

Introduced by Senator Johnson

February 23, 1996

An act to amend Sections 85200, 85201, and 87500 of the Government Code, relating to the Political Reform Act of 1974.

LEGISLATIVE COUNSEL'S DIGEST

SB 2060, as introduced, Johnson. Political Reform Act of 1974: filing of statements.

(1) Existing provisions of the Political Reform Act of 1974 require candidates for elective office, prior to soliciting or receiving any contribution or loan relating to that office, to file a statement of intention to be a candidate for that office with the Fair Political Practices Commission and, for specified candidates, to thereafter establish a campaign bank account into which campaign funds must be deposited and provide a statement to the commission regarding the location of and other information pertaining to the account.

This bill would instead require that an original and one copy of these statements be filed with the Secretary of State and that the copy be available to the commission.

(2) The act requires that statewide elected officers, Members of the Legislature, Members of the Board of Equalization, and candidates for election to those offices file statements of economic interests with specified agencies.

This bill would impose a state-mandated local program by requiring that the agency that receives the original filing of these statements to forward a copy to the Secretary of State.

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, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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 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 2/3 vote.

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
2 is amended to read:
3 85200. Prior to the solicitation or receipt of any
4 contribution or loan, an individual who intends to be a
5 candidate for an elective office shall file with the
6 ~~commission~~ *Secretary of State an original and one copy*
7 *of a statement, signed under penalty of perjury, of*
8 *intention to be a candidate for a specific office. The copy*
9 *shall be available to the commission.*



1 For purposes of this section, “contribution” and “loan”
2 do not include any payments from the candidate’s
3 personal funds for a candidate filing fee or a candidate
4 statement of qualifications fee.

5 SEC. 2. Section 85201 of the Government Code is
6 amended to read:

7 85201. (a) Upon the filing of the statement of
8 intention pursuant to Section 85200, the individual shall
9 establish one campaign contribution account at an office
10 of a financial institution located in the state.

11 (b) Upon the establishment of an account, *an original*
12 *and one copy of a statement setting forth* the name of the
13 financial institution, the specific location, and the account
14 number shall be filed with the ~~commission~~ *Secretary of*
15 *State* within 10 days, except as provided by subdivision
16 (h). *The copy shall be available to the commission.*

17 (c) All contributions or loans made to the candidate,
18 to a person on behalf of the candidate, or to the
19 candidate’s controlled committee shall be deposited in
20 the account.

21 (d) Any personal funds which will be utilized to
22 promote the election of the candidate shall be deposited
23 in the account prior to expenditure.

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

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

29 (g) This section does not apply to a candidate who will
30 not receive contributions and who makes expenditures
31 from personal funds of less than one thousand dollars
32 (\$1,000) in a calendar year to support his or her
33 candidacy. For purposes of this section, a candidate’s
34 payment for a filing fee and statement of qualifications
35 shall not be included in calculating the total expenditures
36 made.

37 (h) Before expending one thousand dollars (\$1,000) or
38 more in a calendar year, any candidate who does not
39 establish a campaign contribution account pursuant to
40 subdivision (g) shall establish one campaign contribution



1 account at an office of a financial institution located in the
2 state and file the information required ~~under subdivision~~
3 ~~(b) with the commission in the manner prescribed in~~
4 ~~subdivision (b) with the Secretary of State~~ within five
5 days of establishing the account.

6 SEC. 3. Section 87500 of the Government Code is
7 amended to read:

8 87500. Statements of economic interests required by
9 this chapter shall be filed as follows:

10 (a) Statewide elected officer—one original with the
11 agency which shall make and retain a copy and forward
12 *a copy to the Secretary of State and* the original to the
13 commission, which shall retain the original and send one
14 copy to the Registrar-Recorder of Los Angeles County
15 and one copy ~~with~~ *to* the Clerk of the City and County of
16 San Francisco. The commission shall be the filing officer.

17 (b) Candidates for statewide elective office—one
18 original *and one copy* with the person with whom the
19 candidate's declaration of candidacy is filed, who shall
20 forward *the copy to the Secretary of State and* the original
21 to the commission which shall retain the original and send
22 one copy to the Registrar-Recorder of Los Angeles
23 County and one copy ~~with~~ *to* the Clerk of the City and
24 County of San Francisco. The commission shall be the
25 filing officer.

26 (c) Members of the Legislature and Board of
27 Equalization—one original with the agency which shall
28 make and retain a copy and forward *a copy to the*
29 *Secretary of State and* the original to the commission,
30 which shall retain the original and send one copy to the
31 clerk of the county which contains the largest percentage
32 of registered voters in the election district which the
33 officeholder represents, and one copy to the clerk of the
34 county in which the officeholder resides. No more than
35 one copy of each statement need be filed with the clerk
36 of any one county. The commission shall be the filing
37 officer.

38 (d) Candidates for the Legislature or the Board of
39 Equalization—one original *and one copy* with the person
40 with whom the candidate's declaration of candidacy is



1 filed, who shall forward *the copy to the Secretary of State*
2 *and* the original to the commission which shall retain the
3 original and send one copy to the clerk of the county
4 which contains the largest percentage of registered
5 voters in the election district in which the candidate seeks
6 nomination or election, and one copy to the clerk of the
7 county in which the candidate resides. No more than one
8 copy of each statement need be filed with the clerk of any
9 one county. The commission shall be the filing officer.

10 (e) Persons holding the office of chief administrative
11 officer and candidates for and persons holding the office
12 of district attorney, county counsel, county treasurer, and
13 member of the board of supervisors—one original with
14 the county clerk who shall make and retain a copy and
15 forward the original to the commission which shall be the
16 filing officer.

17 (f) Persons holding the office of city manager or, if
18 there is no city manager, the chief administrative officer,
19 the city treasurer, and candidates for and persons holding
20 the office of city council member, city attorney, and
21 mayor—one original with the city clerk who shall make
22 and retain a copy and forward the original to the
23 commission which shall be the filing officer.

24 (g) Members of the Public Utilities Commission,
25 members of the State Energy Resources Conservation
26 and Development Commission, planning commissioners,
27 and members of the California Coastal Commission—one
28 original with the agency which shall make and retain a
29 copy and forward the original to the commission which
30 shall be the filing officer.

31 (h) Members of the Fair Political Practices
32 Commission—one original with the commission which
33 shall make and retain a copy and forward the original to
34 the office of the Attorney General which shall be the
35 filing officer.

36 (i) Judges, court commissioners, and candidates for
37 the office of judge—one original with the clerk of the
38 court who shall make and retain a copy and forward the
39 original to the commission which shall be the filing
40 officer.



1 (j) Except as provided for in subdivision (k), heads of
2 agencies, members of boards or commissions not under a
3 department of state government or members of boards or
4 commissions not under the jurisdiction of a local
5 legislative body—one original with the agency, which
6 shall make and retain a copy and forward the original to
7 the code reviewing body which shall be the filing officer.
8 In its discretion, the code reviewing body may provide
9 that the original be filed directly with the code reviewing
10 body and that no copy be retained by the agency.

11 (k) Heads of local government agencies and members
12 of local government boards or commissions, for which the
13 Fair Political Practices Commission is the code reviewing
14 body, one original to the agency or board or commission
15 which shall be the filing officer, unless at its discretion the
16 Fair Political Practices Commission elects to act as the
17 filing officer. In this instance, the original shall be filed
18 with the agency, board, or commission, which shall make
19 and retain a copy and forward the original to the Fair
20 Political Practices Commission.

21 (l) Designated employees of the Legislature—one
22 original with the house of the Legislature by which the
23 designated employee is employed. In its discretion, each
24 house of the Legislature may provide that the originals of
25 statements filed by its designated employees be filed
26 directly with the commission, and that no copies be
27 retained by that house.

28 (m) Designated employees under contract to more
29 than one joint powers insurance agency and who elect to
30 file a multiagency statement pursuant to Section 87350,
31 the original of the statement with the commission which
32 shall be the filing officer, and a statement with each
33 agency with which they are under contract, declaring
34 that their statement of economic interests is on file with
35 the commission and available upon request.

36 (n) Members of a state licensing or regulatory board,
37 bureau, or commission—one original with the agency,
38 which shall make and retain a copy and forward the
39 original to the commission, which shall be the filing
40 officer.



1 (o) Persons not mentioned above—one original with
2 the agency or with the code reviewing body, as provided
3 by the code reviewing body in the agency’s conflict of
4 interest code.

5 SEC. 4. No reimbursement is required by this act
6 pursuant to Section 6 of Article XIII B of the California
7 Constitution for certain costs that may be incurred by a
8 local agency or school district because in that regard this
9 act creates a new crime or infraction, eliminates a crime
10 or infraction, or changes the penalty for a crime or
11 infraction, within the meaning of Section 17556 of the
12 Government Code, or changes the definition of a crime
13 within the meaning of Section 6 of Article XIII B of the
14 California Constitution.

15 However, notwithstanding Section 17610 of the
16 Government Code, if the Commission on State Mandates
17 determines that this act contains other costs mandated by
18 the state, reimbursement to local agencies and school
19 districts for those costs shall be made pursuant to Part 7
20 (commencing with Section 17500) of Division 4 of Title
21 2 of the Government Code. If the statewide cost of the
22 claim for reimbursement does not exceed one million
23 dollars (\$1,000,000), reimbursement shall be made from
24 the State Mandates Claims Fund.

25 Notwithstanding Section 17580 of the Government
26 Code, unless otherwise specified, the provisions of this act
27 shall become operative on the same date that the act
28 takes effect pursuant to the California Constitution.

29 SEC. 5. The Legislature finds and declares that the
30 provisions of this act further the purpose of the Political
31 Reform Act of 1974 within the meaning of subdivision (a)
32 of Section 81012 of the Government Code.

