This bill, which would declare that it furthers the purposes of the act, would therefore require a  $\frac{2}{3}$  vote.~~

~~Vote:  $\frac{2}{3}$  majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes *no*.~~



*The people of the State of California do enact as follows:*

1 ~~SECTION 1. Section 84202.5 of the Government~~  
2 *SECTION 1. Section 13001 of the Elections Code is*  
3 *amended to read:*

4 13001. (a) ~~All~~ *Except as provided in subdivision (b),*  
5 *all expenses authorized and necessarily incurred in the*  
6 *preparation for and conduct of elections as provided in*  
7 *this code shall be paid from the county treasuries, except*  
8 *that when an election is called by the governing body of*  
9 *a city the expenses shall be paid from the treasury of the*  
10 *city. All payments shall be made in the same manner as*  
11 *other county or city expenditures are made. The elections*  
12 *official, in providing the materials required by this*  
13 *division, need not utilize the services of the county or city*  
14 *purchasing agent.*

15 (b) *All expenses authorized and necessarily incurred*  
16 *in the preparation for and conduct of elections*  
17 *proclaimed by the Governor to fill a vacancy in the office*  
18 *of Senator or Member of the Assembly, or to fill a vacancy*  
19 *in the office of United States Senator or Representative*  
20 *in the United States House of Representatives, shall be*  
21 *paid by the state. If an election proclaimed by the*  
22 *Governor to fill a vacancy in an office specified in this*  
23 *subdivision is consolidated with any other local election,*  
24 *only those additional expenses directly related to the*  
25 *election proclaimed by the Governor to fill a vacancy in*  
26 *the office shall be paid by the state.*

27 (c) ~~This section shall become operative on January 1,~~  
28 ~~1996 remain in effect only until January 1, 2000, and as of~~  
29 ~~that date is repealed, unless a later enacted statute that~~  
30 ~~is enacted on or before January 1, 2000, deletes or extends~~  
31 ~~that date.~~

32 *SEC. 2. Section 13001 is added to the Elections Code,*  
33 *to read:*

34 13001. (a) *All expenses authorized and necessarily*  
35 *incurred in the preparation for and conduct of elections*  
36 *as provided in this code shall be paid from the county*  
37 *treasuries, except that when an election is called by the*  
38 *governing body of a city the expenses shall be paid from*



1 *the treasury of the city. All payments shall be made in the*  
2 *same manner as other county or city expenditures are*  
3 *made. The elections official, in providing the materials*  
4 *required by this division, need not utilize the services of*  
5 *the county or city purchasing agent.*

6 (b) *This section shall become operative on January 1,*  
7 *2000.*

8 Code is amended to read:

9 ~~84202.5. (a) Any candidate or any committee~~  
10 ~~pursuant to subdivision (a) of Section 82013 which makes~~  
11 ~~contributions or independent expenditures totaling five~~  
12 ~~thousand dollars (\$5,000) or more in connection with an~~  
13 ~~election, including a runoff election, shall file a~~  
14 ~~supplemental preelection statement no later than 12 days~~  
15 ~~before the election, for the period ending 17 days before~~  
16 ~~the election. This statement shall be filed with each office~~  
17 ~~with which the candidate or committee filing the~~  
18 ~~statement is required to file its next campaign statement~~  
19 ~~pursuant to Section 84215.~~

20 ~~(b) This section shall not apply to candidates or~~  
21 ~~committees during any semiannual period in which the~~  
22 ~~candidate or committee is required to file preelection~~  
23 ~~statements pursuant to Section 84200.5.~~

24 ~~(c) If a candidate or committee makes contributions~~  
25 ~~totaling five thousand dollars (\$5,000) or more in~~  
26 ~~connection with an election and all of those contributions~~  
27 ~~are reported pursuant to Section 84200 or 84202.7 on or~~  
28 ~~before the closing date specified in subdivision (a), the~~  
29 ~~candidate or committee shall not be required to file~~  
30 ~~additional statements for that period pursuant to this~~  
31 ~~section.~~

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



1 ~~of a crime within the meaning of Section 6 of Article~~  
2 ~~XIII B of the California Constitution.~~

3 ~~Notwithstanding Section 17580 of the Government~~  
4 ~~Code, unless otherwise specified, the provisions of this act~~  
5 ~~shall become operative on the same date that the act~~  
6 ~~takes effect pursuant to the California Constitution.~~

7 ~~SEC. 3. The Legislature finds and declares that the~~  
8 ~~provisions of this act further the purpose of the Political~~  
9 ~~Reform Act of 1974 within the meaning of subdivision (a)~~  
10 ~~of Section 81012 of the Government Code.~~

