

AMENDED IN SENATE JUNE 17, 1997
AMENDED IN SENATE APRIL 14, 1997
AMENDED IN SENATE MARCH 31, 1997

SENATE BILL

No. 7

Introduced by Senator Kopp

(Principal coauthors: ~~Senators Hayden and Vasconcellos~~)

(Principal coauthor: ~~Assembly Member Cunneen~~)

(Coauthors: ~~Senators Alpert, McPherson, and Watson~~)

(Coauthors: ~~Assembly Members Alquist, Aroner, Caldera, Goldsmith, Knox, Lempert, Margett, Richter, Thomson, and Woods~~)

December 2, 1996

~~An act to add Chapter 4.7 (commencing with Section 84700) to Title 9 of the Government Code, relating to the duties of the Secretary of State, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately. An act to amend Sections 3018 and 18370 of the Elections Code, relating to elections.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 7, as amended, Kopp. ~~Secretary of State: duties: Political Reform Act of 1974: electronic filing Elections: voting.~~

Under existing law, any voter using an absentee ballot may, prior to the close of the polls on election day, vote the ballot at the office of the elections official.

This bill would, for these purposes, permit the office of an election official to include satellite locations, under specified conditions.

Existing law makes it a misdemeanor for any person on election day to perform specified actions within 100 feet of a polling place.

This bill would impose a state-mandated local program by making it a misdemeanor for any person to take those actions on election day, or at any time that a voter may be casting a ballot, within 100 feet of a polling place or an election official's office.

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.

~~Existing provisions of the Political Reform Act of 1974 require specified candidates for public office and committees supporting or opposing candidates or ballot measures to periodically file reports with the Secretary of State and certain local officials setting forth information concerning contributions they received and expenditures they made during the specified reporting period. Existing provisions of the act also require lobbyists, lobbying firms, and lobbyist employers to periodically file specified reports and statements with the Secretary of State.~~

~~This bill would require the Secretary of State to develop a process whereby specified reports and statements that are required under the act to be filed with the Secretary of State could be filed electronically and viewed by the public at no cost by way of the Internet.~~

~~This bill would require that the following persons electronically file their required statements or reports with the Secretary of State beginning on July 1, 2000: candidates, committees, as defined, slate mailer organizations, or other persons who are required to file campaign statements, and officeholder expense fund statements with the Secretary of State, if the total amount of specified reportable items is \$50,000 or more in an election cycle, and lobbyists, lobbying~~



~~firms, lobbyist employers, and any other persons who are required to file lobbying reports with the Secretary of State, if the amount of specified reportable items is \$5,000 or more in a calendar year.~~

~~This bill would require the Secretary of State to make this electronically filed information available for public inspection, free of charge, at the Secretary of State's office.~~

~~This bill would permit the Secretary of State to establish a limited electronic filing program for filing by specified persons in 2000.~~

~~This bill would require the Secretary of State to implement a voluntary electronic filing program commencing July 1, 1999, and a limited electronic filing program commencing January 1, 2000, that would require defined persons to file electronically.~~

~~This bill would require the Secretary of State to specify a nonproprietary standard record format or formats for transmission of data required to be filed by this bill, certify private persons who purvey computer software that complies with these formats, and make public a list of all persons so certified.~~

~~This bill would require persons who are subject to these electronic filing requirements to continue to file paper copies of these reports and statements as currently required under the act until the Secretary of State determines that the electronic filing system is operating effectively.~~

~~This bill would not require local officials who also receive filings of these reports and statements to maintain a similar electronic filing system, but would impose a state-mandated local program by requiring county elections officials to receive this information from the Secretary of State.~~

~~The bill would provide that no employee or official of a state or local government agency shall utilize, for political or campaign purposes, public facilities or resources to retrieve or maintain any of the data produced pursuant to the bill.~~

~~This bill would appropriate the sum of \$750,000 to the Secretary of State for the purposes of developing the electronic reporting system, carrying out the other requirements of the bill, and reimbursing local agencies for any costs they incur in the development of the system.~~



~~This bill would provide that it is the intent of the Legislature that the Department of Information Technology and other administrative agencies assign the electronic filing system the highest priority, and take all necessary steps to ensure its readiness for implementation of the above-referenced limited electronic filing program.~~

~~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 criminal 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.~~

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

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

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

1 ~~SECTION 1.—Chapter 4.7 (commencing with Section~~
 2 ~~SECTION 1. Section 3018 of the Elections Code is~~
 3 ~~amended to read:~~
 4 ~~3018. (a) Any voter using an absentee ballot may,~~
 5 ~~prior to the close of the polls on election day, vote the~~
 6 ~~ballot at the office of the elections official. The voter shall~~
 7 ~~vote the ballot in the presence of an officer of the~~
 8 ~~elections official or in a voting booth, at the discretion of~~
 9 ~~the elections official, but in no case may his or her vote be~~
 10 ~~observed. Where voting machines are used the elections~~



1 official may provide one voting machine for each ballot
2 type used within the jurisdiction.

3 *(b) For purposes of this section, the office of an*
4 *election official may include satellite locations, provided*
5 *that the satellite locations are geographically distributed*
6 *evenly throughout the political subdivisions subject to the*
7 *election, are equally convenient and accessible to all*
8 *voters registered to vote in the election, and notice of the*
9 *location of the satellite locations is made to all voters*
10 *registered in the political subdivisions subject to the*
11 *election. If voting occurs within the last seven days prior*
12 *to an election, the voting shall be conducted in*
13 *accordance with Section 3021.*

14 *SEC. 2. Section 18370 of the Elections Code is*
15 *amended to read:*

16 18370. No person, on election day, or at any time that
17 a voter may be casting a ballot, shall, within 100 feet of a
18 polling place or an election official's office:

19 (a) Circulate an initiative, referendum, recall, or
20 nomination petition or any other petition.

21 (b) Solicit a vote or speak to a voter on the subject of
22 marking his ballot.

23 (c) Place a sign relating to voters' qualifications or
24 speak to a voter on the subject of his qualifications except
25 as provided in Section 14240.

26 (d) Do any electioneering.

27 As used in this section "100 feet of a polling place or an
28 election official's office" means a distance 100 feet from
29 the room or rooms in which voters are signing the roster
30 and casting ballots.

31 Any person who violates any of the provisions of this
32 section is guilty of a misdemeanor.

33 *SEC. 3. No reimbursement is required by this act*
34 *pursuant to Section 6 of Article XIII B of the California*
35 *Constitution because the only costs that may be incurred*
36 *by a local agency or school district will be incurred*
37 *because this act creates a new crime or infraction,*
38 *eliminates a crime or infraction, or changes the penalty*
39 *for a crime or infraction, within the meaning of Section*
40 *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 ~~84700) is added to Title 9 of the Government Code, to~~
8 ~~read:~~

9

10 CHAPTER 4.7. ~~CAMPAIGN AND LOBBYING ELECTRONIC~~
11 ~~DISCLOSURE ACT OF 1997~~

12

13 ~~84700. This act shall be known and may be cited as the~~
14 ~~Campaign and Lobbying Electronic Disclosure Act of~~
15 ~~1997.~~

16 ~~84701. The Legislature finds and declares as follows:~~

17 ~~(a) The people of California enacted one of the~~
18 ~~nation's most comprehensive campaign and lobbying~~
19 ~~financial disclosure laws when they voted for Proposition~~
20 ~~9, the Political Reform Act of 1974, an initiative statute.~~

21 ~~(b) The act requires full disclosure of receipts and~~
22 ~~expenditures in election campaigns, as well as complete~~
23 ~~disclosure of payments made in connection with lobbying~~
24 ~~activities, in order to fully inform the public, inhibit~~
25 ~~improper activities, and enhance governmental~~
26 ~~accountability.~~

27 ~~(c) Disclosure under the act is effected by requiring~~
28 ~~designated persons to file periodic statements and reports~~
29 ~~in paper format with the Secretary of State and certain~~
30 ~~local elections officials. Public access to the statements~~
31 ~~and reports is extremely limited, thus thwarting the~~
32 ~~purposes of the act.~~

33 ~~(d) Advances in computer technology have made it~~
34 ~~feasible to transmit the required campaign and lobbying~~
35 ~~disclosure data electronically, and to post the data on the~~
36 ~~Internet, where it will be readily available to millions of~~
37 ~~Californians.~~

38 ~~(e) It is therefore the intent of the Legislature that an~~
39 ~~electronic filing system be developed so that, via the~~
40 ~~Internet, the people of California will have the widest~~



1 possible access to state campaign and lobbying disclosure
2 information.

3 84702. To implement the Legislature's intent, the
4 Secretary of State, notwithstanding any other provision of
5 this title or this code, shall do all of the following:

6 (a) Develop an electronic filing process for use by all
7 persons and entities, including any candidate, committee,
8 including "small contributor committees" as defined in
9 Section 85203, slate mailer organization, lobbyist,
10 lobbying firm, lobbyist employer, public official, or any
11 other person required to file statements or reports with
12 the office of the Secretary of State, pursuant to Chapter
13 4 (commencing with Section 84100) and Chapter 6
14 (commencing with Section 86100).

15 (b) Develop a system pursuant to subdivision (a) to
16 accept electronically or digitally transmitted data and
17 incorporate in that system safeguards that ensure the
18 integrity of the data, and prevent unauthorized alteration
19 or modification of the data.

20 (c) Specify a nonproprietary standard record format
21 or formats using industrywide standards for the
22 transmission of data required pursuant to subdivision (a).

23 (d) Certify private persons who purvey filing software
24 that complies with the standardized record format
25 required by subdivision (c) and is compatible with the
26 Secretary of State's system for receiving the data, and
27 make public a list of all persons so certified.

28 (e) Make the electronically filed data available on the
29 Internet in an easily understood format that provides the
30 greatest public access. However, the data made available
31 on the public computer network shall not include any
32 person's residential street address.

33 (f) Develop a procedure, including, but not limited to,
34 the use of a digital signature process, that will permit filers
35 to comply with the requirements of Section 81004, which
36 provides that all statements and reports filed under this
37 title shall be signed under penalty of perjury and verified
38 by the filer.



1 ~~(g) Make all information that is electronically filed~~
2 ~~pursuant to this chapter available at the office of the~~
3 ~~Secretary of State, for public inspection, free of charge.~~

4 ~~(h) Maintain all electronically filed data online for 10~~
5 ~~years after the date of filing, and then retain the~~
6 ~~information in a secure format.~~

7 ~~(i) Provide assistance to those seeking public access to~~
8 ~~the information.~~

9 ~~(j) Charge no fee for electronic filing or public access~~
10 ~~to the data.~~

11 ~~(k) Consult with the Department of Information~~
12 ~~Technology regarding the implementation of safeguards~~
13 ~~to prevent unauthorized alteration or manipulation of~~
14 ~~the electronically filed data. The online disclosure system~~
15 ~~shall not become operative until the Department of~~
16 ~~Information Technology approves the system.~~

17 ~~(l) Maintain at all times a secured, official version of all~~
18 ~~original electronically filed statements and reports~~
19 ~~required by this section, which shall be available for~~
20 ~~audits and other legal purposes.~~

21 ~~84703. (a) The Secretary of State shall comply with~~
22 ~~the requirements of Section 84702 no later than June 1,~~
23 ~~1999.~~

24 ~~(b) The Secretary of State, commencing July 1, 1999,~~
25 ~~shall implement a voluntary electronic filing program,~~
26 ~~under which any person may elect to file statements or~~
27 ~~reports electronically as provided in Section 84702. The~~
28 ~~Secretary of State shall actively encourage participation~~
29 ~~in the voluntary electronic filing program.~~

30 ~~(c) Commencing January 1, 2000, the Secretary of~~
31 ~~State shall implement a limited electronic filing program~~
32 ~~in connection with the 2000 state election cycle, provided~~
33 ~~that all state-mandated development, procurement, and~~
34 ~~oversight requirements have been met. Under the~~
35 ~~limited program, electronic filing shall be required of~~
36 ~~candidates, committees, including "small contributor~~
37 ~~committees" as defined in Section 85203, slate mailer~~
38 ~~organizations, or other persons who are required,~~
39 ~~pursuant to Chapter 4 (commencing with Section 84100),~~
40 ~~to file statements, reports, or other documents in~~



1 connection with a state measure or state legislative office,
2 provided that the total cumulative reportable amount of
3 contributions received, expenditures made, loans made
4 or received, or in the case of slate mailer organizations,
5 total cumulative reportable payments received or made
6 for the cost of producing slate mailers, is one hundred
7 thousand dollars (\$100,000) or more. General purpose
8 committees, as defined in Section 82027.5, that receive
9 contributions or make expenditures cumulatively
10 totaling one hundred thousand dollars (\$100,000) or more
11 to support or oppose candidates for any elective state
12 office or state measure shall also file electronically.

13 (d) Commencing January 1, 2000, the Secretary of
14 State shall implement a limited electronic filing program
15 for calendar year 2000 by which lobbyists, lobbying firms,
16 lobbyist employers, and any other persons who are
17 required, pursuant to Chapter 6 (commencing with
18 Section 86100), to file statements, reports, or other
19 documents are required to electronically file, provided
20 that the total cumulative amount of any category of
21 reportable payments, expenses, contributions, gifts, or
22 other items is one hundred thousand dollars (\$100,000) or
23 more in a calendar quarter.

24 (d) Commencing on July 1, 2000, and for every
25 applicable reporting period thereafter, the following
26 persons shall file electronically with the Secretary of
27 State:

28 (1) All candidates, committees, including “small
29 contributor committees” as defined in Section 85203,
30 slate mailer organizations, or other persons required,
31 pursuant to Chapter 4 (commencing with Section 84100),
32 to file statements, reports, or other documents with the
33 Secretary of State, if the total cumulative amount of any
34 category of reportable contributions received,
35 expenditures made, loans made or received, or in the case
36 of slate mailer organizations, total cumulative payments
37 received or made for the cost of producing slate mailers,
38 is fifty thousand dollars (\$50,000) or more in an election
39 cycle. In determining the cumulative reportable amount,
40 all controlled committees, as defined by Section 82106;



1 and officeholder accounts, as defined by Section 85313,
2 shall be included.

3 (2) All lobbyists, lobbying firms, lobbyist employers,
4 and any other persons who are required, pursuant to
5 Chapter 6 (commencing with Section 86100), to file
6 statements, reports, or other documents, if the total
7 cumulative amount of any category of reportable
8 payments, expenses, contributions, gifts, or other items is
9 five thousand dollars (\$5,000) or more in a calendar year.

10 (f) Persons filing electronically shall also continue to
11 file required disclosure forms in paper format, and the
12 paper copy shall continue to be the official filing for audit
13 and legal purposes, until the time that the Secretary of
14 State determines that the electronic filing system is
15 operating effectively. After the Secretary of State has
16 made this determination, electronic filers required by
17 this chapter to file with the Secretary of State shall no
18 longer be required to file copies with local filing officers.
19 The Secretary of State, immediately after receipt of the
20 electronically filed data, shall make the data available to
21 the appropriate local filing officers. A person or entity
22 required by this title to file with the Secretary of State, but
23 not required by this chapter to file electronically, shall
24 continue to file in paper format, or may voluntarily file
25 electronically. If a person or entity initially files in paper
26 format and later becomes subject to paragraph (1) or (2)
27 of subdivision (e), then the person or entity shall refile
28 previously filed reports electronically, and shall file all
29 subsequent reports electronically.

30 (g) The date that a filer transmits an electronic report
31 shall be the date the filed report is received by the
32 Secretary of State.

33 84704. Pursuant to Section 8314, no employee or
34 official of a state or local government agency shall utilize,
35 for political, campaign, or personal purposes, public
36 facilities or resources to retrieve or maintain any of the
37 data produced pursuant to the requirements of this
38 chapter.

39 84705. There is hereby appropriated from the
40 General Fund of the state to the Secretary of State the



1 ~~sum of seven hundred fifty thousand dollars (\$750,000)~~
2 ~~for the purpose of developing the electronic or digital~~
3 ~~filing system, carrying out the other requirements of this~~
4 ~~chapter, and reimbursing local agencies for any costs~~
5 ~~incurred from this system. It is the intent of the~~
6 ~~Legislature that the Department of Information~~
7 ~~Technology and other administrative agencies assign the~~
8 ~~highest priority to the electronic filing system, and take~~
9 ~~all necessary steps to ensure its readiness for~~
10 ~~implementation of the limited 1998 filing program.~~

11 ~~SEC. 2. No reimbursement is required by this act~~
12 ~~pursuant to Section 6 of Article XIII B of the California~~
13 ~~Constitution for certain costs that may be incurred by a~~
14 ~~local agency or school district because in that regard this~~
15 ~~act creates a new crime or infraction, eliminates a crime~~
16 ~~or infraction, or changes the penalty for a crime or~~
17 ~~infraction, within the meaning of Section 17556 of the~~
18 ~~Government Code, or changes the definition of a crime~~
19 ~~within the meaning of Section 6 of Article XIII B of the~~
20 ~~California Constitution.~~

21 ~~Except for the costs to be reimbursed pursuant to the~~
22 ~~appropriation set forth in Section 1, no reimbursement is~~
23 ~~required by this act pursuant to Section 6 of Article XIII B~~
24 ~~of the California Constitution because this act provides~~
25 ~~for offsetting savings to local agencies or school districts~~
26 ~~that result in no net costs to the local agencies or school~~
27 ~~districts, within the meaning of Section 17556 of the~~
28 ~~Government Code.~~

29 ~~Notwithstanding Section 17580 of the Government~~
30 ~~Code, unless otherwise specified, the provisions of this act~~
31 ~~shall become operative on the same date that the act~~
32 ~~takes effect pursuant to the California Constitution.~~

33 ~~SEC. 3. The Legislature finds and declares that the~~
34 ~~provisions of this act further the purpose of the Political~~
35 ~~Reform Act of 1974 within the meaning of subdivision (a)~~
36 ~~of Section 81012 of the Government Code.~~

37 ~~SEC. 4. This act is an urgency statute necessary for the~~
38 ~~immediate preservation of the public peace, health, or~~
39 ~~safety within the meaning of Article IV of the~~



1 ~~Constitution and shall go into immediate effect. The facts~~
2 ~~constituting the necessity are:~~
3 ~~In order to implement the changes proposed by this act~~
4 ~~in time for the 1998 state election cycle, it is necessary that~~
5 ~~this act take effect immediately.~~

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