

AMENDED IN ASSEMBLY APRIL 25, 2011

AMENDED IN ASSEMBLY MARCH 31, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 447

Introduced by Assembly Members Huffman and Fletcher
(Principal coauthor: Assembly Member Roger Hernández)

February 15, 2011

An act to amend Sections 81006, 81009.5, ~~82036, 82036.5,~~ 82048.7, 84100, 84101, 84103, 84200, 84200.5, 84200.6, ~~84203, 84203.3, 84204,~~ 84204.5, 84211, ~~84215,~~ 84218, ~~84220,~~ 84252, ~~84300,~~ 84305.5, 84310, ~~84507~~ 84602, ~~84604,~~ ~~84605,~~ 85301, 85302, 85303, 85316, 85400, 87103, 87406, 89503, and 91013 of, *to amend and renumber Sections 82036 and 82036.5 of,* and to repeal Sections 83124, 84200.7, 84200.8, 84202.3, 84202.5, 84202.7, and 84203.5 of, ~~and to repeal and add Section 86203 of,~~ the Government Code, relating to the Political Reform Act of 1974.

LEGISLATIVE COUNSEL'S DIGEST

AB 447, as amended, Huffman. Political Reform Act of 1974.

(1) The Political Reform Act of 1974 provides for the comprehensive regulation of campaign financing, conflicts of interests of public officials, and the lobbying industry, and further establishes the Fair Political Practices Commission to administer and enforce the provisions of the act. Among its provisions, the act requires each campaign committee to file a statement of organization upon qualifying as a committee, and further requires elected officers, candidates, and committees to file periodic campaign statements reporting contributions received and expenditures made during specified reporting periods.

Specifically, the act requires each elected officer, candidate, and committee to file a semiannual statement for each 6-month period, and further requires that preelection statements be filed at various specified times depending upon the type of election and the identity of the filer. The act also requires the filing of supplemental preelection statements, independent expenditure reports, and campaign statements by committees that make contributions of \$10,000 or more in odd-numbered years. Under the act, a late contribution report or a late independent expenditure report is required to be filed within 24 hours if a contribution or independent expenditure is made before an election but after the closing date of the last campaign statement, and a committee is required to file a report online or electronically within 10 business days each time it makes a contribution or expenditure of \$5,000 or more to support or oppose a ballot measure.

This bill would instead require each elected officer, candidate, and committee to file a quarterly statement for each calendar quarter *in each odd-numbered year and a monthly statement for each calendar month in each even-numbered year*, except that a committee that has received contributions of less than \$500 and made expenditures of less than \$500 in a ~~calendar quarter~~ *reporting period* would be permitted to file *instead* a statement of inactivity for that ~~quarter~~ *reporting period*. The bill would also provide that there be only one type of preelection statement, *to be referred to as a 16-day report*, for all elections and all filers, to be filed no later than 16 days before an election for the period ending 21 days before the election. The bill would repeal provisions requiring the filing of supplemental preelection statements, independent expenditure reports, and odd-numbered year committee statements, and the bill would require a ~~late 90-day~~ contribution report or a ~~late 90-day~~ independent expenditure report to be filed within 24 hours if the contribution or independent expenditure is made within ~~45~~ 90 days before the date of an election. Under the bill, a committee would be required to file a report online or electronically within 24 hours each time it makes a contribution or expenditure of ~~\$100,000~~ \$25,000 or more to support or oppose a ballot measure. *In addition, the bill would require specified elected officers, candidates, and committees to file a copy of each campaign statement with the elections official of any jurisdiction in which the filer made expenditures of \$25,000 or more during the reporting period.*

(2) Existing law requires that each filer of a campaign statement include in the campaign statement specified information, including the

amount of contributions received or expenditures made during the reporting period and specified identifying information about each person who has made contributions totaling \$100 or more.

This bill would also require that each filer include in the campaign statement specified information about a 3rd party if the filer knows or has reason to know that contributions from 2 or more persons have been made at the behest of that 3rd party and the cumulative amount of those contributions, ~~plus any~~ *the* amounts the 3rd party has contributed to the filer directly, *if any*, equals or exceeds the maximum amount that the 3rd party would be permitted to contribute to the filer.

(3) Existing law prohibits a local government agency from enacting an ordinance imposing filing requirements additional to or different from those imposed by the act, unless the additional or different filing requirements apply only to a candidate or ballot measure being voted upon only in that jurisdiction or to a city or county general purpose committee active only in that jurisdiction.

This bill would also permit a local government agency to enact an ordinance imposing additional or different filing requirements if those requirements apply *only* to a ~~state~~ general purpose committee that spends \$25,000 or more in the jurisdiction of that local government agency ~~an amount determined by the Commission~~.

(4) Existing law imposes specified limits on the amounts that may be contributed for purposes of an election to specified candidates by persons and small contributor committees, as defined, and on the amounts that may be contributed to campaign committees and political party committees. Existing law further imposes specified limits on the amounts that may be contributed to specified office holders after an election for the purpose of paying expenses associated with holding office. In addition, existing law sets specified limits on campaign expenditures for those candidates for elective state office who have voluntarily accepted the expenditure limits. Under existing law, all of the foregoing limits are adjusted biennially by the Commission to reflect any increase or decrease in the Consumer Price Index.

This bill would set all of those contribution and expenditure limits at the amounts as most recently adjusted by the Commission and would repeal the authority of the Commission to make any further adjustments to those limits.

(5) Existing law requires that every campaign committee have a treasurer who is responsible for authorizing any expenditure made by or on behalf of the committee. The treasurer is required to be designated

on the committee's statement of organization, and a committee cannot accept a contribution or make an expenditure at a time when there is a vacancy in the office of the treasurer.

This bill would require each treasurer, ~~within 12 months~~ prior to his or her designation as a treasurer *or within 15 business days after that designation*, to complete an online certification course that addresses the statutes and regulations governing the financing of campaigns and the duties and responsibilities of a treasurer. The bill would permit the Commission to charge each applicant for certification a fee not to exceed \$50 for the costs of administering the certification program, *which could be paid from campaign funds*, and the bill would require each treasurer to verify under penalty of perjury that he or she has been certified under the certification program. The bill would also require *a treasurer to renew his or her certification every 2 years and would further require* the Secretary of State to maintain on his or her Internet Web site a list of each treasurer who is currently certified.

~~(6) Existing law requires that each political advertisement include a disclosure statement that discloses specified information, in a specified manner, about the person or persons who have paid for the advertisement.~~

~~This bill would permit the Commission to adopt regulations exempting an advertisement from the requirement of a disclosure statement in any circumstance when the required disclosure statement would not be feasible or would not be sufficiently legible so as to be informative to the intended public.~~

~~(7)~~

~~(6) Existing law provides that regulation of the operation of automatic dialing-announcing devices, as defined, is within the jurisdiction of the Public Utilities Commission.~~

This bill would permit the Fair Political Practices Commission to regulate the content of a prerecorded telephonic message that is disseminated by means of an automatic dialing-announcing device and that advocates support of, or opposition to, a candidate, ballot measure, or both.

~~(8)~~

~~(7) Existing law imposes various requirements on slate mailers, defined as mass mailings that support or oppose multiple candidates or ballot measures, and on slate mailer organizations that produce and distribute slate mailers. Specifically, existing law requires a slate mailer organization to file a semiannual campaign statement for each 6-month~~

period. In addition, existing law requires that each slate mailer disclose specified information, in a specified manner, about the slate mailer organization and identify each candidate and ballot measure that has paid to appear in the slate mailer.

This bill would instead require a slate mailer organization to file a quarterly statement for each calendar quarter *in each odd-numbered year and a monthly statement for each calendar month in each even-numbered year*, except that a slate mailer organization that has received payments of less than \$500 and made expenditures of less than \$500 in a ~~calendar quarter reporting period~~ would be permitted to file *instead* a statement of inactivity for that ~~quarter reporting period~~. The bill would also permit the Commission to impose, by regulation, other requirements regarding the contents of a slate mailer.

(9)

(8) Existing law imposes specified restrictions on gifts that may be received by public officials. Specifically, existing law prohibits a public official from accepting gifts from, or from influencing a governmental decision that will have a material financial effect on, any single source in a calendar year with a total value of more than an amount as adjusted biennially by the Commission to reflect any increase or decrease in the Consumer Price Index. ~~Existing law further prohibits a lobbyist or lobbying firm from making gifts to a public official aggregating more than \$10 in a calendar month.~~

This bill would set the limit on gifts from most sources at \$250 per calendar year and would repeal the authority of the Commission to make any further adjustments to that limit. ~~The bill would also prohibit a lobbyist or lobbying firm from giving a public official a gift of any value.~~

(10)

(9) Existing law prohibits a Member of the Legislature, for a period of one year after leaving office, from acting as an agent or attorney or otherwise representing, for compensation, any other person by making a formal or informal appearance or making an oral or written communication before the Legislature, a legislative committee, a Member of the Legislature, or an officer or employee of the Legislature for the purpose of influencing legislative action.

This bill would impose those prohibitions on an employee of the Legislature for a period of one year after leaving his or her employment with the Legislature.

(11)

(10) Existing law imposes penalties on a person who files a campaign statement or report after the applicable deadline in the amount of \$10 per day up to a maximum of \$100 or the amount being reported in the statement or report, whichever is greater.

This bill would increase those penalties to \$25 per day up to a maximum of \$750 or 150% of the amount reported in the statement or report, whichever is greater. *The bill would also make those penalties applicable to a campaign statement or report submitted on behalf of a committee that does not have a currently certified treasurer.* In addition, the bill would prohibit a candidate or elected officer from using campaign funds to pay a fine imposed on him or her for tardy filing of a ~~campaign statement or report~~ *statement of economic interests*.

~~(12)~~

(11) Existing law requires the Secretary of State to develop online or electronic filing processes for the filing of campaign statements and reports, and further requires that candidates, general purpose committees, and other entities file required statements and reports online or electronically if the total amount of contributions or expenditures being reported exceed a specified threshold. Existing law prohibits a fee or charge from being collected for the filing of a campaign statement or report, except as provided for under the act.

This bill would require the Secretary of State and the Commission to jointly work toward the development of a single, statewide electronic filing system that consolidates the filing of all state and local campaign statements and reports into one searchable database that meets specified criteria. The bill would require the Secretary of State and the Commission to develop a ~~technology plan~~ *feasibility study report* for the electronic filing system by ~~August~~ *December* 31, ~~2012~~ *2013*, to develop a funding plan, to engage in fundraising, and to complete work on the electronic filing system by December 31, ~~2014~~ *2017*. In addition, the bill would permit the Secretary of State to collect a fee or charge for the filing of a campaign statement or report required under the act, provided that the amounts collected are used only for, and do not exceed the costs of, development and maintenance of the electronic filing system.

~~(13)~~

(12) 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 impose a state-mandated local program by creating additional crimes.

(14)

(13) 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.

(15)

(14) 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 81006 of the Government Code is
2 amended to read:

3 81006. (a) Except as provided in subdivision (b) or elsewhere
4 in this title, no fee or charge shall be collected by any officer for
5 the filing of any report or statement or for the forms upon which
6 reports or statements are to be prepared.

7 (b) The Secretary of State may collect a fee or charge for the
8 filing of a report or statement required by Chapter 4; (commencing
9 with Section 84100), provided that the amounts collected are used
10 only for, and do not exceed the costs of, development and
11 maintenance of a system for online or electronic filing of reports
12 and statements required by that chapter.

13 SEC. 2. Section 81009.5 of the Government Code is amended
14 to read:

15 81009.5. (a) A local government agency that has enacted,
16 enacts, amends, or repeals an ordinance or other provision of law
17 affecting campaign contributions and expenditures shall file a copy
18 of the action with the Commission.

19 (b) Notwithstanding Section 81013, a local government agency
20 shall not enact an ordinance imposing filing requirements additional
21 to or different from those set forth in Chapter 4 (commencing with

1 Section 84100) for elections held in its jurisdiction, except as
2 follows:

3 (1) A local government agency may enact an ordinance imposing
4 additional or different filing requirements if the additional or
5 different filing requirements apply only to the candidates seeking
6 election in that jurisdiction, their controlled committees or
7 committees formed or existing primarily to support or oppose their
8 candidacies, and to committees formed or existing primarily to
9 support or oppose a candidate or to support or oppose the
10 qualification of, or passage of, a local ballot measure that is being
11 voted on only in that jurisdiction, and to city or county general
12 purpose committees active only in that city or county, respectively.

13 (2) A local government agency may enact an ordinance imposing
14 additional or different filing requirements if the additional or
15 different filing requirements apply *only* to a ~~state~~ general purpose
16 committee that spends *twenty-five thousand dollars (\$25,000) or*
17 *more* in the jurisdiction of that local government agency ~~an amount~~
18 ~~determined by the Commission.~~

19 (c) It is the intent of the Legislature that the Secretary of State
20 and the Commission make efforts to coordinate with each local
21 government agency that proposes to enact, or has enacted, an
22 ordinance pursuant to subdivision (b) to harmonize, to the extent
23 possible, the provisions of the proposed or enacted ordinance with
24 the provisions of this title.

25 ~~SEC. 3. Section 82036 of the Government Code is amended~~
26 ~~to read:~~

27 ~~82036. “Late~~

28 *SEC. 3. Section 82036 of the Government Code is amended*
29 *and renumbered to read:*

30 ~~82036.~~

31 *82043.3. “Ninety-day contribution” means any of the following:*

32 (a) A contribution, including a loan, that totals in the aggregate
33 one thousand dollars (\$1,000) or more and is made to or received
34 by a candidate, a controlled committee, or a committee formed or
35 existing primarily to support or oppose a candidate or measure
36 ~~within 45~~ 90 days before the date of the election at which the
37 candidate or measure is to be voted on. For purposes of the Board
38 of Administration of the Public Employees’ Retirement System
39 and the Teachers’ Retirement Board, “the date of the election” is
40 the deadline to return ballots.

(b) A contribution, including a loan, that totals in the aggregate one thousand dollars (\$1,000) or more and is made to or received by a political party committee, as defined in Section 85205, within 45 90 days before the date of a state election.

SEC. 4. ~~Section 82036.5 of the Government Code is amended to read:~~

82036.5. —“Late

SEC. 4. *Section 82036.5 of the Government Code is amended and renumbered to read:*

82036.5.

82043.5. “Ninety-day independent expenditure” means an independent expenditure that totals in the aggregate one thousand dollars (\$1,000) or more and is made for or against a specific candidate or measure involved in an election within 45 90 days before the date of the election. For purposes of the Board of Administration of the Public Employees’ Retirement System and the Teachers’ Retirement Board, “the date of the election” is the deadline to return ballots.

SEC. 5. Section 82048.7 of the Government Code is amended to read:

82048.7. (a) “Sponsored committee” means a committee, other than a candidate controlled committee, that has one or more sponsors. Any person, except a candidate or other individual, may sponsor a committee.

(b) A person sponsors a committee if any of the following apply:

(1) The committee receives 80 percent or more of its contributions from the person or its members, officers, employees, or shareholders.

(2) The person collects contributions for the committee by use of payroll deductions or dues from its members, officers, or employees.

(3) The person, alone or in combination with other organizations, provides all or nearly all of the administrative services for the committee.

SEC. 6. Section 83124 of the Government Code is repealed.

SEC. 7. Section 84100 of the Government Code is amended to read:

84100. (a) Every committee shall have a treasurer. No expenditure shall be made by or on behalf of a committee without the authorization of the treasurer or that of his or her designated

1 agents. No contribution or expenditure shall be accepted or made
2 by or on behalf of a committee at a time when there is a vacancy
3 in the office of treasurer.

4 (b) (1) ~~Within 12 months prior~~ Prior to being designated as a
5 treasurer pursuant to Section 84102 or 84103, *or not later than 15*
6 *business days after that designation*, a treasurer shall complete an
7 online certification course, designed and administered by the
8 Commission, that addresses the statutes and regulations governing
9 the financing of campaigns, and the duties and responsibilities of
10 a treasurer, under this title. The course shall require each applicant
11 for certification to verify, under penalty of perjury, his or her
12 identity by means of an identifier determined by the Commission.

13 (2) The Commission may charge each applicant for certification
14 pursuant to this subdivision a fee not to exceed fifty dollars (\$50).
15 *The fee may be paid with, or reimbursed from, campaign funds,*
16 *as defined in Section 89511.*

17 (3) Each treasurer shall verify, under penalty of perjury, on a
18 statement of organization required by Section 84102 or on an
19 amendment to a statement of organization required by Section
20 84103, that he or she has been certified pursuant to this subdivision.

21 (4) *A treasurer shall renew his or her certification pursuant to*
22 *this subdivision every two years.*

23 (4)

24 (5) The Secretary of State shall maintain on his or her Internet
25 Web site a list of treasurers who are currently certified pursuant
26 to this subdivision.

27 SEC. 8. Section 84101 of the Government Code is amended
28 to read:

29 84101. (a) A committee that is a committee pursuant to
30 subdivision (a) of Section 82013 shall file a statement of
31 organization. The committee shall file the original of the statement
32 of organization with the Secretary of State and shall also file a
33 copy of the statement of organization with the local filing officer,
34 if any, with whom the committee is required to file the originals
35 of its campaign reports pursuant to Section 84215. The original
36 and copy of the statement of organization shall be filed within 10
37 days after the committee has qualified as a committee. The
38 Secretary of State shall assign a number to each committee that
39 files a statement of organization and shall notify the committee of
40 the number. The Secretary of State shall send a copy of statements

1 filed pursuant to this section to the county elections official of each
2 county that he or she deems appropriate. A county elections official
3 who receives a copy of a statement of organization from the
4 Secretary of State pursuant to this section shall send a copy of the
5 statement to the clerk of each city in the county that he or she
6 deems appropriate.

7 (b) In addition to filing the statement of organization as required
8 by subdivision (a), if a committee qualifies as a committee pursuant
9 to subdivision (a) of Section 82013 before the date of an election
10 in connection with which the committee is required to file
11 preelection statements, but after the closing date of the last
12 campaign statement required to be filed before the election pursuant
13 to Section 84200.5 or 84200.9, the committee shall file, by
14 facsimile transmission, guaranteed overnight delivery, or personal
15 delivery within 24 hours of qualifying as a committee, the
16 information required to be reported in the statement of organization.
17 The information required by this subdivision shall be filed with
18 the filing officer with whom the committee is required to file the
19 originals of its campaign reports pursuant to Section 84215.

20 (c) If an independent expenditure committee qualifies as a
21 committee pursuant to subdivision (a) of Section 82013 during the
22 time period described in Section ~~82036.5~~ 82043.5 and makes
23 independent expenditures of one thousand dollars (\$1,000) or more
24 to support or oppose a candidate or candidates for office, the
25 committee shall file, by facsimile transmission, online transmission,
26 guaranteed overnight delivery, or personal delivery within 24 hours
27 of qualifying as a committee, the information required to be
28 reported in the statement of organization. The information required
29 by this subdivision shall be filed with the filing officer with whom
30 the committee is required to file the originals of its campaign
31 reports pursuant to Section 84215, and shall be filed at all locations
32 required for the candidate or candidates supported or opposed by
33 the independent expenditures. The filings required by this
34 subdivision are in addition to filings that may be required by
35 Section 84204.

36 (d) For purposes of this section, in calculating whether one
37 thousand dollars (\$1,000) in contributions has been received,
38 payments for a filing fee or for a statement of qualifications to
39 appear in a sample ballot shall not be included if these payments
40 have been made from the candidate's personal funds.

1 SEC. 9. Section 84103 of the Government Code is amended
2 to read:

3 84103. (a) Whenever there is a change in the information
4 contained in a statement of organization, an amendment shall be
5 filed within 10 days to reflect the change. The committee shall file
6 the original of the amendment with the Secretary of State and shall
7 also file a copy of the amendment with the local filing officer, if
8 any, with whom the committee is required to file the originals of
9 its campaign reports pursuant to Section 84215.

10 (b) In addition to filing an amendment to a statement of
11 organization as required by subdivision (a), a committee as defined
12 in subdivision (a) of Section 82013 shall, by facsimile transmission,
13 online transmission, guaranteed overnight delivery, or personal
14 delivery within 24 hours, notify the filing officer with whom it is
15 required to file the originals of its campaign reports pursuant to
16 Section 84215 when the change requiring the amendment occurs
17 before the date of an election in connection with which the
18 committee is required to file a preelection statement, but after the
19 closing date of the last preelection statement required to be filed
20 for the election pursuant to Section 84200.5 or 84200.9, if any of
21 the following information is changed:

22 (1) The name of the committee.

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

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

26 The notification shall include the changed information, the date
27 of the change, the name of the person providing the notification,
28 and the committee's name and identification number.

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

31 SEC. 10. Section 84200 of the Government Code is amended
32 to read:

33 84200. (a) (1) Except as provided in paragraphs (2), (3), (4),
34 and (5), elected officers, candidates, and committees pursuant to
35 subdivision (a) of Section 82013 shall file statements for each
36 calendar quarter *in each odd-numbered year* as follows:

37 (A) No later than April 15 for the quarter ending March 31.

38 (B) No later than July 15 for the quarter ending June 30.

39 (C) No later than October 15 for the quarter ending September
40 30.

(D) No later than January ~~31~~ 15 for the quarter ending December 31.

(2) A candidate who, during the past three months, has filed a declaration pursuant to Section 84206 is not required to file quarterly statements for that calendar year.

(3) Elected officers whose salaries are less than two hundred dollars (\$200) a month, judges, judicial candidates, and their controlled committees shall not file quarterly statements pursuant to this subdivision for any three-month period in which they have not made or received any contributions or made any expenditures.

(4) A judge who is not listed on the ballot for reelection to, or recall from, any elective office during a calendar year shall not file quarterly statements pursuant to this subdivision for any three-month period in that year if both of the following apply:

(A) The judge has not received any contributions.

(B) The only expenditures made by the judge during the calendar year are contributions from the judge's personal funds to other candidates or committees totaling less than one thousand dollars (\$1,000).

(5) A committee that has received contributions of less than five hundred dollars (\$500) and made expenditures of less than five hundred dollars (\$500) during a calendar quarter may file a statement of inactivity for that quarter, as prescribed by the Commission, *in lieu of the statement required by paragraph (1).*

(b) (1) Except as provided in paragraphs (2), (3), (4), and (5), elected officers, candidates, and committees pursuant to subdivision (a) of Section 82013 shall file statements for each calendar month in each even-numbered year. A statement filed pursuant to this subdivision shall be filed within 15 days after the close of the reporting period.

(2) A candidate who, during the past month, has filed a declaration pursuant to Section 84206 is not required to file monthly statements for that calendar year.

(3) Elected officers whose salaries are less than two hundred dollars (\$200) a month, judges, judicial candidates, and their controlled committees shall not file monthly statements pursuant to this subdivision for any month in which they have not made or received any contributions or made any expenditures.

(4) A judge who is not listed on the ballot for reelection to, or recall from, any elective office during a calendar year shall not

1 *file monthly statements pursuant to this subdivision for any month*
2 *in that year if both of the following apply:*

3 *(A) The judge has not received any contributions.*

4 *(B) The only expenditures made by the judge during the calendar*
5 *year are contributions from the judge's personal funds to other*
6 *candidates or committees totaling less than one thousand dollars*
7 *(\$1,000).*

8 *(5) A committee that has received contributions of less than five*
9 *hundred dollars (\$500) and made expenditures of less than five*
10 *hundred dollars (\$500) during a calendar month may file a*
11 *statement of inactivity for that month, as prescribed by the*
12 *Commission, in lieu of the statement required by paragraph (1).*

13 ~~(b)~~

14 *(c) All committees pursuant to subdivision (b) or (c) of Section*
15 *82013 shall file campaign statements each year no later than July*
16 *15 for the period ending June 30, and no later than January 31 15*
17 *for the period ending December 31, if they have made contributions*
18 *or independent expenditures, including payments to a slate mailer*
19 *organization, during the six-month period before the closing date*
20 *of the statements.*

21 SEC. 11. Section 84200.5 of the Government Code is amended
22 to read:

23 84200.5. In addition to the campaign statements required by
24 Section 84200, elected officers, candidates, and committees shall
25 file preelection statements as follows:

26 (a) Except as provided in subdivision (b), each of the following
27 shall file, by electronic means, guaranteed overnight delivery
28 service, or personal delivery, a preelection statement, *to be referred*
29 *to as a "16-day report,"* no later than 16 days before an election
30 for the period ending 21 days before the election:

31 (1) All candidates for elective office being voted upon in the
32 election, their controlled committees, and committees primarily
33 formed to support or oppose a candidate or measure being voted
34 upon in the election.

35 (2) A state or county general purpose committee formed
36 pursuant to subdivision (a) of Section 82013, other than a political
37 party committee as defined in Section 85205, if it makes
38 contributions or independent expenditures totaling five hundred
39 dollars (\$500) or more in connection with a state or county election,
40 respectively, during the period covered by the ~~preelection statement~~

1 *16-day report*. A state or county general purpose committee formed
2 pursuant to subdivision (b) or (c) of Section 82013 is not required
3 to file the ~~preelection statement~~ *16-day report* specified by this
4 subdivision.

5 (3) A political party committee, as defined in Section 85205, if
6 it receives contributions totaling one thousand dollars (\$1,000) or
7 more, or makes contributions or independent expenditures totaling
8 five hundred dollars (\$500) or more, in connection with a state
9 election during the period covered by the ~~preelection statement~~
10 *16-day report*.

11 (4) A city general purpose committee, if it makes contributions
12 or independent expenditures totaling five hundred dollars (\$500)
13 or more in connection with a city election during the period covered
14 by the ~~preelection statement~~ *16-day report*.

15 (b) (1) During an election period for the Board of
16 Administration of the Public Employees' Retirement System or
17 the Teachers' Retirement Board, all candidates for these boards,
18 their controlled committees, and committees primarily formed to
19 support or oppose the candidates shall file the preelection
20 statements specified in Section 84200.9.

21 (2) During an election period for the Board of Administration
22 of the Public Employees' Retirement System or the Teachers'
23 Retirement Board, a state or county general purpose committee
24 formed pursuant to subdivision (a) of Section 82013 shall file the
25 preelection statements specified in Section 84200.9 if it makes
26 contributions or independent expenditures totaling five hundred
27 dollars (\$500) or more during the period covered by the preelection
28 statement to support or oppose a candidate, or a committee
29 primarily formed to support or oppose a candidate, on the ballot
30 for the Board of Administration of the Public Employees'
31 Retirement System or the Teachers' Retirement Board. A state or
32 county general purpose committee formed pursuant to subdivision
33 (b) or (c) of Section 82013 is not required to file the statements
34 specified in Section 84200.9.

35 SEC. 12. Section 84200.6 of the Government Code is amended
36 to read:

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

1 (a) ~~Late-Ninety-day~~ contribution reports when required by
2 Section 84203.

3 (b) ~~Late-Ninety-day~~ independent expenditure reports when
4 required by Section 84204.

5 SEC. 13. Section 84200.7 of the Government Code is repealed.

6 SEC. 14. Section 84200.8 of the Government Code is repealed.

7 SEC. 15. Section 84202.3 of the Government Code is repealed.

8 SEC. 16. Section 84202.5 of the Government Code is repealed.

9 SEC. 17. Section 84202.7 of the Government Code is repealed.

10 SEC. 18. *Section 84203 of the Government Code is amended*
11 *to read:*

12 84203. (a) Each candidate or committee that makes or receives
13 a ~~late 90-day~~ contribution, as defined in Section ~~82036~~ 82043.3,
14 shall report the ~~late 90-day~~ contribution to each office with which
15 the candidate or committee is required to file its next campaign
16 statement pursuant to Section 84215. The candidate or committee
17 that makes the ~~late 90-day~~ contribution shall report his or her full
18 name and street address and the full name and street address of
19 the person to whom the ~~late 90-day~~ contribution has been made,
20 the office sought if the recipient is a candidate, or the ballot
21 measure number or letter if the recipient is a committee primarily
22 formed to support or oppose a ballot measure, and the date and
23 amount of the ~~late 90-day~~ contribution. The recipient of the ~~late~~
24 ~~90-day~~ contribution shall report his or her full name and street
25 address, the date and amount of the ~~late 90-day~~ contribution, and
26 whether the contribution was made in the form of a loan. The
27 recipient shall also report the full name of the contributor, his or
28 her street address, occupation, and the name of his or her employer,
29 or if self-employed, the name of the business.

30 (b) A ~~late 90-day~~ contribution shall be reported by facsimile
31 transmission, guaranteed overnight delivery, or personal delivery
32 within 24 hours of the time it is made in the case of the candidate
33 or committee that makes the contribution and within 24 hours of
34 the time it is received in the case of the recipient. If a ~~late 90-day~~
35 contribution is required to be reported to the Secretary of State,
36 the report to the Secretary of State shall be by online or electronic
37 transmission only. A ~~late 90-day~~ contribution shall be reported on
38 subsequent campaign statements without regard to reports filed
39 pursuant to this section.

1 (c) A ~~late~~ 90-day contribution need not be reported nor shall it
2 be deemed accepted if it is not cashed, negotiated, or deposited
3 and is returned to the contributor within 24 hours of its receipt.

4 (d) A report filed pursuant to this section shall be in addition to
5 any other campaign statement required to be filed by this chapter.

6 (e) The report required pursuant to this section is not required
7 to be filed by a candidate or committee that has disclosed the ~~late~~
8 90-day contribution pursuant to subdivision (a) or (b) of Section
9 85309.

10 *SEC. 19. Section 84203.3 of the Government Code is amended*
11 *to read:*

12 84203.3. (a) ~~Any~~ A candidate or committee that makes a ~~late~~
13 90-day contribution that is an in-kind contribution shall notify the
14 recipient in writing of the value of the in-kind contribution. The
15 notice shall be received by the recipient within 24 hours of the
16 time the contribution is made.

17 (b) Nothing in this section shall relieve a candidate or committee
18 that makes a ~~late~~ 90-day in-kind contribution or the recipient of a
19 ~~late~~ 90-day in-kind contribution from the requirement to file ~~late~~
20 90-day contribution reports pursuant to Section 84203. However,
21 a report filed by the recipient of a ~~late~~ 90-day in-kind contribution
22 shall be deemed timely filed if it is received by the filing officer
23 within 48 hours of the time the contribution is received.

24 ~~SEC. 18.~~

25 *SEC. 20. Section 84203.5 of the Government Code is repealed.*

26 *SEC. 21. Section 84204 of the Government Code is amended*
27 *to read:*

28 84204. (a) A committee that makes a ~~late~~ 90-day independent
29 expenditure, as defined in Section ~~82036.5~~ 82043.5, shall report
30 the ~~late~~ 90-day independent expenditure by facsimile transmission,
31 guaranteed overnight delivery, or personal delivery within 24 hours
32 of the time it is made. If a ~~late~~ 90-day independent expenditure is
33 required to be reported to the Secretary of State, the report to the
34 Secretary of State shall be by online or electronic transmission
35 only. A ~~late~~ 90-day independent expenditure shall be reported on
36 subsequent campaign statements without regard to reports filed
37 pursuant to this section.

38 (b) A committee that makes a ~~late~~ 90-day independent
39 expenditure shall report its full name and street address, as well
40 as the name, office, and district of the candidate if the report is

1 related to a candidate, or if the report is related to a measure, the
2 number or letter of the measure, the jurisdiction in which the
3 measure is to be voted upon, and the amount and the date, as well
4 as a description of goods or services for which the ~~late 90-day~~
5 independent expenditure was made. In addition to the information
6 required by this subdivision, a committee that makes a ~~late 90-day~~
7 independent expenditure shall include with its ~~late 90-day~~
8 independent expenditure report the information required by
9 paragraphs (1) to (5), inclusive, of subdivision (f) of Section 84211,
10 covering the period from the day after the closing date of the last
11 campaign report filed to the date of the ~~late 90-day~~ independent
12 expenditure, or if the committee has not previously filed a
13 campaign statement, covering the period from the previous January
14 1 to the date of the ~~late 90-day~~ independent expenditure. No
15 information required by paragraphs (1) to (5), inclusive, of
16 subdivision (f) of Section 84211 that is required to be reported
17 with a ~~late 90-day~~ independent expenditure report by this
18 subdivision is required to be reported on more than one ~~late 90-day~~
19 independent expenditure report.

20 (c) A committee that makes a ~~late 90-day~~ independent
21 expenditure shall file a ~~late 90-day~~ independent expenditure report
22 in the places where it would be required to file campaign statements
23 under this article as if it were formed or existing primarily to
24 support or oppose the candidate or measure for or against which
25 it is making the ~~late 90-day~~ independent expenditure.

26 (d) A report filed pursuant to this section shall be in addition to
27 any other campaign statement required to be filed by this article.

28 (e) Expenditures that have been disclosed by candidates and
29 committees pursuant to Section 85500 are not required to be
30 disclosed pursuant to this section.

31 ~~SEC. 19.~~

32 *SEC. 22.* Section 84204.5 of the Government Code is amended
33 to read:

34 84204.5. (a) In addition to any other report required by this
35 title, a committee pursuant to subdivision (a) of Section 82013 that
36 is required to file reports pursuant to Section 84605 shall file online
37 or electronically with the Secretary of State each time it makes
38 contributions totaling ~~one hundred twenty-five~~ thousand dollars
39 ~~(\$100,000)~~ (\$25,000) or more, or each time it makes independent
40 expenditures totaling ~~one hundred twenty-five~~ thousand dollars

1 (~~\$100,000~~) (\$25,000) or more, to support or oppose the
2 qualification or passage of a single state ballot measure. The report
3 shall be filed within 24 hours of making the contributions or
4 independent expenditures and shall contain all of the following:

5 (1) The full name, street address, and identification number of
6 the committee.

7 (2) The number or letter of the measure, if the measure has
8 qualified for the ballot and has been assigned a number or letter;
9 the title of the measure, if the measure has not been assigned a
10 number or letter but has been issued a title by the Attorney General;
11 or the subject of the measure, if the measure has not been assigned
12 a number or letter and has not been issued a title by the Attorney
13 General.

14 (3) In the case of a contribution, the date and amount of the
15 contribution and the name, address, and identification number of
16 the committee to which the contribution was made. In addition,
17 the report shall include the information required by paragraphs (1)
18 to (5), inclusive, of subdivision (f) of Section 84211, regarding
19 contributions or loans received from a person described in that
20 subdivision, covering the period from the day after the closing
21 date of the last campaign report filed to the date of the contribution
22 requiring a report under this section, or if the committee has not
23 previously filed a campaign statement, covering the period from
24 the previous January 1 to the date of the contribution requiring a
25 report under this section. No information described in paragraphs
26 (1) to (5), inclusive, of subdivision (f) of Section 84211 that is
27 required to be reported pursuant to this subdivision is required to
28 be reported in more than one report provided for in this subdivision
29 for each contribution or loan received from a person described in
30 subdivision (f) of Section 84211.

31 (4) In the case of an independent expenditure, the date, amount,
32 and a description of the goods or services for which the expenditure
33 was made. In addition, the report shall include the information
34 required by paragraphs (1) to (5), inclusive, of subdivision (f) of
35 Section 84211 regarding contributions or loans received from a
36 person described in that subdivision, covering the period from the
37 day after the closing date of the last campaign report filed to the
38 date of the expenditure, or if the committee has not previously
39 filed a campaign statement, covering the period from the previous
40 January 1 to the date of the expenditure. No information described

1 in paragraphs (1) to (5), inclusive, of subdivision (f) of Section
2 84211 that is required to be reported pursuant to this subdivision
3 is required to be reported in more than one report provided for in
4 this subdivision for each contribution or loan received from a
5 person described in subdivision (f) of Section 84211.

6 (b) Reports required by this section are not required to be filed
7 by a committee primarily formed to support or oppose the
8 qualification or passage of a state ballot measure for expenditures
9 made on behalf of the ballot measure or measures for which it is
10 formed.

11 (c) Independent expenditures that have been disclosed by a
12 committee pursuant to Section 84204 or 85500 are not required to
13 be disclosed pursuant to this section.

14 ~~SEC. 20:~~

15 *SEC. 23.* Section 84211 of the Government Code is amended
16 to read:

17 84211. Each campaign statement required by this article shall
18 contain all of the following information:

19 (a) The total amount of contributions received during the period
20 covered by the campaign statement and the total cumulative amount
21 of contributions received.

22 (b) The total amount of expenditures made during the period
23 covered by the campaign statement and the total cumulative amount
24 of expenditures made.

25 (c) The total amount of contributions received during the period
26 covered by the campaign statement from persons who have given
27 a cumulative amount of one hundred dollars (\$100) or more.

28 (d) The total amount of contributions received during the period
29 covered by the campaign statement from persons who have given
30 a cumulative amount of less than one hundred dollars (\$100).

31 (e) The balance of cash and cash equivalents on hand at the
32 beginning and the end of the period covered by the campaign
33 statement.

34 (f) If the cumulative amount of contributions (including loans)
35 received from a person is one hundred dollars (\$100) or more and
36 a contribution or loan has been received from that person during
37 the period covered by the campaign statement, all of the following:

38 (1) His or her full name.

39 (2) His or her street address.

40 (3) His or her occupation.

1 (4) The name of his or her employer, or if self-employed, the
2 name of the business.

3 (5) The date and amount received for each contribution received
4 during the period covered by the campaign statement and, if the
5 contribution is a loan, the interest rate for the loan.

6 (6) The cumulative amount of contributions.

7 (g) If the cumulative amount of loans received from or made to
8 a person is one hundred dollars (\$100) or more, and a loan has
9 been received from or made to a person during the period covered
10 by the campaign statement, or is outstanding during the period
11 covered by the campaign statement, all of the following:

12 (1) His or her full name.

13 (2) His or her street address.

14 (3) His or her occupation.

15 (4) The name of his or her employer, or if self-employed, the
16 name of the business.

17 (5) The original date and amount of each loan.

18 (6) The due date and interest rate of the loan.

19 (7) The cumulative payment made or received to date at the end
20 of the reporting period.

21 (8) The balance outstanding at the end of the reporting period.

22 (9) The cumulative amount of contributions.

23 (h) For each person, other than the filer, who is directly,
24 indirectly, or contingently liable for repayment of a loan received
25 or outstanding during the period covered by the campaign
26 statement, all of the following:

27 (1) His or her full name.

28 (2) His or her street address.

29 (3) His or her occupation.

30 (4) The name of his or her employer, or if self-employed, the
31 name of the business.

32 (5) The amount of his or her maximum liability outstanding.

33 (i) The total amount of expenditures made during the period
34 covered by the campaign statement to persons who have received
35 one hundred dollars (\$100) or more.

36 (j) The total amount of expenditures made during the period
37 covered by the campaign statement to persons who have received
38 less than one hundred dollars (\$100).

1 (k) For each person to whom an expenditure of one hundred
2 dollars (\$100) or more has been made during the period covered
3 by the campaign statement, all of the following:

- 4 (1) His or her full name.
5 (2) His or her street address.
6 (3) The date and amount of each expenditure.
7 (4) A brief description of the consideration for which each
8 expenditure was made.

9 (5) In the case of an expenditure that is a contribution to a
10 candidate, elected officer, or committee or an independent
11 expenditure to support or oppose a candidate or measure, in
12 addition to the information required in paragraphs (1) to (4),
13 inclusive, the date of the contribution or independent expenditure,
14 the cumulative amount of contributions made to a candidate,
15 elected officer, or committee, or the cumulative amount of
16 independent expenditures made relative to a candidate or measure;
17 the full name of the candidate, and the office and district for which
18 he or she seeks nomination or election, or the number or letter of
19 the measure; and the jurisdiction in which the measure or candidate
20 is voted upon.

21 (6) The information required in paragraphs (1) to (4), inclusive,
22 for each person, if different from the payee, who has provided
23 consideration for an expenditure of five hundred dollars (\$500) or
24 more during the period covered by the campaign statement.

25 For purposes of subdivisions (i), (j), and (k) only, the terms
26 “expenditure” or “expenditures” mean any individual payment or
27 accrued expense, unless it is clear from surrounding circumstances
28 that a series of payments or accrued expenses are for a single
29 service or product.

30 (l) In the case of a controlled committee, an official committee
31 of a political party, or an organization formed or existing primarily
32 for political purposes, the amount and source of any miscellaneous
33 receipt.

34 (m) If a committee is listed pursuant to subdivision (f), (g), (h),
35 (k), (l), or ~~(q)~~ (p), the number assigned to the committee by the
36 Secretary of State shall be listed, or if no number has been assigned,
37 the full name and street address of the treasurer of the committee.

38 (n) In a campaign statement filed by a candidate who is a
39 candidate in both a state primary and general election, his or her
40 controlled committee, or a committee primarily formed to support

1 or oppose such a candidate, the total amount of contributions
2 received and the total amount of expenditures made for the period
3 January 1 to June 30, inclusive, and the total amount of
4 contributions received and expenditures made for the period July
5 1 to December 31, inclusive.

6 (o) The full name, residential or business address, and telephone
7 number of the filer, or in the case of a campaign statement filed
8 by a committee defined by subdivision (a) of Section 82013, the
9 name, street address, and telephone number of the committee and
10 of the committee treasurer. In the case of a committee defined by
11 subdivision (b) or (c) of Section 82013, the name that the filer uses
12 on campaign statements shall be the name by which the filer is
13 identified for other legal purposes or any name by which the filer
14 is commonly known to the public.

15 (p) If the campaign statement is filed by a candidate, the name,
16 street address, and treasurer of any committee of which he or she
17 has knowledge that has received contributions or made
18 expenditures on behalf of his or her candidacy and whether the
19 committee is controlled by the candidate.

20 (q) A contribution need not be reported, nor shall it be deemed
21 accepted, if it is not cashed, negotiated, or deposited and is returned
22 to the contributor before the closing date of the campaign statement
23 on which the contribution would otherwise be reported.

24 (r) If a committee primarily formed for the qualification or
25 support of, or opposition to, an initiative or ballot measure is
26 required to report an expenditure to a business entity pursuant to
27 subdivision (k) and 50 percent or more of the business entity is
28 owned by a candidate or person controlling the committee, by an
29 officer or employee of the committee, or by a spouse of any of
30 these individuals, the committee's campaign statement shall also
31 contain, in addition to the information required by subdivision (k),
32 that person's name, the relationship of that person to the committee,
33 and a description of that person's ownership interest or position
34 with the business entity.

35 (s) If a committee primarily formed for the qualification or
36 support of, or opposition to, an initiative or ballot measure is
37 required to report an expenditure to a business entity pursuant to
38 subdivision (k), and a candidate or person controlling the
39 committee, an officer or employee of the committee, or a spouse
40 of any of these individuals is an officer, partner, consultant, or

1 employee of the business entity, the committee's campaign
2 statement shall also contain, in addition to the information required
3 by subdivision (k), that person's name, the relationship of that
4 person to the committee, and a description of that person's
5 ownership interest or position with the business entity.

6 (t) If the campaign statement is filed by a committee, as defined
7 in subdivision (b) or (c) of Section 82013, information sufficient
8 to identify the nature and interests of the filer, including:

9 (1) If the filer is an individual, the name and address of the
10 filer's employer, if any, or his or her principal place of business
11 if the filer is self-employed, and a description of the business
12 activity in which the filer or his or her employer is engaged.

13 (2) If the filer is a business entity, a description of the business
14 activity in which it is engaged.

15 (3) If the filer is an industry, trade, or professional association,
16 a description of the industry, trade, or profession that it represents,
17 including a specific description of any portion or faction of the
18 industry, trade, or profession that the association exclusively or
19 primarily represents.

20 (4) If the filer is not an individual, business entity, or industry,
21 trade, or professional association, a statement of the person's nature
22 and purposes, including a description of any industry, trade,
23 profession, or other group with a common economic interest that
24 the person principally represents or from which its membership
25 or financial support is principally derived.

26 (u) If the filer knows or has reason to know that contributions
27 from two or more persons have been made at the behest of a third
28 party, and the cumulative amount of those contributions plus ~~any~~
29 *the* amounts the third party has contributed to the filer directly, *if*
30 *any*, equals or exceeds the maximum amount that the third party
31 would be permitted to contribute to the filer under this title, all of
32 the information required by subdivision (f) with respect to that
33 third party and the contributions made at the behest of that third
34 party.

35 *SEC. 24. Section 84215 of the Government Code is amended*
36 *to read:*

37 84215. All candidates and elected officers and their controlled
38 committees, except as provided in subdivisions (d) and (e), shall
39 file one copy of the campaign statements required by Section 84200
40 with the elections official of the county in which the candidate or

1 elected official is domiciled, as defined in subdivision (b) of
2 Section 349 of the Elections Code. In addition, campaign
3 statements shall be filed at the following places:

4 (a) Statewide elected officers, including members of the State
5 Board of Equalization; Members of the Legislature; Supreme Court
6 justices, court of appeal justices, and superior court judges;
7 candidates for those offices and their controlled committees;
8 committees formed or existing primarily to support or oppose these
9 candidates, elected officers, justices and judges, or statewide
10 measures, or the qualification of state ballot measures; and all state
11 general purpose committees and filers not specified in subdivisions
12 (b) to (e), inclusive, shall file a campaign statement by online or
13 electronic means, as specified in Section 84605, and shall file the
14 original and one copy of the campaign statement in paper format
15 with the Secretary of State.

16 (b) Elected officers in jurisdictions other than legislative
17 districts, State Board of Equalization districts, or appellate court
18 districts that contain parts of two or more counties, candidates for
19 these offices, their controlled committees, and committees formed
20 or existing primarily to support or oppose candidates or local
21 measures to be voted upon in one of these jurisdictions shall file
22 the original and one copy with the elections official of the county
23 with the largest number of registered voters in the jurisdiction.

24 (c) County elected officers, candidates for these offices, their
25 controlled committees, committees formed or existing primarily
26 to support or oppose candidates or local measures to be voted upon
27 in any number of jurisdictions within one county, other than those
28 specified in subdivision (d), and county general purpose
29 committees shall file the original and one copy with the elections
30 official of the county.

31 (d) City elected officers, candidates for city office, their
32 controlled committees, committees formed or existing primarily
33 to support or oppose candidates or local measures to be voted upon
34 in one city, and city general purpose committees shall file the
35 original and one copy with the clerk of the city and are not required
36 to file with the local elections official of the county in which they
37 are domiciled.

38 (e) Elected members of the Board of Administration of the
39 Public Employees' Retirement System, elected members of the
40 Teachers' Retirement Board, candidates for these offices, their

1 controlled committees, and committees formed or existing
2 primarily to support or oppose these candidates or elected members
3 shall file the original and one copy with the Secretary of State, and
4 a copy shall be filed at the relevant board's office in Sacramento.
5 These elected officers, candidates, and committees need not file
6 with the elections official of the county in which they are
7 domiciled.

8 *(f) An elected officer, candidate, or committee that is required*
9 *to file a campaign statement in places designated in subdivisions*
10 *(a) to (c), inclusive, shall also file one copy of the statement with*
11 *the elections official of any jurisdiction in which the filer made*
12 *expenditures of twenty-five thousand dollars (\$25,000) or more*
13 *during the reporting period.*

14 ~~(f)~~
15 *(g) Notwithstanding any other provision of this section, a*
16 *committee, candidate, or elected officer is not required to file more*
17 *than the original and one copy, or one copy, of a campaign*
18 *statement with any one county elections official or city clerk or*
19 *with the Secretary of State.*

20 ~~(g)~~
21 *(h) If a committee is required to file campaign statements*
22 *required by Section 84200 or 84200.5 in places designated in*
23 *subdivisions (a) to (d), inclusive, it shall continue to file these*
24 *statements in those places, in addition to any other places required*
25 *by this title, until the end of the calendar year.*

26 ~~SEC. 21.~~

27 *SEC. 25.* Section 84218 of the Government Code is amended
28 to read:

29 84218. (a) (1) ~~A-Except as provided in paragraph (2), a slate~~
30 ~~mailer organization shall file campaign statements for each calendar~~
31 ~~quarter in each odd-numbered year as follows:~~

32 (A) No later than April 15 for the quarter ending March 31.

33 (B) No later than July 15 for the quarter ending June 30.

34 (C) No later than October 15 for the quarter ending September
35 30.

36 (D) No later than January ~~31~~ 15 for the quarter ending December
37 31.

38 (2) A slate mailer organization that has received payments of
39 less than five hundred dollars (\$500) and made expenditures of
40 less than five hundred dollars (\$500) during a calendar quarter

1 ~~shall be permitted to~~ may file a statement of inactivity for that
2 quarter, as prescribed by the Commission, *in lieu of the statement*
3 *required by paragraph (1).*

4 (b) (1) *Except as provided in paragraph (2), a slate mailer*
5 *organization shall file campaign statements for each calendar*
6 *month in each even-numbered year. A statement filed pursuant to*
7 *this subdivision shall be filed within 15 days after the close of the*
8 *reporting period.*

9 (2) *A slate mailer organization that has received payments of*
10 *less than five hundred dollars (\$500) and made expenditures of*
11 *less than five hundred dollars (\$500) during a calendar month*
12 *may file a statement of inactivity for that month, as prescribed by*
13 *the Commission, in lieu of the statement required by paragraph*
14 *(1).*

15 ~~(b)~~

16 (c) In addition to the ~~quarterly~~ statements required by
17 subdivision (a), a slate mailer organization that produces a slate
18 mailer supporting or opposing candidates or measures being voted
19 on in an election shall file the ~~statement~~ 16-day report specified
20 in subdivision (a) of Section 84200.5 if, during the period covered
21 by the ~~pre-election statement~~ 16-day report, the slate mailer
22 organization receives payments totaling five hundred dollars (\$500)
23 or more from any person for the support of or opposition to
24 candidates or ballot measures in one or more slate mailers, or
25 expends five hundred dollars (\$500) or more to produce one or
26 more slate mailers.

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

33 In addition, slate mailer organizations shall file campaign reports
34 as follows:

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

(2) A slate mailer organization that produces one or more slate mailers supporting or opposing candidates or measures voted on in only one county, or in more than one jurisdiction within one county, shall file campaign reports in the same manner as county general purpose committees pursuant to subdivision (c) of Section 84215.

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

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

SEC. 26. Section 84220 of the Government Code is amended to read:

84220. If a slate mailer organization receives a payment of two thousand five hundred dollars (\$2,500) or more for purposes of supporting or opposing ~~any~~ a candidate or ballot measure in a slate mailer, and the payment is received at a time when, if the payment were a contribution it would be considered a ~~late 90-day~~ contribution, then the slate mailer organization shall report the payment in the manner set forth in Section 84203 for candidates and committees when reporting ~~late 90-day~~ contributions received. The slate mailer organization shall, in addition to reporting the information required by Section 84203, identify the candidates or measures whose support or opposition is being paid for, in whole or in part, by each ~~late 90-day~~ payment.

~~SEC. 22.~~

SEC. 27. Section 84252 of the Government Code is amended to read:

84252. A committee primarily formed to support or oppose a LAFCO proposal shall file all statements required under this chapter except that, in lieu of the statements required by Section 84200, the committee shall file monthly campaign statements from the time circulation of a petition begins until a measure is placed on the ballot or, if a measure is not placed on the ballot, until the committee is terminated pursuant to Section 84214. The committee shall file an original and one copy of each statement on the 15th

1 day of each calendar month, covering the prior calendar month,
2 with the clerk of the county in which the measure may be voted
3 on. If the petition results in a measure that is placed on the ballot,
4 the committee thereafter shall file campaign statements required
5 by this chapter.

6 *SEC. 28. Section 84300 of the Government Code is amended*
7 *to read:*

8 84300. (a) ~~No~~A contribution of one hundred dollars (\$100)
9 or more shall *not* be made or received in cash.

10 A cash contribution shall not be deemed received if it is not
11 negotiated or deposited and is returned to the contributor before
12 the closing date of the campaign statement on which the
13 contribution would otherwise be reported. If a cash contribution,
14 other than a ~~late~~ 90-day contribution, as defined in Section ~~82036~~
15 82043.3, is negotiated or deposited, it shall not be deemed received
16 if it is refunded within 72 hours of receipt. In the case of a ~~late~~
17 90-day contribution, as defined in Section ~~82036~~ 82043.3, it shall
18 not be deemed received if it is returned to the contributor within
19 48 hours of receipt.

20 (b) ~~No~~An expenditure of one hundred dollars (\$100) or more
21 shall *not* be made in cash.

22 (c) ~~No~~A contribution of one hundred dollars (\$100) or more,
23 other than an in-kind contribution, shall be made ~~unless only~~ in
24 the form of a written instrument containing the name of the donor
25 and the name of the payee and drawn from the account of the donor
26 or the intermediary, as defined in Section 84302.

27 (d) The value of all in-kind contributions of one hundred dollars
28 (\$100) or more shall be reported, in writing, to the recipient upon
29 the request, in writing, of the recipient.

30 ~~SEC. 23.~~

31 *SEC. 29. Section 84305.5 of the Government Code is amended*
32 *to read:*

33 84305.5. (a) A slate mailer organization or committee primarily
34 formed to support or oppose one or more ballot measures shall not
35 send a slate mailer unless the slate mailer complies with all of the
36 following:

37 (1) The name, street address, and city of the slate mailer
38 organization or committee primarily formed to support or oppose
39 one or more ballot measures are shown on the outside of each piece
40 of slate mail and on at least one of the inserts included with each

1 piece of slate mail in no less than 8-point roman type, which shall
2 be in a color or print that contrasts with the background so as to
3 be easily legible. A post office box may be stated in lieu of a street
4 address if the street address of the slate mailer organization or the
5 committee primarily formed to support or oppose one or more
6 ballot measures is a matter of public record with the Secretary of
7 State's Political Reform Division.

8 (2) At the top or bottom of the front side or surface of at least
9 one insert, or at the top or bottom of one side or surface of a
10 postcard or other self-mailer, there is a notice in at least 8-point
11 roman boldface type, which shall be in a color or print that
12 contrasts with the background so as to be easily legible, and in a
13 printed or drawn box and set apart from any other printed matter.
14 The notice shall consist of the following statement:

15
16
17 NOTICE TO VOTERS

18
19 THIS DOCUMENT WAS PREPARED BY (name of slate
20 mailer organization or committee primarily formed to support
21 or oppose one or more ballot measures), NOT AN OFFICIAL
22 POLITICAL PARTY ORGANIZATION. Appearance in this
23 mailer does not necessarily imply endorsement of others
24 appearing in this mailer, nor does it imply endorsement of, or
25 opposition to, any issues set forth in this mailer. Appearance
26 is paid for and authorized by each candidate and ballot
27 measure that is designated by an *.

28
29 (3) (A) Each candidate and each ballot measure that has paid
30 to appear in the slate mailer is designated by an *. A candidate or
31 ballot measure that has not paid to appear in the slate mailer shall
32 not be designated by an *.

33 (B) The * required by this paragraph shall be of the same type
34 size, type style, color or contrast, and legibility as is used for the
35 name of the candidate, or the ballot measure name or number and
36 position advocated, to which the * designation applies, except that
37 in no case shall the * be required to be larger than 10-point boldface
38 type. The designation shall immediately follow the name of the
39 candidate, or the name or number and position advocated on the

1 ballot measure, where the designation appears in the slate of
2 candidates and measures. If there is no slate listing, the designation
3 shall appear at least once in at least 8-point boldface type,
4 immediately following the name of the candidate, or the name or
5 number and position advocated on the ballot measure.

6 (4) The name of a candidate appearing in the slate mailer who
7 is a member of a political party differing from the political party
8 that the mailer appears by representation or indicia to represent is
9 accompanied, immediately below the name, by the party
10 designation of the candidate, in no less than 9-point roman type,
11 which shall be in a color or print that contrasts with the background
12 so as to be easily legible. The designation shall not be required in
13 the case of candidates for nonpartisan office.

14 (b) For purposes of the designations required by paragraph (3)
15 of subdivision (a), the payment of any sum made reportable by
16 subdivision (c) of Section 84219 by or at the behest of a candidate
17 or committee whose name or position appears in the mailer, to the
18 slate mailer organization or committee primarily formed to support
19 or oppose one or more ballot measures, shall constitute a payment
20 to appear, requiring the * designation. The payment shall also be
21 deemed to constitute authorization to appear in the mailer.

22 (c) The name, street address, and city of the slate mailer
23 organization or committee primarily formed to support or oppose
24 one or more ballot measures, as required by paragraph (1) of
25 subdivision (a), and the notice required by paragraph (2) of
26 subdivision (a) may appear on the same side or surface of an insert
27 in the slate mailer.

28 (d) The Commission may, by regulation, impose other
29 requirements regarding the content of a slate mailer in addition to
30 those contained in this section.

31 ~~SEC. 24.~~

32 *SEC. 30.* Section 84310 of the Government Code is amended
33 to read:

34 84310. (a) A candidate, committee, or slate mailer organization
35 may not expend campaign funds, directly or indirectly, to pay for
36 telephone calls that are similar in nature and aggregate 500 or more
37 in number, made by an individual, or individuals, or by electronic
38 means and that advocate support of, or opposition to, a candidate,
39 ballot measure, or both, unless during the course of each call the
40 name of the organization that authorized or paid for the call is

1 disclosed to the recipient of the call. Unless the organization that
2 authorized the call and in whose name it is placed has filing
3 obligations under this title, and the name announced in the call
4 either is the full name by which the organization or individual is
5 identified in any statement or report required to be filed under this
6 title or is the name by which the organization or individual is
7 commonly known, the candidate, committee, or slate mailer
8 organization that paid for the call shall be disclosed. This section
9 shall not apply to telephone calls made by the candidate, the
10 campaign manager, or individuals who are volunteers.

11 (b) Campaign and ballot measure committees are prohibited
12 from contracting with any phone bank vendor that does not disclose
13 the information required to be disclosed by subdivision (a).

14 (c) A candidate, committee, or slate mailer organization that
15 pays for telephone calls as described in subdivision (a) shall
16 maintain a record of the script of the call for the period of time set
17 forth in Section 84104. If any of the calls qualifying under
18 subdivision (a) were recorded messages, a copy of the recording
19 shall be maintained for that period.

20 (d) Notwithstanding Article 1 (commencing with Section 2871)
21 of Chapter 10 of Part 2 of Division 1 of the Public Utilities Code,
22 the Commission may regulate the content of a prerecorded
23 telephonic message that is disseminated by means of an automatic
24 dialing-announcing device and that advocates support of, or
25 opposition to, a candidate, ballot measure, or both.

26 ~~SEC. 25. Section 84507 of the Government Code is amended~~
27 ~~to read:~~

28 ~~84507. (a) A disclosure statement required by this article shall~~
29 ~~be printed clearly and legibly in no less than 10-point type and in~~
30 ~~a conspicuous manner as defined by the Commission or, if the~~
31 ~~communication is broadcast, the disclosure statement shall be~~
32 ~~spoken so as to be clearly audible and understood by the intended~~
33 ~~public and otherwise appropriately conveyed for the hearing~~
34 ~~impaired.~~

35 ~~(b) The Commission may adopt regulations exempting an~~
36 ~~advertisement from the requirements of this article in any~~
37 ~~circumstance when the relevant disclosure statement required by~~
38 ~~this article would not be feasible or would not be sufficiently~~
39 ~~legible so as to be informative to the intended public.~~

1 *SEC. 31. Section 84602 of the Government Code is amended*
2 *to read:*

3 84602. To implement the Legislature's intent, the Secretary of
4 State, in consultation with the ~~commission~~ *Commission*,
5 notwithstanding any other provision of ~~the Government Code~~ *this*
6 *code*, shall do all of the following:

7 (a) Develop online and electronic filing processes for use by
8 persons and entities specified in Sections 84604 and 84605 that
9 are required to file statements and reports with the Secretary of
10 State's office pursuant to Chapter 4 (commencing with Section
11 84100) and Chapter 6 (commencing with Section 86100). Those
12 processes shall ~~each~~ enable a user to comply with all the disclosure
13 requirements of this title and shall include, at a minimum, the
14 following:

15 (1) A means or method whereby filers subject to this chapter
16 may submit required filings free of charge. Any means or method
17 developed pursuant to this provision shall not provide any
18 additional or enhanced functions or services that exceed the
19 minimum requirements necessary to fulfill the disclosure provisions
20 of this title. At least one means or method shall be made available
21 no later than December 31, 2002.

22 (2) The definition of a nonproprietary standardized record format
23 or formats using industry standards for the transmission of the data
24 that is required of those persons and entities specified in
25 subdivision (a) of Section 84604 and Section 84605 and that
26 conforms with the disclosure requirements of this title. The
27 Secretary of State shall hold public hearings prior to development
28 of the record format or formats as a means to ensure that affected
29 entities have an opportunity to provide input into the development
30 process. The format or formats shall be made public no later than
31 July 1, 1999, to ensure sufficient time to comply with the
32 requirements of this chapter.

33 (b) Accept test files from software vendors and others wishing
34 to file reports electronically, for the purpose of determining whether
35 the file format is in compliance with the standardized record format
36 developed pursuant to subdivision (a) and is compatible with the
37 Secretary of State's system for receiving the data. A list of the
38 software and service providers who have submitted acceptable test
39 files shall be published by the Secretary of State and made available

1 to the public. Acceptably formatted files shall be submitted by a
2 filer in order to meet the requirements of this chapter.

3 (c) Develop a system that provides for the online or electronic
4 transfer of the data specified in this section utilizing
5 telecommunications technology that assures the integrity of the
6 data transmitted and that creates safeguards against efforts to
7 tamper with or subvert the data.

8 (d) Make all the data filed available on the Internet in an easily
9 understood format that provides the greatest public access. The
10 data shall be made available free of charge and as soon as possible
11 after receipt. All ~~late 90-day~~ contribution and ~~late 90-day~~
12 independent expenditure reports, as defined by Sections 84203
13 and 84204, respectively, shall be made available on the Internet
14 within 24 hours of receipt. The data made available on the Internet
15 shall not contain the street name and building number of the
16 persons or entity representatives listed on the electronically filed
17 forms or any bank account number required to be disclosed
18 pursuant to this title.

19 (e) Develop a procedure for filers to comply with the
20 requirement that they sign under penalty of perjury pursuant to
21 Section 81004.

22 (f) Maintain all filed data online for 10 years after the date it is
23 filed, and then archive the information in a secure format.

24 (g) Provide assistance to those seeking public access to the
25 information.

26 (h) Implement sufficient technology to seek to prevent
27 unauthorized alteration or manipulation of the data.

28 (i) Provide the ~~commission~~ *Commission* with necessary
29 information to enable it to assist agencies, public officials, and
30 others, with the compliance with and administration of this title.

31 (j) Report to the Legislature on the implementation and
32 development of the online and electronic filing and disclosure
33 requirements of this chapter. The report shall include an
34 examination of system security, private security issues, software
35 availability, compliance costs to filers, use of the filing system and
36 software provided by the Secretary of State, and other issues
37 relating to this chapter, and shall recommend appropriate changes
38 if necessary. In preparing the report, the ~~commission~~ *Commission*
39 may present to the Secretary of State and the Legislature its
40 comments regarding this chapter as it relates to the duties of the

~~commission~~ Commission and suggest appropriate changes if necessary. There shall be one report due before the system is operational as set forth in Section 84603, one report due no later than June 1, 2002, and one report due no later than January 31, 2003.

(k) Review the current filing and disclosure requirements of this chapter and report to the Legislature, no later than June 1, 2005, recommendations on revising these requirements so as to promote greater reliance on electronic and online submissions.

SEC. 32. *Section 84604 of the Government Code is amended to read:*

84604. (a) The Secretary of State shall implement an online or electronic disclosure program in connection with the 2000 state primary election and the lobbying activities specified in paragraph (4). Entities specified in paragraphs (1), (2), and (3) shall commence online or electronic disclosure with the first preelection statement filed in connection with the 2000 statewide direct primary election for the period ending January 22, 2000, and shall continue to disclose online or electronically all required reports and statements up to and including the semiannual statement for the period ending June 30, 2000. Entities specified in paragraph (4) shall commence online or electronic disclosure with the quarterly report for the period ending March 31, 2000, and shall continue to disclose online or electronically all required reports and statements up to and including the quarterly report for the period ending June 30, 2000. The entities subject to this section are the following:

(1) Any candidate, including appellate court and Supreme Court candidates and officeholders, committee, or other persons who are required, pursuant to Chapter 4 (commencing with Section 84100), to file statements, reports, or other documents in connection with a state elective office or state measure appearing on the 2000 statewide direct primary ballot, provided that the total cumulative reportable amount of contributions received, expenditures made, loans made, or loans received is one hundred thousand dollars (\$100,000) or more. For the purpose of cumulating totals, the period covered shall commence January 1, 1999.

(2) Any general purpose committees, as defined in Section 82027.5, including the general purpose committees of political parties, and small contributor committees, as defined in Section

1 85203, that cumulatively receive contributions or make
2 expenditures totaling one hundred thousand dollars (\$100,000) or
3 more to support or oppose candidates for any elective state office
4 or state measure appearing on the 2000 statewide direct primary
5 ballot. For the purpose of cumulating totals, the period covered
6 shall commence January 1, 1999.

7 (3) Any slate mailer organization with cumulative reportable
8 payments received or made for the purposes of producing slate
9 mailers of one hundred thousand dollars (\$100,000) or more in
10 connection with the 2000 statewide direct primary election. For
11 the purpose of cumulating totals, the period covered shall
12 commence January 1, 1999.

13 (4) Any lobbyist, lobbying firm, lobbyist employer, or other
14 persons required, pursuant to Chapter 6 (commencing with Section
15 86100), to file statements, reports, or other documents, provided
16 that the total amount of any category of reportable payments,
17 expenses, contributions, gifts, or other items is one hundred
18 thousand dollars (\$100,000) or more in a calendar quarter.

19 (b) Filers specified in subdivision (a) shall also continue to file
20 required disclosure forms in paper format. The paper copy shall
21 continue to be the official version for audit and other legal
22 purposes. Committees and other persons that are not required to
23 file online or electronically by this section may do so voluntarily.

24 (c) The Secretary of State shall also disclose on the Internet any
25 ~~late 90-day~~ contribution or ~~late 90-day~~ independent expenditure
26 report, as defined by Sections 84203 and 84204, respectively, not
27 covered by subdivision (a).

28 (d) It shall be presumed that online or electronic filers file under
29 penalty of perjury.

30 *SEC. 33. Section 84605 of the Government Code is amended*
31 *to read:*

32 84605. (a) The following persons shall file online or
33 electronically with the Secretary of State:

34 (1) Any candidate, including superior court, appellate court,
35 and Supreme Court candidates and officeholders, committee, or
36 other persons who are required, pursuant to Chapter 4 (commencing
37 with Section 84100), to file statements, reports, or other documents
38 in connection with a state elective office or state measure, provided
39 that the total cumulative reportable amount of contributions
40 received, expenditures made, loans made, or loans received is

1 twenty-five thousand dollars (\$25,000) or more. In determining
2 the cumulative reportable amount, all controlled committees, as
3 defined by Section 82016, shall be included. For a committee
4 subject to this title prior to January 1, 2000, the beginning date for
5 calculating cumulative totals is January 1, 2000. For a committee
6 that is first subject to this title on or after January 1, 2000, the
7 beginning date for calculating cumulative totals is the date the
8 committee is first subject to this title. A committee, as defined in
9 subdivision (c) of Section 82013, shall file online or electronically
10 if it makes contributions of twenty-five thousand dollars (\$25,000)
11 or more in a calendar year.

12 (2) Any general purpose committees, as defined in Section
13 82027.5, including the general purpose committees of political
14 parties, and small contributor committees, as defined in Section
15 85203, that cumulatively receive contributions or make
16 expenditures totaling twenty-five thousand dollars (\$25,000) or
17 more to support or oppose candidates for any elective state office
18 or state measure. For a committee subject to this title prior to
19 January 1, 2000, the beginning date for calculating cumulative
20 totals is January 1, 2000. For a committee that first is subject to
21 this title on or after January 1, 2000, the beginning date for
22 calculating cumulative totals is the date the committee is first
23 subject to this title.

24 (3) Any slate mailer organization with cumulative reportable
25 payments received or made for the purposes of producing slate
26 mailers of twenty-five thousand dollars (\$25,000) or more. For a
27 slate mailer organization subject to this title prior to January 1,
28 2000, the beginning date for calculating cumulative totals is
29 January 1, 2000. For a slate mailer organization that first is subject
30 to this title on or after January 1, 2000, the beginning date for
31 calculating cumulative totals is the date the organization is first
32 subject to this title.

33 (4) Any lobbyist, lobbying firm, lobbyist employer, or other
34 persons required, pursuant to Chapter 6 (commencing with Section
35 86100), to file statements, reports, or other documents, provided
36 that the total amount of any category of reportable payments,
37 expenses, contributions, gifts, or other items is two thousand five
38 hundred dollars (\$2,500) or more in a calendar quarter.

39 (b) The Secretary of State shall also disclose on the Internet any
40 ~~late 90-day~~ contribution or ~~late 90-day~~ independent expenditure

1 report, as defined by Sections 84203 and 84204, respectively, not
2 covered by paragraph (1), (2), or (3) of subdivision (a) or any other
3 provision of law.

4 (c) Committees and other persons that are not required to file
5 online or electronically by this section may do so voluntarily.

6 (d) Once a person or entity is required to file online or
7 electronically, subject to subdivision (a) or (c), the person or entity
8 shall be required to file all subsequent reports online or
9 electronically.

10 (e) It shall be presumed that online or electronic filers file under
11 penalty of perjury.

12 (f) Persons filing online or electronically shall also continue to
13 file required disclosure statements and reports in paper format.
14 The paper copy shall continue to be the official filing for audit and
15 other legal purposes until the Secretary of State, pursuant to Section
16 84606, determines the system is operating securely and effectively.

17 (g) The Secretary of State shall maintain at all times a secured,
18 official version of all original online and electronically filed
19 statements and reports required by this chapter. Upon determination
20 by the Secretary of State, pursuant to Section 84606, that the
21 system is operating securely and effectively, this online or
22 electronic version shall be the official version for audit and other
23 legal purposes.

24 (h) Except for statements related to a local elective office or a
25 local ballot measure filed by a candidate for local elective office
26 who is also a candidate for elective state office, a copy of a
27 statement, report, or other document filed by online or electronic
28 means with the Secretary of State shall not be filed with a local
29 filing officer.

30 ~~SEC. 26.~~

31 *SEC. 34.* Section 85301 of the Government Code is amended
32 to read:

33 85301. (a) A person, other than a small contributor committee
34 or political party committee, may not make to a candidate for
35 elective state office other than a candidate for statewide elective
36 office, and a candidate for elective state office other than a
37 candidate for statewide elective office may not accept from a
38 person, any contribution totaling more than three thousand nine
39 hundred dollars (\$3,900) per election.

(b) Except to a candidate for Governor, a person, other than a small contributor committee or political party committee, may not make to a candidate for statewide elective office, and, except a candidate for Governor, a candidate for statewide elective office may not accept from a person other than a small contributor committee or a political party committee, any contribution totaling more than six thousand five hundred dollars (\$6,500) per election.

(c) A person, other than a small contributor committee or political party committee, may not make to a candidate for Governor, and a candidate for Governor may not accept from a person other than a small contributor committee or political party committee, any contribution totaling more than ~~twenty-six~~ *twenty-six* thousand dollars (\$26,000) per election.

(d) The provisions of this section do not apply to a candidate's contributions of his or her personal funds to his or her own campaign.

~~SEC. 27.~~

SEC. 35. Section 85302 of the Government Code is amended to read:

85302. (a) A small contributor committee may not make to a candidate for elective state office other than a candidate for statewide elective office, and a candidate for elective state office other than a candidate for statewide elective office may not accept from a small contributor committee, any contribution totaling more than seven thousand eight hundred dollars (\$7,800) per election.

(b) Except to a candidate for Governor, a small contributor committee may not make to a candidate for statewide elective office, and, except for a candidate for Governor, a candidate for statewide elective office may not accept from a small contributor committee, any contribution totaling more than thirteen thousand dollars (\$13,000) per election.

(c) A small contributor committee may not make to a candidate for Governor, and a candidate for Governor may not accept from a small contributor committee, any contribution totaling more than ~~twenty-six~~ *twenty-six* thousand dollars (\$26,000) per election.

~~SEC. 28.~~

SEC. 36. Section 85303 of the Government Code is amended to read:

85303. (a) A person may not make to a committee other than a political party committee, and a committee other than a political

1 party committee may not accept, any contribution totaling more
2 than six thousand five hundred dollars (\$6,500) per calendar year
3 for the purpose of making contributions to candidates for elective
4 state office.

5 (b) A person may not make to a political party committee, and
6 a political party committee may not accept, any contribution
7 totaling more than thirty-two thousand five hundred dollars
8 (\$32,500) per calendar year for the purpose of making contributions
9 for the support or defeat of candidates for elective state office.
10 Notwithstanding Section 85312, this limit applies to contributions
11 made to a political party used for the purpose of making
12 expenditures at the behest of a candidate for elective state office
13 for communications to party members related to the candidate's
14 candidacy for elective state office.

15 (c) Except as provided in Section 85310, nothing in this chapter
16 shall limit a person's contributions to a committee or political party
17 committee provided the contributions are used for purposes other
18 than making contributions to candidates for elective state office.

19 (d) Nothing in this chapter limits a candidate for elective state
20 office from transferring contributions received by the candidate
21 in excess of any amount necessary to defray the candidate's
22 expenses for election-related activities or holding office to a
23 political party committee, provided those transferred contributions
24 are used for purposes consistent with paragraph (4) of subdivision
25 (b) of Section 89519.

26 ~~SEC. 29:~~

27 *SEC. 37.* Section 85316 of the Government Code is amended
28 to read:

29 85316. (a) Except as provided in subdivision (b), a contribution
30 for an election may be accepted by a candidate for elective state
31 office after the date of the election only to the extent that the
32 contribution does not exceed net debts outstanding from the
33 election, and the contribution does not otherwise exceed the
34 applicable contribution limit for that election.

35 (b) Notwithstanding subdivision (a), an elected state officer
36 may accept contributions after the date of the election for the
37 purpose of paying expenses associated with holding the office
38 provided that the contributions are not expended for any
39 contribution to any state or local committee. Contributions received

pursuant to this subdivision shall be deposited into a bank account established solely for the purposes specified in this subdivision.

(1) No person shall make, and no elected state officer shall receive from a person, a contribution pursuant to this subdivision totaling more than the following amounts per calendar year:

(A) Three thousand two hundred dollars (\$3,200) in the case of an elected state officer of the Assembly or Senate.

(B) Five thousand four hundred dollars (\$5,400) in the case of a statewide elected state officer other than the Governor.

(C) Twenty-one thousand six hundred dollars (\$21,600) in the case of the Governor.

(2) No elected state officer shall receive contributions pursuant to paragraph (1) that, in the aggregate, total more than the following amounts per calendar year:

(A) Fifty-three thousand nine hundred dollars (\$53,900) in the case of an elected state officer of the Assembly or Senate.

(B) One hundred seven thousand nine hundred dollars (\$107,900) in the case of a statewide elected state officer other than the Governor.

(C) Two hundred fifteen thousand eight hundred dollars (\$215,800) in the case of the Governor.

(3) Any contribution received pursuant to this subdivision shall be deemed to be a contribution to that candidate for election to any state office that he or she may seek during the term of office to which he or she is currently elected, including, but not limited to, reelection to the office he or she currently holds, and shall be subject to any applicable contribution limit provided in this title. If a contribution received pursuant to this subdivision exceeds the allowable contribution limit for the office sought, the candidate shall return the amount exceeding the limit to the contributor on a basis to be determined by the Commission. None of the expenditures made by elected state officers pursuant to this subdivision shall be subject to the voluntary expenditure limitations in Section 85400.

~~SEC. 30.~~

SEC. 38. Section 85400 of the Government Code is amended to read:

85400. (a) A candidate for elective state office, other than the Board of Administration of the Public Employees' Retirement

1 System, who voluntarily accepts expenditure limits may not make
2 campaign expenditures in excess of the following:

3 (1) For an Assembly candidate, five hundred twenty thousand
4 dollars (\$520,000) in the primary or special primary election and
5 nine hundred nine thousand dollars (\$909,000) in the general or
6 special general election.

7 (2) For a Senate candidate, seven hundred eighty thousand
8 dollars (\$780,000) in the primary or special primary election and
9 one million one hundred sixty-nine thousand dollars (\$1,169,000)
10 in the general or special general election.

11 (3) For a candidate for the State Board of Equalization, one
12 million two hundred ninety-nine thousand dollars (\$1,299,000) in
13 the primary election and one million nine hundred forty-nine
14 thousand dollars (\$1,949,000) in the general election.

15 (4) For a statewide candidate other than a candidate for Governor
16 or the State Board of Equalization, five million one hundred
17 seventy-nine thousand dollars (\$5,179,000) in the primary election
18 and seven million seven hundred ninety-five thousand dollars
19 (\$7,795,000) in the general election.

20 (5) For a candidate for Governor, seven million seven hundred
21 ninety-five thousand dollars (\$7,795,000) in the primary election
22 and twelve million nine hundred ninety-two thousand dollars
23 (\$12,992,000) in the general election.

24 (b) For purposes of this section, “campaign expenditures” has
25 the same meaning as “election-related activities” as defined in
26 clauses (i) to (vi), inclusive, and clause (viii) of subparagraph (C)
27 of paragraph (2) of subdivision (b) of Section 82015.

28 (c) A campaign expenditure made by a political party on behalf
29 of a candidate may not be attributed to the limitations on campaign
30 expenditures set forth in this section.

31 ~~SEC. 31.— Section 86203 of the Government Code is repealed.~~

32 ~~SEC. 32.— Section 86203 is added to the Government Code, to~~
33 ~~read:~~

34 ~~86203. A lobbyist or lobbying firm shall not give a gift of any~~
35 ~~value, act as an agent or intermediary in the giving of a gift, or~~
36 ~~arrange for the giving of a gift by another person to an individual~~
37 ~~specified in Section 87200, an elected officer of a local government~~
38 ~~agency, a candidate for elective office in a local government~~
39 ~~agency, a member of a state board or commission, or a designated~~
40 ~~employee of a state or local government agency.~~

~~SEC. 33.~~

SEC. 39. Section 87103 of the Government Code is amended to read:

87103. A public official has a financial interest in a decision within the meaning of Section 87100 if it is reasonably foreseeable that the decision will have a material financial effect, distinguishable from its effect on the public generally, on the official, a member of his or her immediate family, or on any of the following:

(a) Any business entity in which the public official has a direct or indirect investment worth two thousand dollars (\$2,000) or more.

(b) Any real property in which the public official has a direct or indirect interest worth two thousand dollars (\$2,000) or more.

(c) Any source of income, except gifts or loans by a commercial lending institution made in the regular course of business on terms available to the public without regard to official status, aggregating five hundred dollars (\$500) or more in value provided or promised to, or received by, the public official within 12 months prior to the time when the decision is made.

(d) Any business entity in which the public official is a director, officer, partner, trustee, or employee, or in which the public official holds any position of management.

(e) Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating two hundred fifty dollars (\$250) or more in value provided to, received by, or promised to the public official within 12 months prior to the time when the decision is made.

(f) For purposes of this section, indirect investment or interest means any investment or interest owned by the spouse or dependent child of a public official, by an agent on behalf of a public official, or by a business entity or trust in which the official or the official's agents, spouse, or dependent children own directly, indirectly, or beneficially a 10-percent interest or greater.

~~SEC. 34.~~

SEC. 40. Section 87406 of the Government Code is amended to read:

87406. (a) This section shall be known, and may be cited, as the Milton Marks Postgovernment Employment Restrictions Act of 1990.

1 (b) No Member of the Legislature, for a period of one year after
2 leaving office, and no designated employee of the Legislature, for
3 a period of one year after leaving his or her employment with the
4 Legislature, shall, for compensation, act as agent or attorney for,
5 or otherwise represent, any other person by making a formal or
6 informal appearance, or by making an oral or written
7 communication, before the Legislature, a committee or
8 subcommittee thereof, a current Member of the Legislature, or an
9 officer or employee thereof, if the appearance or communication
10 is made for the purpose of influencing legislative action.

11 (c) No elected state officer, other than a Member of the
12 Legislature, for a period of one year after leaving office, shall, for
13 compensation, act as agent or attorney for, or otherwise represent,
14 any other person by making a formal or informal appearance, or
15 by making an oral or written communication, before a state
16 administrative agency, or an officer or employee thereof, if the
17 appearance or communication is for the purpose of influencing
18 administrative action or influencing an action or proceeding
19 involving the issuance, amendment, awarding, or revocation of a
20 permit, license, grant, or contract, or the sale or purchase of goods
21 or property. For purposes of this subdivision, an appearance before
22 a “state administrative agency” does not include an appearance in
23 a court of law, before an administrative law judge, or before the
24 Workers’ Compensation Appeals Board.

25 (d) (1) No designated employee of a state administrative agency,
26 an officer, employee, or consultant of a state administrative agency
27 who holds a position that entails the making, or participation in
28 the making, of decisions that may foreseeably have a material
29 effect on a financial interest, and no member of a state
30 administrative agency, for a period of one year after leaving office
31 or employment, shall, for compensation, act as agent or attorney
32 for, or otherwise represent, any other person by making a formal
33 or informal appearance, or by making an oral or written
34 communication, before a state administrative agency, or an officer
35 or employee thereof, for which he or she worked or that he or she
36 represented during the 12 months before leaving office or
37 employment, if the appearance or communication is made for the
38 purpose of influencing administrative or legislative action, or
39 influencing an action or proceeding involving the issuance,
40 amendment, awarding, or revocation of a permit, license, grant,

1 or contract, or the sale or purchase of goods or property. For
2 purposes of this paragraph, an appearance before a state
3 administrative agency does not include an appearance in a court
4 of law, before an administrative law judge, or before the Workers'
5 Compensation Appeals Board. The prohibition of this paragraph
6 only ~~apply~~ *applies* to designated employees employed by a state
7 administrative agency on or after January 7, 1991.

8 (2) For purposes of paragraph (1), a state administrative agency
9 of a designated employee of the Governor's office includes any
10 state administrative agency subject to the direction and control of
11 the Governor.

12 (e) The prohibitions contained in subdivisions (b), (c), and (d)
13 do not apply to an individual subject to this section who is or
14 becomes any of the following:

15 (1) An officer or employee of another state agency, board, or
16 commission if the appearance or communication is for the purpose
17 of influencing legislative or administrative action on behalf of the
18 state agency, board, or commission.

19 (2) An official holding an elective office of a local government
20 agency if the appearance or communication is for the purpose of
21 influencing legislative or administrative action on behalf of the
22 local government agency.

23 (f) This section shall become operative on January 1, 1991, but
24 only if Senate Constitutional Amendment No. 32 of the 1989–90
25 Regular Session is approved by the voters. With respect to
26 Members of the Legislature whose current term of office on
27 January 1, 1991, began in December 1988, this section shall not
28 apply until January 1, 1993.

29 ~~SEC. 35.~~

30 *SEC. 41.* Section 89503 of the Government Code is amended
31 to read:

32 89503. (a) An elected state officer, elected officer of a local
33 government agency, or other individual specified in Section 87200
34 shall not accept gifts from any single source in a calendar year
35 with a total value of more than two hundred fifty dollars (\$250).

36 (b) (1) A candidate for elective state office, for judicial office,
37 or for elective office in a local government agency shall not accept
38 gifts from any single source in a calendar year with a total value
39 of more than two hundred fifty dollars (\$250). A person is a
40 candidate for purposes of this subdivision when the person has

1 filed a statement of organization as a committee for election to a
2 state or local office, a declaration of intent, or a declaration of
3 candidacy, whichever occurs first. A person is not a candidate for
4 purposes of this subdivision after he or she is sworn into the
5 elective office, or, if the person lost the election, after the person
6 has terminated his or her campaign statement filing obligations
7 for that office pursuant to Section 84214 or after certification of
8 the election results, whichever occurs earlier.

9 (2) Paragraph (1) shall not apply to a person who is a candidate
10 as described in paragraph (1) for judicial office on or before
11 December 31, 1996.

12 (c) A member of a state board or commission or designated
13 employee of a state or local government agency shall not accept
14 gifts from any single source in a calendar year with a total value
15 of more than two hundred fifty dollars (\$250) if the member or
16 employee would be required to report the receipt of income or
17 gifts from that source on his or her statement of economic interests.

18 (d) This section shall not apply to a person in his or her capacity
19 as judge. This section shall not apply to a person in his or her
20 capacity as a part-time member of the governing board of a public
21 institution of higher education unless that position is an elective
22 office.

23 (e) This section shall not prohibit or limit the following:

24 (1) Payments, advances, or reimbursements for travel and related
25 lodging and subsistence permitted by Section 89506.

26 (2) Wedding gifts and gifts exchanged between individuals on
27 birthdays, holidays, and other similar occasions, provided that the
28 gifts exchanged are not substantially disproportionate in value.

29 (f) The limitations on gifts in this section are effective beginning
30 on January 1, 2012.

31 (g) The limitations in this section are in addition to the
32 limitations on gifts in Section 86203.

33 ~~SEC. 36.~~

34 ~~SEC. 42.~~ Section 91013 of the Government Code is amended
35 to read:

36 91013. (a) If a person files an original statement or report after
37 the applicable deadline imposed by this ~~act~~ *title*, he or she shall,
38 in addition to any other penalties or remedies established by this
39 *title*, be liable in the amount of twenty-five dollars (\$25) per day
40 after the deadline until the statement or report is filed, to the officer

with whom the statement or report is required to be filed. Liability need not be enforced by the filing officer if, on an impartial basis, he or she determines that the late filing was not willful and that enforcement of the liability will not further the purposes of ~~the act~~ *this title*, except that no liability shall be waived if a statement or report is not filed within 30 days for a statement of economic interests, other than a candidate's statement filed pursuant to Section 87201, five days for a campaign statement required to be filed 16 days before an election, and 10 days for all other statements or reports, after the filing officer has sent specific written notice of the filing requirement.

(b) If a person files a copy of a statement or report after the applicable deadline imposed by this title, he or she shall, in addition to any other penalties or remedies established by this title, be liable in the amount of twenty-five dollars (\$25) per day, starting 10 days, or five days in the case of a campaign statement required to be filed 16 days before an election, after the filing officer has sent specific written notice of the filing requirement and until the statement or report is filed.

(c) *For purposes of this section, a campaign statement or report submitted on behalf of a committee is not deemed filed if the treasurer of the committee is not currently certified pursuant to Section 84100.*

(e)

(d) The filing officer shall deposit any funds received under this section into the general fund of the jurisdiction of which he or she is an officer. No liability under this section shall exceed 150 percent of the cumulative amount stated in the late statement or report, or seven hundred fifty dollars (\$750), whichever is greater.

(d)

(e) Notwithstanding Section 89513 or 89514 or any other provision of this title, a candidate or elected officer shall not use campaign funds to pay a fine imposed on him or her pursuant to this section *for failure to file timely a statement of economic interests.*

~~SEC. 37.~~

SEC. 43. (a) It is the intent of the Legislature to develop a single, statewide electronic filing system that consolidates the filing of all state and local campaign statements and reports required by the Political Reform Act of 1974 (Title 9 (commencing

1 with Section 81000) of the Government Code) into one searchable
2 database that provides for, but is not limited to, all of the following:

3 (1) Electronic filing of committee organization statements.

4 (2) Electronic filing of campaign statements by all state
5 committees, without regard to the amounts of contributions and
6 expenditures.

7 (3) Electronic filing of reports by all major donors at the state
8 and local levels when specified thresholds are met.

9 (4) A consolidated statewide network that includes a process to
10 import into the statewide database state-required committee
11 disclosures from each local jurisdiction that has its own electronic
12 filing system.

13 (5) A statewide, Internet Web-based database with expanded
14 filing and public search capabilities that are data-driven and
15 user-friendly for all members of the public.

16 (b) The Secretary of State and the Fair Political Practices
17 Commission shall jointly work toward development of the
18 electronic filing system described in subdivision (a) as follows:

19 (1) Not later than ~~August 31, 2012~~ *December 31, 2013*, the
20 Secretary of State and the Commission shall develop a ~~technology~~
21 ~~plan~~ *feasibility study report* that will outline the technology
22 requirements and the costs of the electronic filing system.

23 (2) The Secretary of State and the Commission shall develop a
24 funding plan that includes a comprehensive and detailed project
25 budget that will be accurate through the duration of the project
26 and will include appropriate and reasonable contingencies. The
27 funding plan shall describe proposals for raising funds for
28 development of the electronic filing system, including grants from
29 private and public sources, federal funds, state appropriations, and
30 fees charged to filers of committee organization statements and
31 campaign statements.

32 (3) The Secretary of State and the Commission shall engage in
33 fundraising pursuant to the plan developed pursuant to paragraph
34 (2) and pursuant to the Commission's authority to accept funding
35 under Section 83117 of the Government Code.

36 (4) Not later than December 31, ~~2014~~ *2017*, the Secretary of
37 State and the Commission shall complete work on the development,
38 construction, and launch of the electronic filing system described
39 by this section.

1 ~~SEC. 38.~~

2 ~~SEC. 44.~~ No reimbursement is required by this act pursuant to
3 Section 6 of Article XIII B of the California Constitution because
4 the only costs that may be incurred by a local agency or school
5 district will be incurred because this act creates a new crime or
6 infraction, eliminates a crime or infraction, or changes the penalty
7 for a crime or infraction, within the meaning of Section 17556 of
8 the Government Code, or changes the definition of a crime within
9 the meaning of Section 6 of Article XIII B of the California
10 Constitution.

11 ~~SEC. 39.~~

12 ~~SEC. 45.~~ The Legislature finds and declares that this bill
13 furthers the purposes of the Political Reform Act of 1974 within
14 the meaning of subdivision (a) of Section 81012 of the Government
15 Code.