

Ongoing Legislation – Position Previously Adopted by Commission

AB 41 (Hill)

High Speed Rail Authority Members – Disqualification

Existing Law

The Act requires that certain public officials (specified in Section 87200) who have a financial interest in a governmental decision publicly identify the financial interest giving rise to the conflict of interest, recuse themselves from discussing and voting on the matter, and leave the room until after the discussion, vote and other disposition of the matter is concluded.

Proposed Law

This bill would add members of the High Speed Rail Authority to the officials specified in Section 87200 who are required to follow the disqualification procedures.

Commission Position: Support (adopted at February 11, 2011 hearing)

Status: Senate Floor

Ongoing Legislation

SB 31 (Correa)

Post-Employment Restrictions – Local Officials

Existing Law

Specified local officials (elected officials, chief administrative officers of a county, city managers, or general managers or chief administrators of a special district) may not, for a period of one year after leaving that office or employment, act as agent or attorney for, or otherwise represent, for compensation, any other person by appearing before or communicating with that local government agency, if the appearance or communication is to influence administrative or legislative action or influence any action or proceeding involving the issuance, amendment, awarding, or revocation of a permit, license, grant, or contract, or the sale or purchase of good or property.

Proposed Law

This bill would add “other public officials serving as members of local governing boards or commissions with decisionmaking authority” to the specified officials subject to the one year post-employment restrictions.

Status: Assembly

SB 1001 (Yee)

Lobbyist Registration Fees

Existing Law

The Secretary of State may charge each lobbying firm and lobbyist employer a fee of up to \$25 per year for each lobbyist required to be listed on its registration statement.

Proposed Law

This bill would increase the maximum annual registration fee to \$50 per year and require the Commission to adjust the fee on December 1 of each even-numbered year to reflect any increase in the Consumer Price Index.

Status: Senate Committee on Elections, Reapportionment and Constitutional Amendments

SB 1296 (Fuller)

Ballot Pamphlets

Existing Law

Upon receipt of a draft of a petition for a proposed initiative or referendum, the Attorney General is required to prepare a title and summary of the proposed measure. If the Attorney General determines

that a proposed measure would affect state or local revenues or expenditures, he or she must include in the title either the estimate or an opinion as to whether a substantial net change in state or local finances would result if the proposed initiative is adopted. The Department of Finance and the Joint Legislative Budget Committee jointly prepare the fiscal estimate that may be included in the title.

Proposed Law

The Legislative Analyst, instead of the Attorney General, would prepare the ballot title and summary for all measures submitted to the voters. And, the Legislative Analyst, instead of the Department of Finance and the Joint Legislative Budget Committee, would prepare any fiscal estimate or opinion required by a proposed initiative measure.

Status: Senate

SB 1426 (Blakeslee) – spot bill

Committee

This bill in its current form makes nonsubstantive changes to the Act’s definition of “committee.” There is no substantive language at this time.

Status: Senate

SB 1553 (Lowenthal)

City of Long Beach – Pilot Program for Electronic Filing of Campaign Statements

Existing Law

The Act requires elected officers, candidates for elective office, and campaign committees to file campaign statements. City officers, candidates for elective office, and campaign committees file the required campaign statements with the clerk of the city.

Proposed Law

This bill would create a pilot program for the 2013 and 2014 reporting periods that authorizes the City of Long Beach to permit any person who files a campaign statement with the city clerk to file electronically. The City of Long Beach would be required to prepare a report, including specified information, to submit to the Commission by July 1, 2015. The Commission would be required to submit the report and any comments about the report to the Legislative Analyst’s Office by August 15, 2015, and the Legislative Analyst’s Office would be required to provide a report to the Legislature evaluating the pilot program by February 1, 2016.

Status: Senate

AB 1509 (Hayashi)

Statements of Economic Interests – Posting by Local Agencies

Existing Law

Persons holding specified public offices are required to file Statements of Economic Interests (SEIs). Specified local elected officers file their SEIs with the city clerk or county clerk, who makes and retains a copy of each statement and forwards the original to the Commission, which acts as the filing officer for the SEIs.

Proposed Law

This bill would require a city or county clerk who maintains a website to post a notification on that website that identifies the elected officers who file SEIs with that clerk. The notification must include a statement that a copy of a SEI may be obtained by visiting the offices of the Commission or the city or county clerk. In addition, the bill would require that the notification include a link to the Commission’s website and a statement that certain SEIs are available on the Commission’s website.

Status: Assembly Elections and Redistricting Committee

AB 1648 (Brownley)

Advertisement Disclosure

Existing Law

The Act requires that each slate mailer identify each candidate and ballot measure that has paid to appear in a slate mailer be designated by an asterisk. The Act also places certain disclosure requirements on advertisements for or against a ballot measure broadcast or mass mailing advertisements that are paid for by an independent expenditure to support or oppose a candidate or ballot measure.

Proposed Law

This bill would require that a candidate or ballot measure appearing in a slate mailer be designated by an asterisk if the slate mailer organization or committee primarily formed to support or oppose one or more ballot measures has received payment to include the candidate or measure. The bill also makes several significant changes to the advertisement disclosure rules, including the following: 1) Radio, TV, and video ads authorized by a candidate must include a statement saying he/she approved the ad; 2) Radio, TV, and video ads that are not authorized by a candidate must disclose the top three donors of \$10,000 or more and TV and video ads must also include logos, if any, of those donors; 3) Except for committees that are controlled by a candidate, a committee that pays for an advertisement shall establish and maintain a "committee disclosure Internet Web site" with specified information.

Status: Assembly Elections and Redistricting Committee

AB 1730 (Olsen)

Legislative Transparency Act

Existing Law

The Act imposes various reporting and disclosure requirements on contributions made to or received by candidates and candidate-controlled committees.

Proposed Law

This bill would require a Member of the Legislature or a controlled committee of a Member to report within 24 hours a contribution of \$100 or more received within the seven days prior to specified legislative deadlines for a regular session of the Legislature. In addition, the bill contains provisions outside of the Act, which would prohibit either house of the Legislature from voting on a bill until it has been available on a public website for at least 72 hours (unless the house dispenses this requirement by a 2/3 vote), and would require the Rules Committees to provide to each Member of the Legislature a monthly report of that Member's office budget.

Status: Assembly

AB 1881 (Donnelly)

Disclosure Threshold for Non-Candidate Controlled Committees

Existing Law

The Act requires that all campaign committees disclose in campaign statements specified information, including the name and address of contributors of \$100 or more.

Proposed Law

This bill would prohibit a committee that is not controlled by a candidate from disclosing in a campaign statement the name and address of a person whose cumulative contributions to that committee are less than \$5,000.

Status: Assembly

AB 2054 (Fong) – spot bill

Civil Service Classification

This bill in its current form makes nonsubstantive changes to a provision of the Act. There is no substantive language at this time.

Status: Assembly

AB 2062 (Davis)

Statements of Economic Interests – Electronic Filing

Existing Law

The Counties of Los Angeles, Merced, Orange, Santa Clara, and Ventura and the City of Long Beach are authorized to permit electronic filing of Statements of Economic Interests (SEIs) as part of a pilot project that is scheduled to end as of March 1, 2012.

Proposed Law

This bill contains an urgency clause so, if approved, the provisions will be effective immediately. It would allow all filing officers to permit the electronic filing of SEIs upon system approval and certification from the Commission. In addition, it would allow the agencies that are currently accepting SEIs electronically to continue to do so until their systems are certified by the Commission.

Status: Assembly

AB 2129 (Cook)

Enforcement of San Bernardino County Campaign Ordinance

Existing Law

The Commission has the primary responsibility for the impartial, effective administration and implementation of the Act, including acting as the civil prosecutor responsible for the enforcement of the penalty provisions of the Act.

Proposed Law

The Commission shall have primary responsibility for the impartial, effective administration and implementation of the Campaign Reform Ordinance of the County of San Bernardino upon adoption of an ordinance or resolution by the board of supervisors that makes the provisions applicable.

Status: Assembly

AB 2162 (Portantino)

Statements of Economic Interests (SEI) – Fair Market Value

Existing Law

The SEI (Form 700) provides four options for reporting the fair market value of investments, interests in real property, and income: \$2,000 - \$10,000; \$10,001 - \$100,000; \$100,001 - \$1,000,000; and over \$1,000,000.

Proposed Law

This bill would revise the fair market value ranges to provide the following 8 options for investments and real property interests: \$2,000 - \$25,000; \$25,001 - \$100,000; \$100,001 - \$250,000; \$250,001 - \$500,000; \$500,001 - \$1,000,000; \$1,000,001 - \$5,000,000; \$5,000,001 - \$10,000,000; and more than \$10,000,000. It would also revise the fair market value ranges to provide the following 10 options for sources of income: \$500 - \$1,000; \$1,001 - \$10,000; \$10,001 - \$25,000; \$25,001 - \$100,000; \$100,001 - \$250,000; \$250,001 - \$500,000; \$500,001 - \$1,000,000; \$1,000,001 - \$5,000,000; \$5,000,001 - \$10,000,000; and more than \$10,000,000.

Status: Assembly

AB 2191 (Norby)

County Central Committee Members

Existing Law

The definition of “elective office” expressly includes membership on a county central committee of a qualified political party.

Proposed Law

If this bill is passed by the Legislature and approved by the Governor, it shall be submitted to the voters for approval at a statewide election. The bill would revise the definition of “elective office” to exclude membership on a county central committee of a qualified party and would revise the definition of committee to exclude an entity that is primarily formed to support or oppose a person seeking election to a county central committee of a qualified party. In addition, the bill would prohibit a local government agency from imposing filing requirements or contribution limits on elected members of, or candidates for election to, a county central committee of a qualified political party.

Status: Assembly

AB 2220 (Gatto)

Ballot Pamphlets

Existing Law

The Legislative Analyst is required to prepare an impartial fiscal analysis of each initiative measure that is included in the ballot pamphlet stating whether the measure would increase or decrease any revenue or cost to state or local government. The Legislative Analyst must also prepare for inclusion in the ballot pamphlet a summary statement regarding the general meaning and effect of “yes” and “no” votes on each state measure.

Proposed Law

This bill would require, except as specified, that if a fiscal analysis prepared by the Legislative Analyst determines that a measure would provide an increase in revenues to fund new or existing programs, that specified language be added at the end of the “yes” and “no” summary statement in the ballot pamphlet, advising that unless changed by a future measure approved by the voters, the initiative would forever dedicate the revenue to program identified in the initiative.

Status: Assembly

AB 2239 (Norby)

Repeals Campaign Contribution Limits and Requires 24-Hour Reporting for All \$100 Contributions

Existing Law

The Act imposes limits on contributions that may be made to, or accepted by, candidates for elective state office. The Act also limits contributions to officers of specified agencies from a party to a proceeding before an agency involving a license or permit. In addition, the Act requires candidates and committees to file specified campaign statements, including semiannual, pre-election, and late contribution reports.

Proposed Law

If this bill is passed by the Legislature and approved by the Governor, it shall be submitted to the voters for approval at a statewide election. The bill would repeal limitations on contributions that may be made to, or accepted by, candidates for elective state office. It would also repeal the requirements for most existing campaign filing requirements and would instead require a candidate or committee that makes or receives a contribution of \$100 or more to report that contribution to specified filing officers within 24 hours.

Status: Assembly

AB 2256 (Portantino)

California Legislature Whistleblower Protection Act

Existing Law

The California Whistleblower Protection Act prohibits a state employee from using his or her official authority or influence to discourage or retaliate against any person in order to interfere with the right of that person to disclose evidence of an improper government activity. The State Auditor is required to investigate disclosures of improper government activities.

Proposed Law

This bill would enact, and would require the Commission to administer, the California Legislature Whistleblower Protection Act (LWPA). The LWPA would prohibit a member or employee of the Legislature from directly or indirectly using or attempting to use his or her official authority or influence to retaliate, threaten, coerce, or engage in any similar improper act for the purpose of interfering with the right of an employee of the Legislature to make a protected disclosure of improper governmental activity or to refuse an illegal order, as defined. Upon receipt of an allegation, the Commission may investigate the matter or may refer the matter to the Senate or Assembly Committee on Rules, the Attorney General, or the appropriate district attorney. The Commission would not have enforcement power.

Status: Assembly

AB 2452 (Ammiano)

Campaign Statements – Electronic Filing for Local Agencies

Existing Law

Specified candidates, committees, slate mailer organizations, lobbyists, lobbying firms, and lobbyist employers are required to file statements and reports electronically with the Secretary of State. The Act requires some of these entities to also file campaign statements and reports with local filing officers, as specified.

Proposed Law

This bill would authorize a local government agency to require an elected officer, candidate, committee, or other person required to file specified statements or reports to file online or electronically with a local filing officer. Specified criteria must be satisfied by a local government agency, including that the system be available free of charge to filers and to the public for viewing the filings. The system must also include a procedure to comply with the requirement that filers sign statements and reports under penalty of perjury.

Status: Assembly

AB 2503 (Norby) – spot bill

Income

This bill in its current form makes nonsubstantive changes to the Act's definition of "income." There is no substantive language at this time.

Status: Assembly

Assembly Bill No. 1413

CHAPTER 3

An act to amend Sections 13, 334, 359.5, 2151, 2154, 2155, 3006, 3007.5, 3205, 7100, 8002.5, 8025, 8040, 8041, 8062, 8068, 8106, 8121, 8124, 8141.5, 8142, 8148, 8300, 8600, 8606, 8803, 8805, 8807, 9083.5, 10704, 10706, 12108, 13105, 13107, 13206, 13207, 13212, 13230, 13300, 13302, 15340, 15402, and 19301 of, to add Section 13206.5 to, and to repeal Sections 325 and 9084.5 of, the Elections Code, and to amend Sections 85312 and 85703 of the Government Code, relating to elections, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor February 10, 2012. Filed with
Secretary of State February 10, 2012.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1413, Fong. Elections.

Existing provisions of the California Constitution require a “voter-nominated primary election” for each state elective office and congressional office in California, in which a voter may vote at the primary election for any candidate for congressional or state elective office without regard to the political party preference disclosed by either the candidate or the voter. The candidates receiving the 2 highest vote totals for each office at the primary election, regardless of party preference, compete for the office at the general election. Existing provisions of the Elections Code implement the “voter-nominated primary election” of the California Constitution.

This bill would make technical revisions to provisions of the Elections Code to reflect the “voter-nominated primary election” process. The bill would conform the procedures applicable in case of a tie in the primary election for voter-nominated offices to the existing provisions applicable to specified partisan offices. The bill would impose requirements for forms relating to declaration of candidacy for voter-nominated offices, state ballot pamphlets, and ballots.

Existing law requires every person who desires to be a write-in candidate and have his or her name as written on the ballot of an election counted for a particular office to file a statement of write-in candidacy that contains specified information.

This bill would require that a statement of write-in candidacy for a voter-nominated office also include a certification of the candidate's complete voter registration and party affiliation or preference history for the preceding 10 years, or for as long as he or she has been eligible to vote in the state if less than 10 years. This bill would also provide that a person may not be a write-in candidate at the general election for a voter-nominated office.

Existing law states that a vacancy exists on a general election ballot whenever a candidate for nomination for a nonpartisan or voter-nominated office at a primary election dies on or before the day of the election, and a sufficient number of ballots are marked as being voted for him or her to entitle him or her to nomination if he or she had lived until after the election.

This bill would instead require the name of the candidate for nomination for a voter-nominated office at a primary election to appear on the general election ballot under those circumstances.

Existing law prohibits a vacancy on the general election ballot to be filled except if the elections official ascertained the candidate's death at least 68 days before the date of the ensuing general election.

This bill would prohibit a vacancy on the general election ballot for a voter-nominated office to be filled without exception. This bill would require the name of a candidate who dies but is otherwise entitled to appear on the general election ballot to appear on the ballot and would require the votes cast for the deceased candidate to be counted in determining the results of the election for that office.

The Political Reform Act of 1974 defines and regulates campaign contributions and expenditures, including payments made by a political party for communications with its members.

This bill would make conforming changes to those provisions to reflect the voter-nominated primary election process.

The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act's purposes upon a $\frac{2}{3}$ vote of each house and compliance with specified procedural requirements.

This bill would declare that it furthers the purposes of the act.

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

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

SECTION 1. Section 13 of the Elections Code is amended to read:

13. (a) A person shall not be considered a legally qualified candidate for an office, for party nomination for a partisan office, or for nomination to participate in the general election for a voter-nominated office, under the laws of this state unless that person has filed a declaration of candidacy or statement of write-in candidacy with the proper official for the particular election or primary, or is entitled to have his or her name placed on a general election ballot by reason of having been nominated at a primary election, or having been selected to fill a vacancy on the general election ballot as provided in Section 8807, or having been selected as an independent candidate pursuant to Section 8304.

(b) Nothing in this section shall be construed as preventing or prohibiting any qualified voter of this state from casting a ballot for a person by writing the name of that person on the ballot, or from having that ballot counted or tabulated, nor shall this section be construed as preventing or prohibiting a

person from standing or campaigning for an elective office by means of a “write-in” campaign. However, nothing in this section shall be construed as an exception to the requirements of Section 15341 or to permit a person to be a write-in candidate contrary to Sections 8600 and 8606.

(c) It is the intent of the Legislature, in enacting this section, to enable the Federal Communications Commission to determine who is a “legally qualified candidate” in this state for the purposes of administering Section 315 of Title 47 of the United States Code.

SEC. 2. Section 325 of the Elections Code is repealed.

SEC. 3. Section 334 of the Elections Code is amended to read:

334. “Nonpartisan office” means an office, except for a voter-nominated office, for which no party may nominate a candidate. Judicial, school, county, and municipal offices, including the Superintendent of Public Instruction, are nonpartisan offices.

SEC. 4. Section 359.5 of the Elections Code is amended to read:

359.5. (a) “Voter-nominated office” means a congressional or state elective office for which a candidate may choose to have his or her party preference or lack of party preference indicated upon the ballot. A political party or party central committee shall not nominate a candidate at a state-conducted primary election for a voter-nominated office. The primary conducted for a voter-nominated office does not serve to determine the nominees of a political party but serves to winnow the candidates for the general election to the candidates receiving the highest or second highest number of votes cast at the primary election. The following offices are voter-nominated offices:

- (1) Governor.
- (2) Lieutenant Governor.
- (3) Secretary of State.
- (4) Controller.
- (5) Treasurer.
- (6) Attorney General.
- (7) Insurance Commissioner.
- (8) Member of the State Board of Equalization.
- (9) United States Senator.
- (10) Member of the United States House of Representatives.
- (11) State Senator.
- (12) Member of the Assembly.

(b) This section does not prohibit a political party or party central committee from endorsing, supporting, or opposing a candidate for an office listed in subdivision (a).

SEC. 5. Section 2151 of the Elections Code is amended to read:

2151. (a) At the time of registering and of transferring registration, an elector may disclose the name of the political party that he or she prefers. The name of that political party shall be stated in the affidavit of registration and the index.

(b) (1) The voter registration card shall inform the affiant that an elector may decline to disclose a political party preference, but a person shall not

be entitled to vote the ballot of a political party at a primary election for President of the United States or for a party committee unless he or she has disclosed the name of the party that he or she prefers or unless he or she has declined to disclose a party preference and the political party, by party rule duly noticed to the Secretary of State, authorizes a person who has declined to disclose a party preference to vote the ballot of that political party. The voter registration card shall further inform the affiant that a registered voter may vote for any candidate at a primary election for state elective office or congressional office, regardless of the disclosed party preference of the registrant or the candidate seeking that office or the refusal of the registrant or candidate to disclose a party preference.

(2) The voter registration card shall include a listing of all qualified political parties. As part of that listing, the voter registration card shall also contain an option that permits the affiant to decline to disclose a party preference. This option shall be placed at the end of the listing of qualified political parties.

(c) A person shall not be permitted to vote the ballot of a party or for delegates to the convention of a party other than the party disclosed as preferred in his or her registration, except as provided by Section 2152 or unless he or she has declined to disclose a party preference and the party, by party rule duly noticed to the Secretary of State, authorizes a person who has declined to disclose a party preference to vote the party ballot or for delegates to the party convention.

(d) As of the effective date of the statute that added this subdivision, any voter who previously stated a political party affiliation when registering to vote shall be deemed to have disclosed that same party as his or her political party preference unless the voter files a new affidavit of registration disclosing a different political party preference or no political party preference. Any voter who previously declined to state a party affiliation shall be deemed to have declined to disclose a party preference unless the voter files a new affidavit of registration disclosing a different political party preference.

(e) The Secretary of State may continue to supply existing affidavits of registration prior to printing new or revised forms that reflect the changes required pursuant to any amendment made to this section.

SEC. 6. Section 2154 of the Elections Code is amended to read:

2154. In the event that the county elections official receives an affidavit of registration that does not include portions of the information for which space is provided, the county elections official shall apply the following rebuttable presumptions:

(a) If no middle name or initial is shown, it shall be presumed that none exists.

(b) If no party preference is shown, it shall be presumed that the affiant has declined to disclose a party preference.

(c) If no execution date is shown, it shall be presumed that the affidavit was executed on or before the 15th day prior to the election, provided that (1) the affidavit is received by the county elections official on or before the

15th day prior to the election, or (2) the affidavit is postmarked on or before the 15th day prior to the election and received by mail by the county elections official.

(d) If the affiant fails to identify his or her state of birth within the United States, it shall be presumed that the affiant was born in a state or territory of the United States if the birthplace of the affiant is shown as “United States,” “U.S.A.,” or other recognizable term designating the United States.

SEC. 7. Section 2155 of the Elections Code is amended to read:

2155. Upon receipt of a properly executed affidavit of registration or address correction notice or letter pursuant to Section 2119, Article 2 (commencing with Section 2220), or the National Voter Registration Act of 1993 (42 U.S.C. Sec. 1973gg), the county elections official shall send the voter a voter notification by nonforwardable, first-class mail, address correction requested. The voter notification shall state the party preference for which the voter has registered in the following format:

Party: (Name of political party)

The voter notification shall be substantially in the following form:

VOTER NOTIFICATION

You are registered to vote. The party preference you chose, if any, is on this card. This card is being sent as a notification of:

- 1. Your recently completed affidavit of registration.

OR,

- 2. A change to your registration because of an official notice that you have moved. If your residence address has not changed or if your move is temporary, please call or write to our office immediately.

OR,

- 3. Your recent registration with a change in party preference. If this change is not correct, please call or write to our office immediately.

You may vote in any election held 15 or more days after the date on this card.

Your name will appear on the index kept at the polls.

Please contact our office if the information shown on the reverse side of this card is incorrect.

(Signature of Voter)

SEC. 8. Section 3006 of the Elections Code is amended to read:

3006. (a) A printed application that is to be distributed to a voter for requesting a vote by mail voter's ballot shall inform the voter that the application for the vote by mail voter's ballot must be received by the elections official not later than seven days prior to the date of the election and shall contain spaces for the following:

(1) The printed name and residence address of the voter as it appears on the affidavit of registration.

(2) The address to which the ballot is to be mailed.

(3) The voter's signature.

(4) The name and date of the election for which the request is to be made.

(b) (1) The information required by paragraphs (1) and (4) of subdivision (a) may be preprinted on the application. The information required by paragraphs (2) and (3) of subdivision (a) shall be personally affixed by the voter.

(2) An address, as required by paragraph (2) of subdivision (a), may not be the address of a political party, a political campaign headquarters, or a candidate's residence. However, a candidate, his or her spouse, immediate family members, and any other voter who shares the same residence address as the candidate may request that a vote by mail ballot be mailed to the candidate's residence address.

(3) An application that contains preprinted information shall contain a conspicuously printed statement substantially similar to the following: "You have the legal right to mail or deliver this application directly to the local elections official of the county where you reside."

(c) The application shall inform the voter that if he or she has declined to disclose a preference for a political party, the voter may request a vote by mail ballot for a particular political party for the partisan primary election, if that political party has adopted a party rule, duly noticed to the Secretary of State, authorizing that vote. The application shall contain a toll-free telephone number, established by the Secretary of State, that the voter may call to access information regarding which political parties have adopted such a rule. The application shall contain a checkoff box with a conspicuously printed statement that reads substantially similar to the following: "I have declined to disclose a preference for a qualified political party. However, for this primary election only, I request a vote by mail ballot for the _____ Party." The name of the political party shall be personally affixed by the voter.

(d) The application shall provide the voter with information concerning the procedure for establishing permanent vote by mail voter status, and the basis upon which permanent vote by mail voter status is claimed.

(e) The application shall be attested to by the voter as to the truth and correctness of its content, and shall be signed under penalty of perjury.

SEC. 9. Section 3007.5 of the Elections Code is amended to read:

3007.5. (a) The Secretary of State shall prepare and distribute to appropriate elections officials a uniform electronic application format for a vote by mail voter's ballot that conforms to this section.

(b) The uniform electronic application shall inform the voter that the application for the vote by mail voter's ballot must be received by the elections official not later than seven days prior to the date of the election and shall contain spaces for at least the following information:

(1) The name and residence address of the registered voter as it appears on the affidavit of registration.

(2) The address to which the ballot is to be mailed.

(3) The name and date of the election for which the request is made.

(4) The date of birth of the registered voter.

(c) The uniform electronic application shall inform the voter that if he or she has declined to disclose a preference for a political party, the voter may request a vote by mail ballot for a particular political party for the partisan primary election, if that political party has adopted a party rule, duly noticed to the Secretary of State, authorizing that vote. The application shall contain a toll-free telephone number, established by the Secretary of State, that the voter may call to access information regarding which political parties have adopted such a rule. The application shall list the parties that have notified the Secretary of State of the adoption of such a rule. The application shall contain a checkoff box with a conspicuously printed statement that reads substantially similar to the following: "I have declined to disclose a preference for a qualified political party. However, for this primary election only, I request a vote by mail ballot for the ____ Party." The name of the political party shall be personally affixed by the voter.

(d) The uniform electronic application shall contain a conspicuously printed statement substantially similar to the following: "Only the registered voter himself or herself may apply for a vote by mail ballot. An application for a vote by mail ballot made by a person other than the registered voter is a criminal offense."

(e) The uniform electronic application shall include a statement substantially similar to the following: "A ballot will not be sent to you if this application is incomplete or inaccurate."

(f) The uniform electronic application format shall not permit the form to be electronically submitted unless all of the information required to complete the application is contained in the appropriate fields.

SEC. 10. Section 3205 of the Elections Code is amended to read:

3205. (a) Vote by mail ballots mailed to, and received from, voters on the permanent vote by mail voter list are subject to the same deadlines and shall be processed and counted in the same manner as all other vote by mail ballots.

(b) Prior to each partisan primary election, county elections officials shall mail to every voter who has declined to disclose a preference for a political party whose name appears on the permanent vote by mail voter list a notice and application regarding voting in the primary election. The notice shall inform the voter that he or she may request a vote by mail ballot for a particular political party for the primary election, if that political party adopted a party rule, duly noticed to the Secretary of State, authorizing these voters to vote in their primary. The notice shall also contain a toll-free

telephone number, established by the Secretary of State, that the voter may call to access information regarding which political parties have adopted such a rule. The application shall contain a checkoff box with a conspicuously printed statement that reads substantially similar to the following: “I have declined to disclose a preference for a qualified political party. However, for this primary election only, I request a vote by mail ballot for the ____ Party.” The name of the political party shall be personally affixed by the voter.

SEC. 11. Section 7100 of the Elections Code is amended to read:

7100. In each year of the general election at which electors of President and Vice President of the United States are to be chosen, the candidate in each congressional district who received the largest number of votes in the primary election among the candidates who disclosed a preference for the Democratic Party shall designate one presidential elector and shall file his or her name and residence and business address with the state chairperson by a date specified by the state chairperson. The candidate for United States Senate who received the largest number of votes in the primary election among the candidates who disclosed a preference for the Democratic Party in each of the last two United States senatorial elections shall designate one presidential elector and shall file his or her name and residence and business address with the state chairperson by a date specified by the state chairperson. In the event there is no candidate for United States Senate or for any particular congressional district who disclosed a preference for the Democratic Party, or if any candidate fails to designate a presidential elector by the date specified by the state chairperson, the state chairperson shall designate one presidential elector for each vacancy. The state chairperson shall file the names and residence and business addresses of all the electors designated pursuant to this section with the Secretary of State by October 1 of the presidential election year.

SEC. 12. Section 8002.5 of the Elections Code is amended to read:

8002.5. (a) A candidate for a voter-nominated office shall indicate one of the following upon his or her declaration of candidacy, which shall be consistent with what appears on the candidate’s most recent affidavit of registration:

(1) “Party Preference: _____ (insert the name of the qualified political party as disclosed upon your affidavit of registration).”

(2) “Party Preference: None (if you have declined to disclose a preference for a qualified political party upon your affidavit of registration).”

(b) The selection made by a candidate pursuant to subdivision (a) shall appear on the primary and general election ballot in conjunction with his or her name, and shall not be changed between the primary and general election.

(c) Regardless of the party preference, or lack of party preference, of the candidate or the voter, any qualified voter may vote for any candidate for a voter-nominated office if the voter is otherwise entitled to vote for candidates for the office to be filled. Nothing in Section 2151, 3006, 3007.5, 3205, or 13102 shall be construed to limit the ability of a voter to cast a

primary election ballot for any candidate for a voter-nominated office, regardless of the party preference, or lack of party preference, designated by the candidate for inclusion upon the ballot pursuant to this section, provided that the voter is otherwise qualified to cast a ballot for the office at issue.

(d) A candidate designating a party preference pursuant to subdivision (a) shall not be deemed to be the official nominee of the party designated as preferred by the candidate. A candidate’s designation of party preference shall not be construed as an endorsement of that candidate by the party designated. The party preference designated by the candidate is shown for the information of the voters only and may in no way limit the options available to voters.

(e) All references to party preference or affiliation shall be omitted from all forms required to be filed by a voter-nominated candidate pursuant to this division in the same manner that such references are omitted from forms required to be filed by nonpartisan candidates pursuant to Section 8002, except that the declaration of candidacy required by Section 8040 shall include space for the candidate to list the party preference disclosed upon the candidate’s most recent affidavit of registration, in accordance with subdivision (a).

SEC. 13. Section 8025 of the Elections Code is amended to read:

8025. If a candidate who has declared a candidacy for a nomination at the direct primary election for a voter-nominated office dies after the last day prescribed for the delivery of nomination documents to the elections official, as provided in Section 8020, but not less than 83 days before the election, any person, regardless of his or her party preference or lack of party preference, may circulate and deliver nomination documents for the office to the elections official up to 5 p.m. on the 74th day prior to the election. In that case, the elections official shall, immediately after receipt of those nomination documents, certify and transmit them to the Secretary of State in the manner specified in this article.

SEC. 14. Section 8040 of the Elections Code is amended to read:

8040. (a) The declaration of candidacy by a candidate shall be substantially as follows:

DECLARATION OF CANDIDACY

I hereby declare myself a candidate for nomination to the office of _____
District Number _____ to be voted for at the primary election to be held
_____, 20__, and declare the following to be true:

My name is _____.

I want my name and occupational designation to appear on the ballot as follows: _____.

Addresses:

Residence _____

Business _____

Mailing _____

Telephone numbers: Day _____ Evening _____

Web site: _____

I meet the statutory and constitutional qualifications for this office (including, but not limited to, citizenship, residency, and party preference, if required).

I am at present an incumbent of the following public office (if any) _____.

If nominated, I will accept the nomination and not withdraw.

Signature of candidate

A candidate for voter-nominated office shall also complete all of the following:

1. I hereby certify that:

(a) At the time of presentation of this declaration, as shown by my current affidavit of registration, I have disclosed the following political party preference, if any: _____.

(b) My complete voter registration and party affiliation/preference history, from [10 years prior to current year] through the date of signing this document, is as follows:

Party Registration	County	Timeframe (by year)
_____	_____	_____
_____	_____	_____
_____	_____	_____

(2) Pursuant to Section 8002.5 of the Elections Code, select one of the following:

_____ Party Preference: _____ (insert the name of the qualified political party as disclosed upon your affidavit of registration).

_____ Party Preference: None (if you have declined to disclose a preference for a qualified political party upon your affidavit of registration).

Dated this ___ day of _____, 20__.

Signature of candidate

State of California)
County of _____) ss.
)

Subscribed and sworn to before me this ____ day of _____, 20____.

Notary Public (or other official)

Examined and certified by me this _____ day of _____, 20____.

County Elections Official

WARNING: Every person acting on behalf of a candidate is guilty of a misdemeanor who deliberately fails to file at the proper time and in the proper place any declaration of candidacy in his or her possession which is entitled to be filed under the provisions of the Elections Code Section 18202.

(b) A candidate for a judicial office may not be required to state his or her residential address on the declaration of candidacy. However, in cases where the candidate does not state his or her residential address on the declaration of candidacy, the elections official shall verify whether his or her address is within the appropriate political subdivision and add the notation “verified” where appropriate.

SEC. 15. Section 8041 of the Elections Code is amended to read:

8041. (a) The nomination paper shall be in substantially the following form:

NOMINATION PAPER

I, the undersigned signer for _____ for nomination to the office of _____, to be voted for at the primary election to be held on the ____ day of _____, 20__, hereby assert as follows:

I am a resident of ____ County and registered to vote at the address shown on this paper. I am not at this time a signer of any other nomination paper of any other candidate for the above-named office, or in case there are several places to be filled in the above-named office, I have not signed more nomination papers than there are places to be filled in the above-named office. My residence is correctly set forth after my signature hereto:

Name _____

Residence _____

(b) The affidavit of the circulator shall read as follows:

AFFIDAVIT OF THE CIRCULATOR

I, _____, solemnly swear (or affirm) that the signatures on this section of the nomination paper were obtained between _____, 20__, and _____, 20__; that I circulated the petition and I witnessed the signatures on this section of the nomination paper being written; and that, to the best of my information

and belief, each signature is the genuine signature of the person whose name it purports to be.

My voting residence is _____.

Signed _____

Subscribed and sworn to before me this _____ day of _____, 20__.

(SEAL)

Notary Public (or other official)

Examined and certified by me this _____ day of _____, 20__.

Elections Official

WARNING: Every person acting on behalf of a candidate is guilty of a misdemeanor who deliberately fails to file at the proper time and in the proper place any nomination paper in his or her possession which is entitled to be filed under Section 18202 of the Elections Code.

(c) If the nomination paper is for a partisan office, the nomination paper shall include a statement indicating the party preference of the signer of the nomination paper.

SEC. 16. Section 8062 of the Elections Code is amended to read:

8062. (a) The number of registered voters required to sign a nomination paper for the respective offices are as follows:

(1) State office or United States Senate, not fewer than 65 nor more than 100.

(2) House of Representatives in Congress, State Senate or Assembly, State Board of Equalization, or any office voted for in more than one county, and not statewide, not fewer than 40 nor more than 60.

(3) Candidacy in a single county or any political subdivision of a county, other than State Senate or Assembly, not fewer than 20 nor more than 40.

(4) With respect to a candidate for a political party committee, if any political party has fewer than 50 voters in the state or in the county or district in which the election is to be held, one-tenth the number of voters of the party.

(5) If there are fewer than 150 voters in the county or district in which the election is to be held, not fewer than 10 nor more than 20.

(b) The provisions of this section are mandatory, not directory, and no nomination paper shall be deemed sufficient that does not comply with this section. However, this subdivision shall not be construed to prohibit withdrawal of signatures pursuant to Section 8067. This subdivision also

shall not be construed to prohibit a court from validating a signature which was previously rejected upon showing of proof that the voter whose signature is in question is otherwise qualified to sign the nomination paper.

SEC. 17. Section 8068 of the Elections Code is amended to read:

8068. Signers shall be voters in the district or political subdivision in which the candidate is to be voted on. With respect to a candidacy for partisan office, signers shall be voters who disclosed a preference, pursuant to Section 2151, for the party, if any, for which the nomination is proposed. With respect to a candidacy for voter-nominated office, signers need not have disclosed a preference for any party.

SEC. 18. Section 8106 of the Elections Code is amended to read:

8106. (a) Notwithstanding any other provision of this article, a candidate may submit a petition containing signatures of registered voters in lieu of a filing fee as follows:

- (1) For the office of California State Assembly, 1,500 signatures.
- (2) For the office of California State Senate and the United States House of Representatives, 3,000 signatures.
- (3) For candidates running for statewide office, 10,000 signatures.
- (4) For all other offices for which a filing fee is required, if the number of registered voters in the district in which he or she seeks nomination is 2,000 or more, a candidate may submit a petition containing four signatures of registered voters for each dollar of the filing fee, or 10 percent of the total of registered voters in the district in which he or she seeks nomination, whichever is less.
- (5) For all other offices for which a filing fee is required, if the number of registered voters in the district in which he or she seeks nomination is less than 2,000, a candidate may submit a petition containing four signatures of registered voters for each dollar of the filing fee, or 20 percent of the total of registered voters in the district in which he or she seeks nomination, whichever is less.

(6) A voter may sign both a candidate's nomination papers and his or her in-lieu-filing-fee petition. However, if signatures appearing on the documents are counted towards both the nomination paper and the in-lieu-filing-fee petition signature requirements, a person may only sign one of the documents.

(b) The Secretary of State or an elections official shall furnish to each candidate, upon request, and without charge therefor, forms for securing signatures. The number of forms which the elections official shall furnish a candidate shall be a quantity that provides the candidates with spaces for signatures sufficient in number to equal the number of signatures that the candidate is required to secure pursuant to subdivision (a) if the candidate desires that number of forms. However, the elections official, rather than provide the candidate with the number of forms set forth in the preceding sentence, or upon the request of a candidate, may provide the candidate with a master form that may be duplicated by the candidate at the candidate's expense for the purpose of circulating additional petitions. The Secretary of State shall provide the master form. The elections official may provide

candidates a form other than the master form provided by the Secretary of State. However, that form shall meet all statutory requirements, and the elections official shall also make available and accept the master form provided by the Secretary of State. All forms shall be made available commencing 45 days before the first day for circulating nomination papers. However, in cases of vacancies for which a special election is authorized or required to be held to fill the vacancy, and where the prescribed nomination period would commence less than 45 days after the creation of the vacancy, the forms shall be made available within five working days after the creation of the vacancy. No other form except the form furnished by the Secretary of State or the elections official or forms duplicated from a master form shall be used to secure signatures. Each petition section shall bear an affidavit signed by the circulator, in substantially the same form as set forth in Section 8041. The substitution of signatures for fees shall be subject to the following provisions:

(1) Any registered voter may sign an in-lieu-filing-fee petition for any candidate for whom he or she is eligible to vote.

(2) If a voter signs more candidates' petitions than there are offices to be filled, the voter's signatures shall be valid only on those petitions which, taken in the order they were filed, do not exceed the number of offices to be filled.

(3) In-lieu-filing-fee petitions shall be filed at least 15 days prior to the close of the nomination period. Upon receipt of the minimum number of in-lieu-filing-fee signatures required, or a sufficient combination of signatures and pro rata filing fee, the elections official shall issue nomination papers provisionally. Within 10 days after receipt of a petition, the elections official shall notify the candidate of any deficiency. The candidate shall then, prior to the close of the nomination period, either submit a supplemental petition, or pay a pro rata portion of the filing fee to cover the deficiency.

(4) If the petition is circulated for an office in more than one county, the candidate shall submit the signatures to the elections official in the county in which the petition was circulated. The elections official shall, at least two days after verifying the signatures on the petition, notify the Secretary of State of the total number of valid signatures. If the number of signatures is insufficient, the Secretary of State shall notify the candidate and the elections officials of the fact. The candidate may submit the necessary number of valid signatures at any time prior to the close of the period for circulating nomination papers. Each circulator of an in-lieu-filing-fee petition shall be a registered voter of the district or political subdivision in which the candidate is to be voted on. The circulator shall serve within the county in which he or she resides.

(5) Each candidate may submit a greater number of signatures to allow for subsequent losses due to invalidity of some signatures. The elections official shall not be required to determine the validity of a greater number of signatures than that required by this section.

(c) For the purposes of this section, the requisite number of signatures shall be computed from the latest registration figures forwarded to the

Secretary of State pursuant to Section 2187 prior to the first day on which petitions are available.

(d) All valid signatures obtained pursuant to this section shall be counted toward the number of voters required to sign a nomination paper in accordance with Section 8061 or 8405.

SEC. 19. Section 8121 of the Elections Code is amended to read:

8121. (a) Not less than five days before he or she transmits the certified list of candidates to the county elections officials, as provided in Section 8120, the Secretary of State shall notify each candidate for partisan office and voter-nominated office of the names, addresses, offices, occupations, and party preferences of all other persons who have filed for the same office.

(b) (1) Beginning not less than five days before he or she transmits the certified list of candidates to the county elections officials, as required by Section 8120, the Secretary of State shall post, in a conspicuous place on his or her Internet Web site, the party preference history of each candidate for voter-nominated office for the preceding 10 years, or for as long as he or she has been eligible to vote in the state if less than 10 years. The candidates' party preference history shall be continuously posted until such time as the official canvass is completed for the general or special election at which a candidate is elected to the voter-nominated office sought, except that, in the case of a candidate who participated in the primary election and who was not nominated to participate in the general election, the candidate's party preference history need not continue to be posted following the completion of the official canvass for the primary election in question.

(2) For purposes of this subdivision, "party preference history" also refers to the candidate's history of party registration during the 10 years preceding the effective date of this section.

(3) The Secretary of State shall also conspicuously post on the same Internet Web site as that containing the candidates' party preference history the notice specified by subdivision (b) of Section 9083.5.

SEC. 20. Section 8124 of the Elections Code is amended to read:

8124. The certified list of candidates sent to each county elections official by the Secretary of State shall show all of the following:

(a) The name of each candidate.

(b) The office for which each person is a candidate.

(c) With respect to candidates for partisan offices, the party each person represents.

(d) With respect to candidates for voter-nominated offices, the designation made by the candidate pursuant to Section 8002.5.

(e) If applicable, the ballot designation specified in accordance with Section 13107.

SEC. 21. Section 8141.5 of the Elections Code is amended to read:

8141.5. Except as provided in subdivision (b) of Section 8142, only the candidates for a voter-nominated office who receive the highest or second highest number of votes cast at the primary election shall appear on the ballot as candidates for that office at the ensuing general election. More than one candidate with the same party preference designation may

participate in the general election pursuant to this subdivision. Notwithstanding the designation made by the candidate pursuant to Section 8002.5, no candidate for a voter-nominated office shall be deemed to be the official nominee for that office of any political party, and no party is entitled to have a candidate with its party preference designation participate in the general election unless that candidate is one of the candidates receiving the highest or second highest number of votes cast at the primary election.

SEC. 22. Section 8142 of the Elections Code is amended to read:

8142. (a) In the case of a tie vote, nonpartisan candidates receiving the same number of votes shall be candidates at the ensuing general election if they qualify pursuant to Section 8141 whether or not there are more candidates at the general election than prescribed by this article. In no case shall the tie be determined by lot.

(b) In the case of a tie vote among candidates at a primary election for a voter-nominated office, the following applies:

(1) All candidates receiving the highest number of votes cast for any candidate shall be candidates at the ensuing general election whether or not there are more candidates at the general election than prescribed by this article.

(2) Notwithstanding Section 8141.5, if a tie vote among candidates results in more than one primary candidate qualifying for the general election pursuant to subdivision (a), candidates receiving fewer votes shall not be candidates at the general election, even if they receive the second highest number of votes cast.

(3) If only one candidate receives the highest number of votes cast but there is a tie vote among two or more candidates receiving the second highest number of votes cast, each of those second-place candidates shall be a candidate at the ensuing general election along with the candidate receiving the highest number of votes cast, regardless of whether there are more candidates at the general election than prescribed by this article.

(4) In no case shall the tie be determined by lot.

SEC. 23. Section 8148 of the Elections Code is amended to read:

8148. Not less than 68 days before the general election, the Secretary of State shall deliver to the appropriate county elections official a certificate showing:

(a) The name of every person entitled to receive votes within that county at the general election who has received the nomination as a candidate for public office pursuant to this chapter, the designation of the public office for which he or she has been nominated, and, if applicable, the ballot designation specified in accordance with Section 13107.

(b) For each nominee for a partisan office, the name of the party that has nominated him or her.

(c) For each nominee for a voter-nominated office, the designation made by the candidate pursuant to Section 8002.5.

SEC. 24. Section 8300 of the Elections Code is amended to read:

8300. A candidate for a partisan office, including that of presidential elector, may be nominated subsequent to, or by other means than, a primary

election pursuant to this chapter. A candidate for nonpartisan office or for voter-nominated office may be nominated subsequent to, or by other means than, a primary election pursuant to this chapter only if a candidate was not nominated or elected at the primary election for that office.

SEC. 25. Section 8600 of the Elections Code is amended to read:

8600. Every person who desires to be a write-in candidate and have his or her name as written on the ballot of an election counted for a particular office shall file:

(a) A statement of write-in candidacy that contains the following information:

- (1) Candidate's name.
- (2) Residence address.
- (3) A declaration stating that he or she is a write-in candidate.
- (4) The title of the office for which he or she is running.
- (5) The party nomination which he or she seeks, if running in a partisan primary election.

(6) The date of the election.

(7) A certification of the candidate's complete voter registration and party affiliation/preference history for the preceding 10 years, or for as long as he or she has been eligible to vote in the state if less than 10 years, if running for a voter-nominated office.

(8) For any of the offices described in Section 13.5, a statement that the candidate meets the statutory and constitutional requirements for that office as described in that section.

(b) The requisite number of signatures on the nomination papers, if any, required pursuant to Sections 8062, 10220, and 10510, or, in the case of a special district not subject to the Uniform District Election Law (Part 4 (commencing with Section 10500) of Division 10), the number of signatures required by the principal act of the district.

(c) Notwithstanding any other provision of law, a person may not be a write-in candidate at the general election for a voter-nominated office.

SEC. 26. Section 8606 of the Elections Code is amended to read:

8606. Notwithstanding any other provision of law, a person may not be a write-in candidate at the general election for a voter-nominated office.

SEC. 27. Section 8803 of the Elections Code is amended to read:

8803. (a) No vacancy on the ballot for a nonpartisan office at a general election shall be filled except if the candidate dies and that fact has been ascertained by the officer charged with the duty of printing the ballots at least 68 days before the date of the next ensuing general election.

(b) No vacancy on the ballot for a voter-nominated office at a general election shall be filled. If a candidate who is entitled to appear on the general election ballot dies, the name of that candidate shall appear on the general election ballot and any votes cast for that candidate shall be counted in determining the results of the election for that office. If the deceased candidate receives a majority of the votes cast for the office, he or she shall be considered elected to that office and the office shall be considered vacant at the beginning of the term for which the candidate was elected. The

vacancy shall be filled in the same manner as if the candidate had died after taking office for that term.

SEC. 28. Section 8805 of the Elections Code is amended to read:

8805. (a) Whenever a candidate for nomination for a nonpartisan office at a primary election dies on or before the day of the election, and a sufficient number of ballots are marked as being voted for him or her to entitle him or her to nomination if he or she had lived until after the election, a vacancy exists on the general election ballot, which shall be filled in the manner provided in Section 8807 for filling a vacancy caused by the death of a candidate.

(b) Whenever a candidate for nomination for a voter-nominated office at a primary election dies on or before the day of the election, and a sufficient number of ballots are marked as being voted for him or her to entitle him or her to nomination if he or she had lived until after the election, the name of the deceased candidate shall appear on the general election ballot and the general election shall proceed in accordance with subdivision (b) of Section 8803.

SEC. 29. Section 8807 of the Elections Code is amended to read:

8807. If the vacancy occurs among candidates chosen at the direct primary to go on the ballot for the succeeding general election for a nonpartisan office, the name of that candidate receiving at the primary election the next highest number of votes shall appear on the ballot to fill the vacancy.

SEC. 30. Section 9083.5 of the Elections Code is amended to read:

9083.5. (a) If a candidate for nomination or election to a partisan office will appear on the ballot, the Secretary of State shall include in the state ballot pamphlet a written explanation of the election procedure for such offices. The explanation shall read substantially similar to the following:

PARTY-NOMINATED/PARTISAN OFFICES

Under the California Constitution, political parties may formally nominate candidates for party-nominated/partisan offices at the primary election. A candidate so nominated will then represent that party as its official candidate for the office in question at the ensuing general election and the ballot will reflect an official designation to that effect. The top votegetter for each party at the primary election is entitled to participate in the general election. Parties also elect officers of official party committees at a partisan primary.

No voter may vote in the primary election of any political party other than the party he or she has disclosed a preference for upon registering to vote. However, a political party may authorize a person who has declined to disclose a party preference to vote in that party's primary election.

(b) If any candidate for nomination or election to a voter-nominated office will appear on the ballot, the Secretary of State shall include in the state ballot pamphlet a written explanation of the election procedure for such offices. The explanation shall read substantially similar to the following:

VOTER-NOMINATED OFFICES

Under the California Constitution, political parties are not entitled to formally nominate candidates for voter-nominated offices at the primary

election. A candidate nominated for a voter-nominated office at the primary election is the nominee of the people and not the official nominee of any party at the following general election. A candidate for nomination or election to a voter-nominated office shall have his or her party preference, or lack of party preference, reflected on the primary and general election ballot, but the party preference designation is selected solely by the candidate and is shown for the information of the voters only. It does not constitute or imply an endorsement of the candidate by the party designated, or affiliation between the party and candidate, and no candidate nominated by the qualified voters for any voter-nominated office shall be deemed to be the officially nominated candidate of any political party. The parties may list the candidates for voter-nominated offices who have received the official endorsement of the party in the sample ballot.

All voters may vote for any candidate for a voter-nominated office, provided they meet the other qualifications required to vote for that office. The top two votegetters at the primary election advance to the general election for the voter-nominated office, even if both candidates have specified the same party preference designation. No party is entitled to have a candidate with its party preference designation participate in the general election unless such candidate is one of the two highest votegetters at the primary election.

(c) If any candidate for nomination or election to a nonpartisan office, other than judicial office, shall appear on the ballot, the Secretary of State shall include in the state ballot pamphlet a written explanation of the election procedure for such offices. The explanation shall read substantially similar to the following:

NONPARTISAN OFFICES

Under the California Constitution, political parties are not entitled to nominate candidates for nonpartisan offices at the primary election, and a candidate nominated for a nonpartisan office at the primary election is not the official nominee of any party for the office in question at the ensuing general election. A candidate for nomination or election to a nonpartisan office may NOT designate his or her party preference, or lack of party preference, on the primary and general election ballot. The top two votegetters at the primary election advance to the general election for the nonpartisan office.

(d) Posters or other printed materials containing the notices specified in subdivisions (a) to (c), inclusive, shall be included in the precinct supplies pursuant to Section 14105.

SEC. 31. Section 9084.5 of the Elections Code is repealed.

SEC. 32. Section 10704 of the Elections Code is amended to read:

10704. (a) Except as provided in subdivision (b), a special primary election shall be held in the district in which the vacancy occurred on the eighth Tuesday or, if the eighth Tuesday is the day of or the day following a state holiday, the ninth Tuesday preceding the day of the special general election at which the vacancy is to be filled. Candidates at the primary election shall be nominated in the manner set forth in Chapter 1

(commencing with Section 8000) of Part 1 of Division 8, except that nomination papers shall not be circulated more than 63 days before the primary election, shall be left with the county elections official for examination not less than 43 days before the primary election, and shall be filed with the Secretary of State not less than 39 days before the primary election.

(b) A special primary election shall be held in the district in which the vacancy occurred on the ninth Tuesday preceding the day of the special general election at which the vacancy is to be filled if both of the following conditions apply:

(1) The ninth Tuesday preceding the day of the special general election is an established election date pursuant to Section 1000.

(2) A statewide or local election occurring wholly or partially within the same territory in which the vacancy exists is scheduled for the ninth Tuesday preceding the day of the special general election.

(c) Notwithstanding Section 3001, applications for vote by mail voter ballots may be submitted not more than 25 days before the primary election, except that Section 3001 shall apply if the special election or special primary election is consolidated with a statewide election. Applications received by the elections official prior to the 25th day shall not be returned to the sender, but shall be held by the elections official and processed by him or her following the 25th day prior to the election in the same manner as if received at that time.

(d) The sample ballot for a special election shall contain a written explanation of the election procedure for voter-nominated office as specified in subdivision (b) of Section 9083.5. Immediately after the explanation shall be printed the following: "If one candidate receives more than 50% of the votes cast at the special primary election, he or she will be elected to fill the vacancy and no special general election will be held."

(e) On the ballot for a special election, immediately below the instructions to voters, there shall be a box not less than one-half inch high enclosed by a heavy-ruled line the same as the borderline. This box shall be as long as there are columns for the ballot and shall be set directly above these columns. Within the box shall be printed the words "Voter-Nominated Office." Immediately below that phrase within the same box shall be printed the following:

"All voters, regardless of the party preference they disclosed upon registration, or refusal to disclose a party preference, may vote for any candidate for a voter-nominated office. The party preference, if any, designated by a candidate is selected by the candidate and is shown for the information of the voters only. It does not imply that the candidate is nominated or endorsed by the party or that the party approves of the candidate."

SEC. 33. Section 10706 of the Elections Code is amended to read:

10706. If no candidate receives a majority of votes cast, the names of the candidates who receive the highest or second highest number of votes cast at the special primary election shall be placed on the special general

election ballot. In the case of a tie vote, subdivision (b) of Section 8142 shall apply.

SEC. 34. Section 12108 of the Elections Code is amended to read:

12108. In a case in which this chapter requires the posting or distribution of a list of the names of precinct board members, or a portion of the list, the officers charged with the duty of posting shall ascertain the name of the political party, if any, for which each precinct board member has expressed a preference, as shown in the affidavit of registration of that person. When the list is posted or distributed, there shall be printed the name of the board member's party preference or an abbreviation of the name to the right of the name, or immediately below the name, of each precinct board member. If a precinct board member has not expressed a preference for a political party, the word "None" shall be printed in place of the party name.

SEC. 35. Section 13105 of the Elections Code is amended to read:

13105. (a) In the case of a candidate for a voter-nominated office in a primary election, a general election, or a special election to fill a vacancy in the office of United States Senator, Member of the United States House of Representatives, State Senator, or Member of the Assembly, immediately to the right of and on the same line as the name of the candidate, or immediately below the name if there is not sufficient space to the right of the name, there shall be identified, as specified by the Secretary of State, the designation made by the candidate pursuant to Section 8002.5. The identification shall be in substantially the following form:

(1) In the case of a candidate who designated a political party preference pursuant to Section 8002.5, "Party Preference: _____."

(2) In the case of a candidate who did not state a preference for a political party pursuant to Section 8002.5, "Party Preference: None."

(b) In the case of candidates for President and Vice President, the name of the party shall appear to the right of and equidistant from the pair of names of these candidates and on the same line as the name of the candidate for President, or immediately below the name of the vice presidential candidate if there is not sufficient space to the right of the name.

(c) If for a general election any candidate for President of the United States or Vice President of the United States has received the nomination of any additional party or parties, the name(s) shall be printed to the right of the name of the candidate's own party. Party names of a candidate shall be separated by commas. If a candidate has qualified for the ballot by virtue of an independent nomination, the word "Independent" shall be printed instead of the name of a political party in accordance with the above rules.

SEC. 36. Section 13107 of the Elections Code is amended to read:

13107. (a) With the exception of candidates for Justice of the State Supreme Court or Court of Appeal, immediately under the name of each candidate, and not separated from the name by any line, unless the designation made by the candidate pursuant to Section 8002.5 must be listed immediately below the name of the candidate pursuant to Section 13105, and in that case immediately under the designation, may appear at the option of the candidate only one of the following designations:

(1) Words designating the elective city, county, district, state, or federal office which the candidate holds at the time of filing the nomination documents to which he or she was elected by vote of the people, or to which he or she was appointed, in the case of a superior court judge.

(2) The word “incumbent” if the candidate is a candidate for the same office which he or she holds at the time of filing the nomination papers, and was elected to that office by a vote of the people, or, in the case of a superior court judge, was appointed to that office.

(3) No more than three words designating either the current principal professions, vocations, or occupations of the candidate, or the principal professions, vocations, or occupations of the candidate during the calendar year immediately preceding the filing of nomination documents. For purposes of this section, all California geographical names shall be considered to be one word. Hyphenated words that appear in any generally available standard reference dictionary, published in the United States at any time within the 10 calendar years immediately preceding the election for which the words are counted, shall be considered as one word. Each part of all other hyphenated words shall be counted as a separate word.

(4) The phrase “appointed incumbent” if the candidate holds an office other than a judicial office by virtue of appointment, and the candidate is a candidate for election to the same office, or, if the candidate is a candidate for election to the same office or to some other office, the word “appointed” and the title of the office. In either instance, the candidate may not use the unmodified word “incumbent” or any words designating the office unmodified by the word “appointed.” However, the phrase “appointed incumbent” shall not be required of a candidate who seeks reelection to an office which he or she holds and to which he or she was appointed, as a nominated candidate, in lieu of an election, pursuant to Sections 5326 and 5328 of the Education Code or Section 7228, 7423, 7673, 10229, or 10515 of this code.

(b) Neither the Secretary of State nor any other elections official shall accept a designation of which any of the following would be true:

(1) It would mislead the voter.

(2) It would suggest an evaluation of a candidate, such as outstanding, leading, expert, virtuous, or eminent.

(3) It abbreviates the word “retired” or places it following any word or words which it modifies.

(4) It uses a word or prefix, such as “former” or “ex-,” which means a prior status. The only exception is the use of the word “retired.”

(5) It uses the name of any political party, whether or not it has qualified for the ballot.

(6) It uses a word or words referring to a racial, religious, or ethnic group.

(7) It refers to any activity prohibited by law.

(c) If, upon checking the nomination documents and the ballot designation worksheet described in Section 13107.3, the elections official finds the designation to be in violation of any of the restrictions set forth in this section, the elections official shall notify the candidate by registered or

certified mail return receipt requested, addressed to the mailing address provided on the candidate's ballot designation worksheet.

(1) The candidate shall, within three days, excluding Saturday, Sunday, and state holidays, from the date he or she receives notice by registered or certified mail, or from the date the candidate receives actual notice of the violation, whichever occurs first, appear before the elections official or, in the case of the Secretary of State, notify the Secretary of State by telephone, and provide a designation that complies with subdivision (a).

(2) In the event the candidate fails to provide a designation that complies with subdivision (a) within the three-day period specified in paragraph (1), no designation shall appear after the candidate's name.

(d) No designation given by a candidate shall be changed by the candidate after the final date for filing nomination documents, except as specifically requested by the elections official as specified in subdivision (c) or as provided in subdivision (e). The elections official shall maintain a copy of the ballot designation worksheet for each candidate that appears on the ballot in the county for the same period of time as applied to nomination documents pursuant to Section 17100.

(e) The designation shall remain the same for all purposes of both primary and general elections, unless the candidate, at least 98 days prior to the general election, requests in writing a different designation which the candidate is entitled to use at the time of the request.

(f) In all cases, the words so used shall be printed in 8-point roman uppercase and lowercase type except that, if the designation selected is so long that it would conflict with the space requirements of Sections 13207 and 13211, the elections official shall use a type size for the designation for each candidate for that office sufficiently smaller to meet these requirements.

(g) Whenever a foreign language translation of a candidate's designation is required under the Voting Rights Act of 1965 (42 U.S.C. Sec. 1971), as amended, to appear on the ballot in addition to the English language version, it shall be as short as possible, as consistent as is practicable with this section, and shall employ abbreviations and initials wherever possible in order to avoid undue length.

SEC. 37. Section 13206 of the Elections Code is amended to read:

13206. (a) On the partisan ballot used in a direct primary election, immediately below the instructions to voters, there shall be a box not less than one-half inch high enclosed by a heavy-ruled line the same as the borderline. This box shall be as long as there are columns for the partisan ballot and shall be set directly above these columns. Within the box shall be printed the words "Party-Nominated Offices." Immediately below that phrase within the same box shall be printed the following: "Only voters who disclosed a preference upon registering to vote for the same party as the candidate seeking the nomination of any party for the Presidency or election to a party committee may vote for that candidate at the primary election, unless the party has adopted a rule to permit non-party voters to vote in its primary elections."

(b) The same style of box described in subdivision (a) shall also appear over the columns of the nonpartisan part of the ballot and within the box in the same style and point size of type shall be printed “Voter-Nominated and Nonpartisan Offices.” Immediately below that phrase within the same box shall be printed the following:

“All voters, regardless of the party preference they disclosed upon registration, or refusal to disclose a party preference, may vote for any candidate for a voter-nominated or nonpartisan office. The party preference, if any, designated by a candidate for a voter-nominated office is selected by the candidate and is shown for the information of the voters only. It does not imply that the candidate is nominated or endorsed by the party or that the party approves of the candidate. The party preference, if any, of a candidate for a nonpartisan office does not appear on the ballot.”

SEC. 38. Section 13206.5 is added to the Elections Code, to read:

13206.5. (a) (1) On the ballot used in a statewide general election in each year evenly divisible by the number four, immediately below the instructions to voters, there shall be a box not less than one-half inch high enclosed by a heavy-ruled line the same as the borderline. This box shall be as long as there are columns for the ballot and shall be set directly above these columns. Within the box shall be printed the words “Party-Nominated Offices.” Immediately below that phrase within the same box shall be printed the following: “The party label accompanying the name of a candidate for party-nominated office on the general election ballot means that the candidate is the official nominee of the party shown.”

(2) On the ballot used in a statewide general election in each year evenly divisible by the number four, following the portion of the ballot for party-nominated offices, the same style of box described in paragraph (1) shall appear and within the box in the same style and point size of type shall be printed “Voter-Nominated and Nonpartisan Offices.” Immediately below that phrase within the same box shall be printed the following: “All voters, regardless of the party preference they disclosed upon registration, or refusal to disclose a party preference, may vote for any candidate for a voter-nominated or nonpartisan office. The party preference, if any, designated by a candidate for a voter-nominated office is selected by the candidate and is shown for the information of the voters only. It does not imply that the candidate is nominated or endorsed by the party or that the party approves of the candidate. The party preference, if any, of a candidate for a nonpartisan office does not appear on the ballot.”

(b) On the ballot used in a statewide general election in each even-numbered year that is not evenly divisible by the number four, immediately below the instructions to voters, there shall be a box not less than one-half inch high enclosed by a heavy-ruled line the same as the borderline. This box shall be as long as there are columns for the ballot and shall be set directly above these columns. Within the box shall be printed the words “Voter-Nominated and Nonpartisan Offices.” Immediately below that phrase within the same box shall be printed the following: “All voters, regardless of the party preference they disclosed upon registration, or refusal

to disclose a party preference, may vote for any candidate for a voter-nominated or nonpartisan office. The party preference, if any, designated by a candidate for a voter-nominated office is selected by the candidate and is shown for the information of the voters only. It does not imply that the candidate is nominated or endorsed by the party or that the party approves of the candidate. The party preference, if any, of a candidate for a nonpartisan office does not appear on the ballot.”

SEC. 39. Section 13207 of the Elections Code is amended to read:

13207. (a) There shall be printed on the ballot in parallel columns all of the following:

(1) The respective offices.

(2) The names of candidates with sufficient blank spaces to allow the voters to write in names not printed on the ballot, except that no spaces shall be printed for voter-nominated offices at a general election.

(3) Whatever measures have been submitted to the voters.

(b) In the case of a ballot which is intended for use in a party primary and which carries partisan offices, voter-nominated offices, and nonpartisan offices, a vertical solid black line shall divide the columns containing partisan offices, on the left, from the columns containing nonpartisan offices and voter-nominated offices, on the right.

(c) The standard width of columns containing partisan offices, nonpartisan offices, and voter-nominated offices, shall be three inches except that an elections official may vary the width of these columns by up to three-tenths of an inch. The column containing presidential and vice presidential candidates may be as wide as four inches.

(d) A measure that is to be submitted to the voters shall be printed in one or more parallel columns to the right of the columns containing the names of candidates and shall be of sufficient width to contain the title and summary of the measure. To the right of the title and summary shall be printed, on separate lines, the words “Yes” and “No.”

SEC. 40. Section 13212 of the Elections Code is amended to read:

13212. Except for a voter-nominated office at a general election, under the designation of each office shall be printed as many blank spaces, defined by light lines or rules at least three-eighths of an inch apart but no more than one-half inch apart, as there are candidates to be nominated or elected to the office.

SEC. 41. Section 13230 of the Elections Code is amended to read:

13230. (a) If the county elections official determines that, due to the number of candidates and measures that must be printed on the ballot, the ballot will be larger than may be conveniently handled, the county elections official may provide that a nonpartisan ballot shall be given to each partisan voter, together with his or her partisan ballot, and that the material appearing under the heading “Voter-Nominated and Nonpartisan Offices” on partisan ballots, as well as the heading itself, shall be omitted from the partisan ballots.

(b) If the county elections official so provides, the procedure prescribed for the handling and canvassing of ballots shall be modified to the extent

necessary to permit the use of two ballots by partisan voters. The county elections official may, in this case, order the second ballot to be printed on paper of a different tint, and assign to those ballots numbers higher than those assigned to the ballots containing partisan offices.

(c) “Partisan voters,” for purposes of this section, includes both persons who have disclosed a party preference pursuant to Section 2151 or 2152 and persons who have declined to disclose a party preference, but who have chosen to vote the ballot of a political party as authorized by that party’s rules duly noticed to the Secretary of State.

SEC. 42. Section 13300 of the Elections Code is amended to read:

13300. (a) By at least 29 days before the partisan primary, each county elections official shall prepare a separate sample ballot for each political party and a separate sample nonpartisan ballot. The county elections official shall place on each ballot, as applicable, in the order provided in Chapter 2 (commencing with Section 13100), and under the appropriate title of each office, the names of all candidates for whom nomination papers have been duly filed with him or her, or have been certified to him or her by the Secretary of State, to be voted for in his or her county at the partisan primary election.

(b) The sample ballots shall be identical to the official ballots, except as otherwise provided by law. The sample ballots shall be printed on paper of a different texture from the paper to be used for the official ballot.

(c) One sample ballot of the party for which the voter has disclosed a preference, as evidenced by his or her registration, shall be mailed not more than 40 nor fewer than 10 days before the election to each voter entitled to vote at the primary who registered at least 29 days prior to the election. A nonpartisan sample ballot shall be so mailed to each voter who is not registered as preferring any of the parties participating in the primary election, provided that on election day the voter may, upon request, vote the ballot of a political party if authorized by the party’s rules, duly noticed to the Secretary of State.

SEC. 43. Section 13302 of the Elections Code is amended to read:

13302. (a) The county elections official shall forthwith submit the sample ballot of each political party to the chairperson of the county central committee of that party, and shall mail a copy to each candidate for whom nomination papers have been filed in his or her office or whose name has been certified to him or her by the Secretary of State, to the post office address given in the nomination paper or certification. The county elections official shall post a copy of each sample ballot in a conspicuous place in his or her office.

(b) In connection with an election at which a candidate for a voter-nominated office will appear on the ballot, a qualified political party may submit to the county elections official a list of all candidates for voter-nominated office who will appear on a ballot in the county in question, and who have been endorsed by the party by whatever lawful mechanism the party adopts for endorsing candidates for voter-nominated office. If a political party timely submits a list to the county elections official pursuant

to this subdivision, the county elections official shall print the names of the candidates for voter-nominated office who were endorsed by that political party in the voter information portion of the sample ballot. The party chairperson shall provide a written copy of the list of candidates endorsed by the party not later than 83 days prior to the election at which the candidate for a voter-nominated office will appear on the ballot.

SEC. 44. Section 15340 of the Elections Code is amended to read:

15340. Except for a voter-nominated office at a general election, each voter is entitled to write on the ballot the name of any candidate for any public office, including that of President and Vice President of the United States.

SEC. 45. Section 15402 of the Elections Code is amended to read:

15402. (a) Whenever a candidate whose name appears upon the ballot at any election for an office other than a voter-nominated office dies after the 68th day before the election, the votes cast for the deceased candidate shall be counted in determining the results of the election for the office for which the decedent was a candidate. If the deceased candidate receives a majority of the votes cast for the office, he or she shall be considered elected and the office to which he or she was elected shall be vacant at the beginning of the term for which he or she was elected. The vacancy thus created shall be filled in the same manner as if the candidate had died subsequent to taking office for that term.

(b) Whenever a candidate whose name appears on the ballot at any election for a voter-nominated office dies, the votes cast for the deceased candidate shall be counted in determining the results of the election for the office for which the decedent was a candidate. If the deceased candidate receives a majority of the votes cast for the office at the general election, he or she shall be considered elected and the office to which he or she was elected shall be vacant at the beginning of the term for which he or she was elected. The vacancy thus created shall be filled in the same manner as if the candidate had died subsequent to taking office for that term.

SEC. 46. Section 19301 of the Elections Code is amended to read:

19301. (a) A voting machine shall provide in the general election for grouping under the name of the office to be voted on, all the candidates for the office with the designation of the parties, if any, by which they were respectively nominated or which they designated pursuant to Section 8002.5.

(b) With respect to a party-nominated office, the designation may be by usual or reasonable abbreviation of party names. With respect to a voter-nominated office, the voting machine shall conform to the format specified in subdivision (a) of Section 13105.

SEC. 47. Section 85312 of the Government Code is amended to read:

85312. For purposes of this title, payments for communications to members, employees, shareholders, or families of members, employees, or shareholders of an organization for the purpose of supporting or opposing a candidate or a ballot measure are not contributions or expenditures, provided those payments are not made for general public advertising such as broadcasting, billboards, and newspaper advertisements. However,

payments made by a political party for communications to a member who is registered as expressing a preference for that party on his or her affidavit of registration pursuant to Sections 2150, 2151, and 2152 of the Elections Code that would otherwise qualify as contributions or expenditures shall be reported in accordance with Article 2 (commencing with Section 84200) of Chapter 4, and Chapter 4.6 (commencing with Section 84600), of this title.

SEC. 48. Section 85703 of the Government Code is amended to read:

85703. (a) Nothing in this act shall nullify contribution limitations or prohibitions of any local jurisdiction that apply to elections for local elective office, except that these limitations and prohibitions may not conflict with the provisions of Section 85312.

(b) Limitations and prohibitions imposed by a local jurisdiction on payments for a member communication, as defined in subdivision (c), that conflict with Section 85312 and which are thereby prohibited by subdivision (a) include, but are not limited to, any of the following:

(1) Source restrictions on payments for member communications that are not expressly made applicable to member communications by a state statute or by a regulation adopted by the commission pursuant to Section 83112.

(2) Limitations on payments to a political party committee for a member communication that are not expressly made applicable to member communications by a state statute or by a regulation adopted by the commission pursuant to Section 83112.

(3) Limitations on the scope of payments considered directly related to the making of a member communication, including costs associated with the formulation, design, production, and distribution of the communication such as surveys, list acquisition, and consulting fees that are not expressly made applicable to member communications by a state statute or by a regulation adopted by the commission pursuant to Section 83112.

(c) For purposes of this section, “member communication” means a communication, within the meaning of Section 85312, to members, employees, shareholders, or families of members, employees, or shareholders of an organization, including a communication by a political party to a member who is registered as expressing a preference for that party on his or her affidavit of registration pursuant to Sections 2150, 2151, and 2152 of the Elections Code.

SEC. 49. This act shall be interpreted so as to be consistent with all federal and state laws, rules, and regulations. This act shall be broadly construed to achieve its purposes. It is the intent of the Legislature that the provisions of this act be interpreted and implemented in a manner that facilitates the purposes set forth in this act.

SEC. 50. If any provision of this act, or part thereof, is for any reason held to be invalid or unconstitutional, the remaining provisions shall not be affected, but shall remain in full force and effect, and to this end the provisions of this act are severable. The Legislature declares that this act, and each section, subdivision, sentence, clause, phrase, part, or portion

thereof, would have been passed irrespective of the fact that any one or more sections, subdivisions, sentences, clauses, phrases, parts, or portions are found to be invalid. If any provision of this act is held invalid as applied to any person or circumstance, such invalidity does not affect any application of this act that can be given effect without the invalid application.

SEC. 51. The Legislature finds and declares that this bill furthers the purposes of the Political Reform Act of 1974 within the meaning of subdivision (a) of Section 81012 of the Government Code.

SEC. 52. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to provide for the effective and efficient conduct of the June 5, 2012, statewide primary election, it is necessary that this act take effect immediately.

AMENDED IN SENATE FEBRUARY 15, 2012

AMENDED IN SENATE AUGUST 22, 2011

AMENDED IN SENATE JUNE 9, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 41

Introduced by Assembly Member Hill

December 6, 2010

An act to amend Section 87200 of the Government Code, and to add Chapter 4 (commencing with Section 185040) to Division 19.5 of the Public Utilities Code, relating to conflicts of interest.

LEGISLATIVE COUNSEL'S DIGEST

AB 41, as amended, Hill. High-Speed Rail Authority: conflicts of interest: disqualification: ex parte communications.

(1) Existing provisions of the Political Reform Act of 1974 prohibit a public official at any level of state or local government from making, participating in making, or attempting to use his or her official position to influence a governmental decision in which he or she knows or has reason to know that he or she has a financial interest, as defined. Existing law also requires specified elected and appointed officers at the state and local level of government to disclose specified financial interests by filing periodic statements of economic interests. Existing law further requires public officials who hold specified offices and who have a financial interest in a decision within the meaning of the Political Reform Act of 1974 to publicly identify the financial interest giving rise to the conflict of interest or potential conflict of interest, recuse themselves from discussing and voting on the matter, and leave the

room until after the discussion, vote, and other disposition of the matter is concluded, except as specified.

This bill would add members of the High-Speed Rail Authority to those specified ~~offices~~ *officers* who must publicly identify a financial interest giving rise to a conflict of interest or potential conflict of interest, and recuse themselves accordingly.

Existing law makes a violation of the Political Reform Act of 1974 subject to administrative, civil, and criminal penalties. This bill would impose a state-mandated local program by exposing these members to potential criminal penalties for failing to make the disclosures and recuse themselves where required by this bill.

(2) Existing law creates the High-Speed Rail Authority with specified powers and duties relative to development and implementation of a high-speed train system. Existing law provides for the authority to be governed by a 9-member board.

This bill would prohibit a member of the authority board and any interested person, as defined, from conducting an *ex parte* communication, as defined. ~~The bill would require a, unless the board member to report an *ex parte* discloses and makes public the communication, as specified. The bill would require the ~~Business, Transportation and Housing Agency~~ *agency overseeing the authority* to enforce these provisions under ~~certain~~ *specified* conditions.~~

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act's purposes upon a $\frac{2}{3}$ vote of each house and compliance with specified procedural requirements.

This bill would declare that it furthers the purposes of the act.

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 87200 of the Government Code is
2 amended to read:

1 87200. This article is applicable to elected state officers, judges
2 and commissioners of courts of the judicial branch of government,
3 members of the Public Utilities Commission, members of the State
4 Energy Resources Conservation and Development Commission,
5 members of the Fair Political Practices Commission, members of
6 the California Coastal Commission, members of the High-Speed
7 Rail Authority, members of planning commissions, members of
8 the board of supervisors, district attorneys, county counsels, county
9 treasurers, and chief administrative officers of counties, mayors,
10 city managers, city attorneys, city treasurers, chief administrative
11 officers and members of city councils of cities, and other public
12 officials who manage public investments, and to candidates for
13 any of these offices at any election.

14 SEC. 2. Chapter 4 (commencing with Section 185040) is added
15 to Division 19.5 of the Public Utilities Code, to read:

16

17

CHAPTER 4. EX PARTE COMMUNICATIONS

18

19 185040. (a) For purposes of this chapter, except as provided
20 in subdivision (b), an “ex parte communication” is any oral or
21 written communication between a member of the authority and an
22 interested person, about a matter within the authority’s jurisdiction,
23 that does not occur in a public hearing, workshop, or other official
24 proceeding, or on the official record of the proceeding on the
25 matter.

26 (b) The following communications are not ex parte
27 communications:

28 (1) Any communication between a staff member acting in his
29 or her official capacity and any authority member or interested
30 person.

31 (2) Any communication limited entirely to procedural issues,
32 including, but not limited to, a meeting schedule, location, or
33 format of a presentation.

34 (3) Any communication that takes place on the record during
35 an official proceeding of a state, regional, or local agency that
36 involves a member of the authority who also serves as an official
37 of that agency.

38 (4) Any communication between a member of the authority,
39 with regard to any action of another state agency or of a regional

1 or local agency of which the member is an official, and any other
2 official or employee of that agency.

3 (5) *Any communication between a member of the authority and*
4 *an interested person regarding a matter restricted to a current*
5 *contract between the authority and the interested person.*

6 185041. For purposes of this chapter, an “interested person”
7 ~~is any of a firm or person with a financial interest in a matter~~
8 ~~before the authority, including, but not limited to, the following:~~

9 (a) ~~A bidder, potential bidder, vendor, or contractor, an agent~~
10 ~~or an employee of a bidder, vendor, or contractor, or a person~~
11 ~~receiving consideration for representing a bidder, vendor, or~~
12 ~~contractor interested in obtaining a contract with the authority or~~
13 ~~currently under contract to the authority.~~

14 (b) ~~A firm or person with a financial interest, as described in~~
15 ~~Article 1 (commencing with Section 87100) of Chapter 7 of Title~~
16 ~~9 of the Government Code, in a matter before the authority, or an~~
17 ~~agent or employee of the firm or person with a financial interest,~~
18 ~~or a person receiving consideration for representing the firm or~~
19 ~~person with a financial interest~~ *An agent or employee of a bidder,*
20 *potential bidder, vendor, or contractor.*

21 (c) ~~A representative acting on behalf of any regional or local~~
22 ~~agency, or any environmental, neighborhood, business, labor,~~
23 ~~trade, or similar organization, who intends to influence the decision~~
24 ~~of an authority member on a matter before the authority. For the~~
25 ~~purposes of this chapter, “regional or local agency” includes, but~~
26 ~~is not limited to, a city, county, city and county, special district,~~
27 ~~joint powers authority, council of governments, and transportation~~
28 ~~authority~~ *A person receiving consideration for representing a*
29 *bidder, potential bidder, vendor, or contractor.*

30 185042. (a) No authority member, nor any interested person,
31 shall conduct an ex parte communication unless the authority
32 member fully discloses and makes public the ex parte
33 communication by providing a full report of the communication
34 to the executive director within seven days after the communication
35 or, if the communication occurs within seven days of the next
36 authority meeting, to the authority on the record of the proceeding
37 at that meeting.

38 (b) (1) The authority shall adopt standard disclosure forms for
39 reporting ex parte communications which shall include, but not
40 be limited to, all of the following information:

1 (A) The date, time, and location of the communication.

2 (B) The identity of the person or persons initiating and the
3 person or persons receiving the communication.

4 (C) A complete description of the content of the communication,
5 including the complete text of any written material that was a part
6 of the communication.

7 (2) The executive director shall place in the public record any
8 report of an ex parte communication.

9 (c) Communications shall cease to be ex parte communications
10 when fully disclosed and placed in the authority's official record.

11 185043. Nothing in this chapter prohibits any person, including
12 any interested person, from testifying at an authority hearing,
13 workshop, or other official proceeding, or from submitting written
14 comments for the record on a matter before the authority. Written
15 comments shall be submitted by mail or delivered to an authority
16 office, or may be delivered to the authority at the time and place
17 of a scheduled meeting.

18 185044. Any person, including an authority member, may
19 request the authority staff to conduct a workshop on any matter
20 before the authority or on any subject that may be useful to the
21 authority.

22 185045. No authority member or alternate shall make,
23 participate in making, or in any other way attempt to use his or
24 her official position to influence an authority decision about which
25 the member or alternate has knowingly had an ex parte
26 communication that has not been reported pursuant to Section
27 185042.

28 185046. ~~The Business, Transportation and Housing Agency~~
29 *agency overseeing the authority* shall be responsible for enforcing
30 this chapter. This section shall become operative only if legislation
31 is enacted placing the authority within ~~the~~ *an* agency.

32 SEC. 3. No reimbursement is required by this act pursuant to
33 Section 6 of Article XIII B of the California Constitution because
34 the only costs that may be incurred by a local agency or school
35 district will be incurred because this act creates a new crime or
36 infraction, eliminates a crime or infraction, or changes the penalty
37 for a crime or infraction, within the meaning of Section 17556 of
38 the Government Code, or changes the definition of a crime within
39 the meaning of Section 6 of Article XIII B of the California
40 Constitution.

1 SEC. 4. The Legislature finds and declares that Section 1 of
2 this act furthers the purposes of the Political Reform Act of 1974
3 within the meaning of subdivision (a) of Section 81012 of the
4 Government Code.

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AMENDED IN SENATE JANUARY 10, 2012

AMENDED IN SENATE JANUARY 4, 2012

AMENDED IN SENATE MARCH 23, 2011

SENATE BILL

No. 31

Introduced by Senator Correa

December 6, 2010

An act to amend Section 87406.3 of the Government Code, relating to the Political Reform Act of 1974.

LEGISLATIVE COUNSEL'S DIGEST

SB 31, as amended, Correa. Postgovernment employment: restrictions.

The Political Reform Act of 1974 prohibits, for a period of one year after the official leaves his or her position, elected and other specified local officials who held positions with a local government agency, as defined, from acting as agents or attorneys for, or otherwise representing, for compensation, any other person, by appearing before, or communicating with, that local government agency, or any committee, subcommittee, or present member of that local government agency, or any officer or employee of the local government agency, if the appearance or communication is made for the purpose of influencing administrative or legislative action, as specified, or influencing any action or proceeding involving the issuance, amendment, awarding, or revocation of a permit, license, grant, or contract, or the sale or purchase of goods or property.

This bill, in addition, would apply this prohibition to ~~local appointed officials~~ *other public officials serving as members of local governing boards or commissions with decisionmaking authority.*

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 an additional crime.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act’s purposes upon a 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: 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 87406.3 of the Government Code is
 2 amended to read:
 3 87406.3. (a) A local elected ~~or appointed~~ official, *general*
 4 *manager or* chief administrative officer of a *city or county, city*
 5 ~~manager, or~~ general manager or chief administrator of a special
 6 district, *or other public official serving as a member of a local*
 7 *governing board or commission with decisionmaking authority*
 8 who held a position with a local government agency as defined in
 9 Section 82041 shall not, for a period of one year after leaving that
 10 office or employment, act as agent or attorney for, or otherwise
 11 represent, for compensation, any other person, by making any
 12 formal or informal appearance before, or by making any oral or
 13 written communication to, that local government agency, or any
 14 committee, subcommittee, or present member of that local
 15 government agency, or any officer or employee of the local
 16 government agency, if the appearance or communication is made
 17 for the purpose of influencing administrative or legislative action,
 18 or influencing any action or proceeding involving the issuance,
 19 amendment, awarding, or revocation of a permit, license, grant,
 20 or contract, or the sale or purchase of goods or property.

1 (b) Subdivision (a) shall not apply to ~~any~~ *either of the following:*

2 (1) *An individual who is, at the time of the appearance or*
3 *communication, a board member, officer, or employee of another*
4 *local government agency or an employee or representative of a*
5 *public agency and is appearing or communicating on behalf of*
6 *that agency.*

7 (2) *An individual who is a member of a local governing board*
8 *or commission that is solely advisory.*

9 (c) Nothing in this section shall preclude a local government
10 agency from adopting an ordinance or policy that restricts the
11 appearance of a former local official before that local government
12 agency if that ordinance or policy is more restrictive than
13 subdivision (a).

14 (d) Notwithstanding Sections 82002 and 82037, the following
15 definitions shall apply for purposes of this section only:

16 (1) “Administrative action” means the proposal, drafting,
17 development, consideration, amendment, enactment, or defeat by
18 any local government agency of any matter, including any rule,
19 regulation, or other action in any regulatory proceeding, whether
20 quasi-legislative or quasi-judicial. Administrative action does not
21 include any action that is solely ministerial.

22 (2) “Legislative action” means the drafting, introduction,
23 modification, enactment, defeat, approval, or veto of any ordinance,
24 amendment, resolution, report, nomination, or other matter by the
25 legislative body of a local government agency or by any committee
26 or subcommittee thereof, or by a member or employee of the
27 legislative body of the local government agency acting in his or
28 her official capacity.

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

38 SEC. 3. The Legislature finds and declares that this bill furthers
39 the purposes of the Political Reform Act of 1974 within the

- 1 meaning of subdivision (a) of Section 81012 of the Government
- 2 Code.

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**Introduced by Senator Yee
(Coauthor: Senator Blakeslee)**

February 6, 2012

An act to amend Section 86102 of the Government Code, relating to the Political Reform Act of 1974.

LEGISLATIVE COUNSEL'S DIGEST

SB 1001, as introduced, Yee. Political Reform Act of 1974: lobbyists: registration fee.

Existing provisions of the Political Reform Act of 1974 regulate the activities of lobbyists, lobbying firms, and lobbyist employers, as defined, in connection with attempts to influence legislative and administrative action by legislative and other state officials. The act requires that lobbying firms and lobbyist employers register with the Secretary of State, and authorizes the Secretary of State to charge each lobbying firm and lobbyist employer a fee of up to \$25 per year for each lobbyist required to be listed on its registration statement.

This bill would increase the maximum amount of this fee to \$50 per year. The bill also would require the Fair Political Practices Commission to adjust this fee on December 1 of each even-numbered year to reflect any increase in the Consumer Price Index and to round the adjustment to the nearest \$5.

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: no.

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

1 SECTION 1. Section 86102 of the Government Code is
2 amended to read:

3 86102. (a) Each lobbying firm and lobbyist employer required
4 to file a registration statement under this chapter may be charged
5 not more than ~~twenty-five~~ *fifty* dollars ~~(\$25)~~ (\$50) per year for
6 each lobbyist required to be listed on its registration statement.

7 (b) *The Commission shall adjust the registration fee in*
8 *subdivision (a) on December 1 of each even-numbered year to*
9 *reflect any increase in the Consumer Price Index. The Commission*
10 *shall round each adjustment pursuant to this subdivision to the*
11 *nearest five dollars (\$5).*

12 SEC. 2. The Legislature finds and declares that this bill furthers
13 the purposes of the Political Reform Act of 1974 within the
14 meaning of subdivision (a) of Section 81012 of the Government
15 Code.

Introduced by Senator FullerFebruary 23, 2012

An act to amend Sections 336, 342, 9001, 9002, 9004, 9005, 9006, 9007, 9008, 9009, 9034, 9035, 9050, 9051, 9053, 9054, 9063, 9086, 9087, 13262, 13282, and 18602 of, and to repeal Section 9003 of, the Elections Code, and to amend Section 88002 of the Government Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

SB 1296, as introduced, Fuller. Elections: ballot titles.

Existing law requires the Attorney General, upon receipt of a draft of a petition for a proposed initiative or referendum, to prepare a title and summary of the proposed measure. Under existing law, the Attorney General is required to determine the effect of a proposed initiative measure on revenues and expenditures of the state or local government. If the Attorney General determines that a proposed measure would affect state or local revenues or expenditures, he or she must include in the title either the estimate of the amount of change in state or local revenues or costs or an opinion as to whether a substantial net change in state or local finances would result if the proposed initiative is adopted. Existing law requires the Department of Finance and the Joint Legislative Budget Committee to prepare jointly the fiscal estimate that may be included in the title. Existing law imposes specified deadlines on the preparation of a title and summary, and a fiscal estimate.

This bill would require the Legislative Analyst, instead of the Attorney General, to prepare the ballot title and summary for all measures submitted to the voters of the state and would require the Legislative Analyst, instead of the Department of Finance and the Joint Legislative Budget Committee, to prepare any fiscal estimate or opinion required

by a proposed initiative measure. The bill would also change the deadlines applicable to the preparation of a title and summary and a fiscal estimate or opinion.

The bill would make its operation contingent upon the approval by the voters of SCA ____ of the 2011–12 Regular Session.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

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

1 SECTION 1. Section 336 of the Elections Code is amended to
2 read:

3 336. The “official summary date” is the date a circulating title
4 and summary of a proposed initiative measure is delivered or
5 mailed by the ~~Attorney General~~ *Legislative Analyst* to the
6 proponents of the proposed measure.

7 SEC. 2. Section 342 of the Elections Code is amended to read:

8 342. “Proponent or proponents of an initiative or referendum
9 measure” means, for statewide initiative and referendum measures,
10 the elector or electors who submit the text of a proposed initiative
11 or referendum to the ~~Attorney General~~ *Legislative Analyst* with a
12 request that he or she prepare a circulating title and summary of
13 the chief purpose and points of the proposed measure; or for other
14 initiative and referendum measures, the person or persons who
15 publish a notice or intention to circulate petitions, or, ~~where if~~
16 publication is not required, *the person or persons* who file petitions
17 with the elections official or legislative body.

18 SEC. 3. Section 9001 of the Elections Code is amended to read:

19 9001. (a) Prior to the circulation of ~~any~~ *an* initiative or
20 referendum petition for signatures, the text of the proposed measure
21 shall be submitted to the ~~Attorney General~~ *Legislative Analyst*
22 with a written request that a circulating title and summary of the
23 chief purpose and points of the proposed measure be prepared.
24 The electors presenting the request shall be known as the
25 “proponents.” The ~~Attorney General~~ *Legislative Analyst* shall
26 preserve the written request until after the next general election.

27 (b) Each and every proponent of any proposed initiative measure
28 shall, at the time of submitting the text of the proposed measure,
29 provide both of the following:

1 (1) An original signed certification stating that “I, (insert name),
2 declare under penalty of perjury that I am a citizen of the United
3 States, 18 years of age or older, and a resident of (insert county),
4 California.”

5 (2) Public contact information.

6 (c) The proponents of any initiative measure, at the time of
7 submitting the text of the proposed measure to the ~~Attorney General~~
8 *Legislative Analyst*, shall pay a fee of two hundred dollars (\$200),
9 which shall be placed in a trust fund in the office of the Treasurer
10 and refunded to the proponents if the measure qualifies for the
11 ballot within two years from the date the summary is furnished to
12 the proponents. If the measure does not qualify within that period,
13 the fee shall be immediately paid into the General Fund of the
14 state.

15 (d) All referenda and proposed initiative measures must be
16 submitted to the ~~Attorney General’s~~ *Legislative Analyst’s* Initiative
17 Coordinator located in the Sacramento ~~Attorney General’s~~
18 *Legislative Analyst’s* Office via ~~U.S. United States~~ Postal Service,
19 alternative mail service, or personal delivery. Only printed
20 documents will be accepted; facsimile or e-mail delivery will not
21 be accepted.

22 (e) The ~~Attorney General’s office~~ *Legislative Analyst’s Office*
23 shall not deem a request for a circulating title and summary
24 submitted until all of the requirements of this section are met.

25 SEC. 4. Section 9002 of the Elections Code is amended to read:

26 9002. (a) The ~~Attorney General~~ *Legislative Analyst* shall
27 provide a copy of the title and summary to the Secretary of State
28 within ~~15~~ 30 days after receipt of the final version of a proposed
29 initiative measure, ~~or, if a fiscal estimate or opinion is to be~~
30 ~~included, within 15 days after receipt of the fiscal estimate or~~
31 ~~opinion prepared by the Department of Finance and the Joint~~
32 ~~Legislative Budget Committee pursuant to Section 9005.~~ If during
33 the ~~15-day~~ 30-day period the proponents of the proposed initiative
34 measure submit amendments, other than technical, nonsubstantive
35 amendments, to the final version of the measure, the ~~Attorney~~
36 ~~General~~ *Legislative Analyst* shall provide a copy of the title and
37 summary to the Secretary of State within ~~15~~ 30 days after receipt
38 of the amendments.

1 (b) The amendment must be submitted with a signed request
2 by all the proponents to prepare a circulating title and summary
3 using the amended language.

4 (c) The amendment must be submitted to the ~~Attorney General's~~
5 *Legislative Analyst's* Initiative Coordinator located in the
6 Sacramento ~~Attorney General's~~ *Legislative Analyst's* Office via
7 ~~U.S. United States~~ Postal Service, alternative mail service, or
8 personal delivery. Only printed documents will be accepted;,
9 facsimile or e-mail delivery will not be accepted.

10 SEC. 5. Section 9003 of the Elections Code is repealed.

11 ~~9003. In the event that the Attorney General is a proponent of~~
12 ~~a proposed measure, the circulating title and summary of the chief~~
13 ~~purpose and points of the proposed measure, including an estimate~~
14 ~~or opinion on the financial impact of the measure, shall be prepared~~
15 ~~by the Legislative Counsel, and the other duties of the Attorney~~
16 ~~General specified in this chapter with respect to the circulating~~
17 ~~title and ballot title and summary and an estimate of the financial~~
18 ~~effect of the measure shall be performed by the Legislative~~
19 ~~Counsel.~~

20 SEC. 6. Section 9004 of the Elections Code is amended to read:

21 9004. (a) Upon receipt of the text of a proposed initiative
22 measure, the ~~Attorney General~~ *Legislative Analyst* shall prepare
23 a circulating title and summary of the chief purposes and points
24 of the proposed measure. The circulating title and summary shall
25 not exceed a total of 100 words. The ~~Attorney General~~ *Legislative*
26 *Analyst* shall also provide a unique numeric identifier for each
27 proposed initiative measure. The circulating title and summary
28 shall be prepared in the manner provided for the preparation of
29 ballot titles and summaries in Article 5 (commencing with Section
30 9050), the provisions of which, in regard to the preparation, filing,
31 and settlement of ballot titles and summaries, are ~~hereby made~~
32 applicable to the circulating title and summary.

33 (b) The ~~Attorney General~~ *Legislative Analyst* shall provide a
34 copy of the circulating title and summary and its unique numeric
35 identifier to the proponents and to the Secretary of State within ~~15~~
36 ~~30~~ days after receipt of the ~~fiscal estimate or opinion prepared by~~
37 ~~the Department final version of Finance and the Joint Legislative~~
38 ~~Budget Committee pursuant to Section 9005 a proposed initiative~~
39 ~~measure.~~ The date the copy is delivered or mailed to the proponents
40 is the "official summary date."

1 (c) Upon receipt of the circulating title and summary from the
2 ~~Attorney General~~ *Legislative Analyst*, the Secretary of State shall,
3 within one business day, notify the proponents and county elections
4 official of each county of the official summary date and provide
5 a copy of the circulating title and summary to each county elections
6 official. This notification shall also include a complete schedule
7 showing the maximum filing deadline, and the certification
8 deadline by the counties to the Secretary of State.

9 SEC. 7. Section 9005 of the Elections Code is amended to read:

10 9005. (a) ~~The Attorney General~~ *Legislative Analyst*, in
11 preparing a circulating title and summary for a proposed initiative
12 measure, shall, in boldface print, include in the circulating title
13 and summary either the estimate of the amount of any increase or
14 decrease in revenues or costs to the state or local government, or
15 an opinion as to whether or not a substantial net change in state or
16 local finances would result if the proposed initiative is adopted.

17 ~~(b) The estimate as required by this section shall be made jointly~~
18 ~~by the Department of Finance and the Joint Legislative Budget~~
19 ~~Committee, who shall deliver the estimate to the Attorney General~~
20 ~~so that he or she may include the estimate in the circulating title~~
21 ~~and summary prepared by him or her.~~

22 (e)

23 ~~(b) The estimate shall be delivered to~~ *completed by the Attorney*
24 ~~General~~ *Legislative Analyst* within ~~25 working days from the date~~
25 ~~of receipt of the final version of the proposed initiative measure~~
26 ~~from the Attorney General~~ *period specified in Section 9002*, unless,
27 in the opinion of ~~both the Department of Finance and the Joint~~
28 ~~Legislative Budget Committee~~ *Analyst*, a reasonable estimate of
29 the net impact of the proposed initiative measure cannot be
30 prepared within ~~the 25-day~~ *that* period. In the latter case, the
31 ~~Department of Finance and the Joint Legislative Budget Committee~~
32 ~~Analyst~~ shall, within the ~~25-day~~ *period specified in Section 9002*,
33 ~~give the Attorney General their~~ *his or her* opinion as to whether
34 or not a substantial net change in state or local finances would
35 result if the proposed initiative measure is adopted.

36 ~~(d) A statement of fiscal impact prepared by the Legislative~~
37 ~~Analyst pursuant to subdivision (b) of Section 12172 of the~~
38 ~~Government Code may be used by the Department of Finance and~~
39 ~~the Joint Legislative Budget Committee in the preparation of the~~
40 ~~fiscal estimate or the opinion.~~

1 SEC. 8. Section 9006 of the Elections Code is amended to read:
2 9006. (a) Upon receipt of the text of a proposed referendum,
3 ~~the Attorney General~~ *Legislative Analyst* shall prepare a circulating
4 title and summary of the chief purpose and points of the proposed
5 statute at issue. The circulating title and summary shall not exceed
6 a total of 100 words. No fiscal analysis shall be included.

7 (b) ~~The Attorney General~~ *Legislative Analyst* shall provide a
8 copy of the circulating title and summary of the proposed
9 referendum to the proponents and to the Secretary of State within
10 10 days after receipt of the proposed referendum.

11 (c) Upon receipt of the circulating title and summary from the
12 ~~Attorney General~~ *Legislative Analyst*, the Secretary of State shall,
13 within one business day, notify the proponents and county elections
14 official of each county of the official summary date and provide
15 a copy of the circulating title and summary to each county elections
16 official. This notification shall also include a complete schedule
17 showing the maximum filing deadline, and the certification
18 deadline by the counties to the Secretary of State.

19 SEC. 9. Section 9007 of the Elections Code is amended to read:

20 9007. Immediately upon the preparation of the circulating title
21 and summary of a proposed initiative or referendum measure, the
22 ~~Attorney General~~ *Legislative Analyst* shall forthwith transmit
23 copies of the text of the measure and the circulating title and
24 summary to the Senate and the Assembly. The appropriate
25 committees of each house may hold public hearings on the subject
26 of the measure. However, nothing in this section shall be construed
27 as authority for the Legislature to alter the measure or prevent it
28 from appearing on the ballot.

29 SEC. 10. Section 9008 of the Elections Code is amended to
30 read:

31 9008. Every proposed initiative measure, prior to circulation,
32 shall have placed across the top of the petition in 12-point or larger
33 roman boldface type; all of the following:

34 (a) ~~The Attorney General's~~ *Legislative Analyst's* unique numeric
35 identifier placed before the circulating title and summary upon
36 each page where the circulating title and summary is to appear.

37 (b) The circulating title and summary prepared by the ~~Attorney~~
38 ~~General~~ *Legislative Analyst* upon each page of the petition on
39 which signatures are to appear.

1 (c) The circulating title and summary prepared by the ~~Attorney~~
2 ~~General Legislative Analyst~~ upon each section of the petition
3 preceding the text of the measure.

4 (d) The circulating title and summary prepared by the ~~Attorney~~
5 ~~General Legislative Analyst~~ as required by subdivision (c) shall
6 be preceded by the following statement: “Initiative measure to be
7 submitted directly to the voters.”

8 SEC. 11. Section 9009 of the Elections Code is amended to
9 read:

10 9009. The heading of an initiative petition shall be in
11 substantially the following form:

12 Initiative Measure to Be Submitted Directly to the Voters

13 The ~~Attorney General~~ *Legislative Analyst* of California has
14 prepared the following circulating title and summary of the chief
15 purpose and points of the proposed measure:

16 (Here set forth the unique numeric identifier provided by the
17 ~~Attorney General~~ *Legislative Analyst* and circulating title and
18 summary prepared by the ~~Attorney General~~ *Legislative Analyst*.
19 Both the ~~Attorney General’s~~ *Legislative Analyst’s* unique numeric
20 identifier and the circulating title and summary must also be printed
21 across the top of each page of the petition whereon signatures are
22 to appear.)

23 To the Honorable Secretary of State of California

24 We, the undersigned, registered, qualified voters of California,
25 residents of ____ County (or City and County), hereby propose
26 amendments to the Constitution of California (the ____ Code,
27 relating to ____) and petition the Secretary of State to submit the
28 same to the voters of California for their adoption or rejection at
29 the next succeeding general election or at any special statewide
30 election held prior to that general election or as otherwise provided
31 by law. The proposed constitutional (or statutory) amendments
32 (full title and text of the measure) read as follows:

33 SEC. 12. Section 9034 of the Elections Code is amended to
34 read:

35 9034. Upon the certification of an initiative measure for the
36 ballot, the Secretary of State shall transmit copies of the initiative
37 measure, together with the circulating title and summary as
38 prepared by the ~~Attorney General~~ *Legislative Analyst* pursuant to
39 Section 9004, to the Senate and the Assembly. Each house shall
40 assign the initiative measure to its appropriate committees. The

1 appropriate committees shall hold joint public hearings on the
2 subject of ~~such~~ *the* measure prior to the date of the election at
3 which the measure is to be voted upon. However, no hearing may
4 be held within 30 days prior to the date of the election.

5 Nothing in this section shall be construed as authority for the
6 Legislature to alter the initiative measure or prevent it from
7 appearing on the ballot.

8 SEC. 13. Section 9035 of the Elections Code is amended to
9 read:

10 9035. An initiative measure may be proposed by presenting to
11 the Secretary of State a petition that sets forth the text of the
12 proposed statute or amendment to the Constitution and is certified
13 to have been signed by registered voters equal in number to 5
14 percent in the case of a statute, and 8 percent in the case of an
15 amendment to the *California* Constitution, of the voters for all
16 candidates for Governor at the last gubernatorial election preceding
17 the issuance of the circulating title and summary for the initiative
18 measure by the ~~Attorney General~~ *Legislative Analyst*.

19 SEC. 14. Section 9050 of the Elections Code is amended to
20 read:

21 9050. After the Secretary of State determines that a measure
22 will appear on the ballot at the next statewide election, the
23 Secretary of State shall promptly transmit a copy of the measure
24 to the ~~Attorney General~~ *Legislative Analyst*. The ~~Attorney General~~
25 *Legislative Analyst* shall provide and return to the Secretary of
26 State a ballot title and summary and ballot label for ~~each~~ *a* measure
27 submitted to the voters of the whole state by a date sufficient to
28 meet the ballot pamphlet public display deadlines.

29 SEC. 15. Section 9051 of the Elections Code is amended to
30 read:

31 9051. (a) (1) The ballot title and summary may differ from
32 the legislative, circulating, or other title and summary of the
33 measure and shall not exceed 100 words, not including the fiscal
34 impact.

35 (2) The ballot title and summary shall be amended to include a
36 summary of the Legislative Analyst's estimate of the net state and
37 local government fiscal impact prepared pursuant to Section 9087;
38 *of this code* and Section 88003 of the Government Code.

39 (b) The ballot label shall contain no more than 75 words and
40 shall be a condensed version of the ballot title and summary

1 including the financial impact summary prepared pursuant to
2 Section 9087 *of this code* and Section 88003 of the Government
3 Code.

4 (c) In providing the ballot title and summary, the ~~Attorney~~
5 ~~General~~ *Legislative Analyst* shall give a true and impartial
6 statement of the purpose of the measure in such language that the
7 ballot title and summary shall neither be an argument, nor be likely
8 to create prejudice, for or against the proposed measure.

9 SEC. 16. Section 9053 of the Elections Code is amended to
10 read:

11 9053. ~~Each~~ A measure shall be designated on the ballot by the
12 ballot label certified to the Secretary of State by the ~~Attorney~~
13 ~~General~~ *Legislative Analyst*.

14 SEC. 17. Section 9054 of the Elections Code is amended to
15 read:

16 9054. (a) Whenever a city, county, or city and county is
17 required by Section 203 (42 U.S.C. Sec. 1973aa-1a) or Section
18 4(f)(4) (42 U.S.C. Sec. 1973b(f)(4)) of the federal Voting Rights
19 Act of 1965 to provide a translation of ballot materials in a
20 language other than English, the Secretary of State shall provide
21 a translation of the ballot title and summary prepared pursuant to
22 Sections 9050 and 9051 and of the ballot label prepared pursuant
23 to Section 13247 in that language to the city, county, or city and
24 county for ~~each~~ a state measure submitted to the voters in a
25 statewide election not later than 68 days prior to that election.

26 (b) When preparing a translation in a language other than
27 English pursuant to subdivision (a), the Secretary of State shall
28 consult with an advisory body consisting of language experts and
29 nonpartisan organizations that advocate on behalf of, or provide
30 services to, individuals that speak that language.

31 (c) ~~All translations~~ *Translations* prepared pursuant to this section
32 shall be made available for public examination in the same time
33 and manner as the ballot pamphlet is made available for public
34 examination in accordance with Section 88006 of the Government
35 Code and Section 9092 of this code.

36 (d) The local elections official shall use ~~that~~ *the* translation of
37 the ballot label *prepared pursuant to this section* on the sample
38 ballot and the official ballot and may not select or contract with
39 another person to provide translations of the same text.

1 SEC. 18. Section 9063 of the Elections Code is amended to
2 read:

3 9063. The summary of a measure given in the press release
4 shall be the official circulating title and summary that has been
5 prepared by the ~~Attorney General~~ *Legislative Analyst*. The
6 Legislative Counsel Bureau shall prepare the summary on all other
7 measures.

8 SEC. 19. Section 9086 of the Elections Code is amended to
9 read:

10 9086. The ballot pamphlet shall contain as to each state measure
11 to be voted upon, the following, in the order set forth in this
12 section:

13 (a) (1) Upon the top portion of the first page, and not exceeding
14 one-third of the page, shall appear:

15 (A) Identification of the measure by number and title.

16 (B) The official summary prepared by the ~~Attorney General~~
17 *Legislative Analyst*.

18 (C) The total number of votes cast for and against the measure
19 in both the State Senate and Assembly, if the measure was passed
20 by the Legislature.

21 (2) The space in the title and summary that is used for an
22 explanatory table prepared pursuant to paragraph (2) of subdivision
23 (e) of Section 9087 and Section 88003 of the Government Code
24 shall not be included when measuring the amount of space the
25 information described in paragraph (1) has taken for purposes of
26 determining compliance with the restriction prohibiting the
27 information described in paragraph (1) from exceeding one-third
28 of the page.

29 (b) Beginning at the top of the right page shall appear the
30 analysis prepared by the Legislative Analyst, provided that the
31 analysis fits on a single page. If it does not fit on a single page,
32 the analysis shall begin on the lower portion of the first left page
33 and shall continue on subsequent pages until it is completed.

34 (c) Arguments for and against the measure shall be placed on
35 the next left and right pages, respectively, following the final page
36 of the analysis of the Legislative Analyst. The rebuttals shall be
37 placed immediately below the arguments.

38 (d) If no argument against the measure has been submitted, the
39 argument for the measure shall appear on the right page facing the
40 analysis.

1 (e) The complete text of each measure shall appear at the back
2 of the pamphlet. The text of the measure shall contain the
3 provisions of the proposed measure and the existing provisions of
4 law repealed or revised by the measure. The provisions of the
5 proposed measure differing from the existing provisions of law
6 affected shall be distinguished in print, so as to facilitate
7 comparison.

8 (f) The following statement shall be printed at the bottom of
9 each page where arguments appear: “Arguments printed on this
10 page are the opinions of the authors, and have not been checked
11 for accuracy by any official agency.”

12 SEC. 20. Section 9087 of the Elections Code is amended to
13 read:

14 9087. (a) The Legislative Analyst shall prepare an impartial
15 analysis of the measure describing the measure and including a
16 fiscal analysis of the measure showing the amount of any increase
17 or decrease in revenue or cost to state or local government. If it is
18 estimated that a measure would result in increased cost to the state,
19 an analysis of the measure’s estimated impact on the state shall be
20 provided, including an estimate of the percentage of the General
21 Fund that would be expended due to the measure, using visual aids
22 when appropriate. An estimate of increased cost to the state or
23 local governments shall be set out in boldface print in the ballot
24 pamphlet.

25 (b) The analysis shall be written in clear and concise terms, so
26 as to be easily understood by the average voter, and shall avoid
27 the use of technical terms wherever possible. The analysis may
28 contain background information, including the effect of the
29 measure on existing law and the effect of enacted legislation which
30 will become effective if the measure is adopted, and shall generally
31 set forth in an impartial manner the information the average voter
32 needs to adequately understand the measure. To the extent
33 practicable, the Legislative Analyst shall utilize a uniform method
34 in each analysis to describe the estimated increase or decrease in
35 revenue or cost of a measure, so that the average voter may draw
36 comparisons among the fiscal impacts of measures. The condensed
37 statement of the fiscal impact summary for the measure prepared
38 by the ~~Attorney General~~ *Legislative Analyst* to appear on the ballot
39 shall contain the uniform estimate of increase or decrease in

1 revenue or cost of the measure prepared pursuant to this
2 subdivision.

3 (c) The Legislative Analyst may contract with a professional
4 writer, educational specialist, or another person for assistance in
5 writing an analysis that fulfills the requirements of this section,
6 including the requirement that the analysis be written so that it
7 will be easily understood by the average voter. The Legislative
8 Analyst may also request the assistance of a state department,
9 agency, or official in preparing his or her analysis.

10 (d) Prior to submitting the analysis to the Secretary of State, the
11 Legislative Analyst shall submit the analysis to a committee of
12 five persons, appointed by the Legislative Analyst, for the purpose
13 of reviewing the analysis to confirm its clarity and easy
14 comprehension to the average voter. The committee shall be drawn
15 from the public at large, and one member shall be a specialist in
16 education, one member shall be bilingual, and one member shall
17 be a professional writer. Members of the committee shall be
18 reimbursed for reasonable and necessary expenses incurred in
19 performing their duties. Within five days of the submission of the
20 analysis to the committee, the committee shall make
21 recommendations to the Legislative Analyst as it deems appropriate
22 to guarantee that the analysis can be easily understood by the
23 average voter. The Legislative Analyst shall consider the
24 committee's recommendations, and he or she shall incorporate in
25 the analysis those changes recommended by the committee that
26 he or she deems to be appropriate. The Legislative Analyst is solely
27 responsible for determining the content of the analysis required
28 by this section.

29 (e) (1) The title and summary of any measure that appears on
30 the ballot shall be amended to contain a summary of the Legislative
31 Analyst's estimate of the net state and local government fiscal
32 impact.

33 (2) For state bond measures that are submitted to the voters for
34 their approval or rejection, the summary of the Legislative
35 Analyst's estimate described in paragraph (1) shall include an
36 explanatory table of the information in the summary.

37 SEC. 21. Section 13262 of the Elections Code is amended to
38 read:

39 13262. (a) The ballot shall contain the same material as to
40 candidates and measures, and shall be printed in the same order

1 as provided for paper ballots, and may be arranged in parallel
2 columns on one or more ballot cards as required, except that the
3 column in which the voter marks his or her choices may be at the
4 left of the names of candidates and the designation of measures.

5 (b) If there are a greater number of candidates for an office or
6 for a party nomination for an office than the number whose names
7 can be placed on one pair of facing ballot pages, a series of
8 overlaying pages printed only on the same, single side shall be
9 used, and the ballot shall be clearly marked to indicate that the list
10 of candidates for the office is continued on the following page or
11 pages. If the names of candidates for the office are not required to
12 be rotated, they shall be rotated by groups of candidates in a
13 manner so that the name of each candidate shall appear on each
14 page of the ballot in approximately the same number of precincts
15 as the names of all other candidates.

16 (c) Space shall be provided on the ballot or on a separate write-in
17 ballot to permit voters to write in names not printed on the ballot
18 when authorized by law. The size of the voting square and the
19 spacing of the material may be varied to suit the conditions
20 imposed by the use of ballot cards, provided the size of the type
21 is not reduced below the minimum size requirements set forth in
22 Chapter 2 (commencing with Section 13100).

23 (d) The statement of measure submitted to the voters may be
24 abbreviated if necessary on the ballot, ~~provided that~~ if each and
25 every statement of measures on that ballot is abbreviated.
26 Abbreviation of matters to be voted on throughout the state shall
27 be composed by the ~~Attorney General~~ *Legislative Analyst*.

28 SEC. 22. Section 13282 of the Elections Code is amended to
29 read:

30 13282. Whenever the ~~Attorney General~~ *Legislative Analyst*
31 prepares a ballot label, the ~~Attorney General~~ *Legislative Analyst*
32 shall file a copy of the ballot label with the Secretary of State. The
33 Secretary of State shall make a copy of the ballot label available
34 for public examination prior to the printing of the ballot label on
35 any ballot. The public shall be permitted to examine the ballot
36 label for at least 20 days, and the Secretary of State may
37 consolidate the examination requirement under this section with
38 the public examination requirements set forth in Section 9092. A
39 voter may seek a writ of mandate requiring a ballot label, or portion
40 thereof, to be amended or deleted. The provisions set forth in

1 Section 9092 concerning the issuance of the writ and the nature
2 of the proceedings shall be applicable to this section.

3 SEC. 23. Section 18602 of the Elections Code is amended to
4 read:

5 18602. ~~Any~~A person working for the proponent or proponents
6 of a statewide initiative or referendum measure who covers or
7 otherwise obscures the summary of the measure prepared by the
8 ~~Attorney General~~ *Legislative Analyst* from the view of a
9 prospective signer is guilty of a misdemeanor.

10 SEC. 24. Section 88002 of the Government Code is amended
11 to read:

12 88002. The ballot pamphlet shall contain as to each state
13 measure to be voted upon, the following in the order set forth in
14 this section:

15 (a) (1) Upon the top portion of the first page and not exceeding
16 one-third of the page shall appear:

17 (A) The identification of the measure by number and title.

18 (B) The official summary prepared by the ~~Attorney General~~
19 *Legislative Analyst*.

20 (C) The total number of votes cast for and against the measure
21 in both the State Senate and Assembly if the measure was passed
22 by the Legislature.

23 (2) The space in the title and summary that is used for an
24 explanatory table prepared pursuant to paragraph (2) of subdivision
25 (e) of Section 9087 of the Elections Code and Section 88003 shall
26 not be included when measuring the amount of space the
27 information described in paragraph (1) has taken for purposes of
28 determining compliance with the restriction prohibiting the
29 information described in paragraph (1) from exceeding one-third
30 of the page.

31 (b) Beginning at the top of the right page shall appear the
32 analysis prepared by the Legislative Analyst, provided that the
33 analysis fits on a single page. If it does not fit on a single page,
34 then the analysis shall begin on the lower portion of the first left
35 page and shall continue on subsequent pages until it is completed.

36 (c) Arguments for and against the measure shall be placed on
37 the next left and right pages, respectively, following the page on
38 which the analysis of the Legislative Analyst ends. The rebuttals
39 shall be placed immediately below the arguments.

1 (d) If no argument against the measure has been submitted, the
2 argument for the measure shall appear on the right page facing the
3 analysis.

4 (e) The complete text of each measure shall appear at the back
5 of the pamphlet. The text of the measure shall contain the
6 provisions of the proposed measure and the existing provisions of
7 law repealed or revised by the measure. The provisions of the
8 proposed measure differing from the existing provisions of law
9 affected shall be distinguished in print, so as to facilitate
10 comparison.

11 (f) The following statement shall be printed at the bottom of
12 each page where arguments appear: “Arguments printed on this
13 page are the opinions of the authors and have not been checked
14 for accuracy by any official agency.”

15 SEC. 25. Sections 1 to 24, inclusive, of this act shall become
16 operative only if Senate Constitutional Amendment ____ of the
17 2011–12 Regular Session is approved by voters at a statewide
18 general election.

Introduced by Senator Blakeslee

February 24, 2012

An act to amend Section 82013 of the Government Code, relating to the Political Reform Act of 1974.

LEGISLATIVE COUNSEL'S DIGEST

SB 1426, as introduced, Blakeslee. Political Reform Act of 1974: committees.

The Political Reform Act of 1974 defines the term "committee" for purposes of that act.

This bill would make nonsubstantive changes to that provision.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

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

1 SECTION 1. Section 82013 of the Government Code is
2 amended to read:
3 82013. "Committee" means ~~any~~ a person or combination of
4 persons who directly or indirectly does any of the following:
5 (a) Receives contributions totaling one thousand dollars (\$1,000)
6 or more in a calendar year.
7 (b) Makes independent expenditures totaling one thousand
8 dollars (\$1,000) or more in a calendar year; ~~or~~.
9 (c) Makes contributions totaling ten thousand dollars (\$10,000)
10 or more in a calendar year to, or at the behest of, candidates or
11 committees.

- 1 A person or combination of persons that becomes a committee
- 2 shall retain its status as a committee until such time as that status
- 3 is terminated pursuant to Section 84214.

O

Introduced by Senator LowenthalFebruary 24, 2012

An act to add and repeal Section 84215.5 of the Government Code, relating to the Political Reform Act of 1974.

LEGISLATIVE COUNSEL'S DIGEST

SB 1553, as introduced, Lowenthal. Political Reform Act of 1974: campaign statements: electronic filing.

(1) The Political Reform act of 1974 requires elected officers, candidates for elective office, and campaign committees to file campaign statements reporting contributions and expenditures for specified reporting periods. Under the act, city elected officers, candidates for city office, their controlled committees, committees formed or existing primarily to support or oppose candidates or local measures to be voted upon in one city, and city general purpose committees are required to file campaign statements with the clerk of the city.

This bill would create a pilot program for the 2013 through 2014 reporting periods that authorizes the City of Long Beach to permit any person who files a campaign statement with the city clerk to file electronically. In addition, the bill would require the City of Long Beach, if it chooses to participate in the pilot program, to prepare a report evaluating the program under specified criteria, and would further require the Legislative Analyst's Office to prepare a report evaluating the program.

(2) This bill would make legislative findings and declarations as to the necessity of a special statute for a pilot program in the City of Long Beach.

(3) 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: no.

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

- 1 SECTION 1. Section 84215.5 is added to the Government
 2 Code, to read:
 3 84215.5. (a) (1) The City of Long Beach may permit any
 4 person who files a campaign statement with the city clerk pursuant
 5 to subdivision (d) of Section 84215 to file electronically.
 6 (2) If the City of Long Beach authorizes electronic filing
 7 pursuant to subdivision (a), the city clerk shall use a form, and
 8 follow procedures, prescribed by the Commission.
 9 (b) If the City of Long Beach chooses to participate, the pilot
 10 program created pursuant to this section shall commence on or
 11 after January 1, 2013, and shall be completed by January 31, 2015.
 12 The pilot program shall include all reporting periods commencing
 13 January 1, 2013, and ending December 31, 2014.
 14 (c) (1) If the City of Long Beach chooses to participate in the
 15 pilot program created pursuant to this section, the city shall submit
 16 to the Commission, by July 1, 2015, a report on the pilot program
 17 that shall include all of the following:
 18 (A) A listing and estimate of associated operational efficiencies
 19 and related savings.
 20 (B) A listing and estimate of associated costs from implementing
 21 and operating the pilot program.
 22 (C) A listing of safety, security, or privacy issues encountered
 23 and an explanation of the manner in which those issues were
 24 addressed.
 25 (D) Available information relating to feedback from electronic
 26 filing participants.
 27 (E) Any other relevant information on the implementation of
 28 the pilot program.
 29 (2) The Commission shall transmit the report received pursuant
 30 to paragraph (1), as well as any comments on the report, to the
 31 Legislative Analyst’s Office by August 15, 2015. The Legislative

1 Analyst’s Office shall provide a report to the Legislature evaluating
2 the pilot program by February 1, 2016.

3 (3) The Commission, in consultation with the Legislative
4 Analyst’s Office, may develop additional criteria for the report to
5 be submitted by the City of Long Beach pursuant to paragraph (1).

6 (d) This section shall remain in effect only until January 1, 2017,
7 and as of that date is repealed, unless a later enacted statute, that
8 is enacted before January 1, 2017, deletes or extends that date.

9 SEC. 2. The Legislature finds and declares that a special law
10 is necessary and that a general law cannot be made applicable
11 within the meaning of Section 16 of Article IV of the California
12 Constitution because of the need to create a pilot program in the
13 City of Long Beach to test the benefits of electronic filing of
14 campaign statements in order to develop a practical model that
15 will assist other local agencies in implementing their own electronic
16 filing procedures in the future.

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

ASSEMBLY BILL

No. 1509

Introduced by Assembly Member Hayashi

January 12, 2012

An act to add Section 87505 to the Government Code, relating to the Political Reform Act of 1974.

LEGISLATIVE COUNSEL'S DIGEST

AB 1509, as introduced, Hayashi. Political Reform Act of 1974: statement of economic interests.

The Political Reform Act of 1974 requires persons holding specified public offices to file disclosures of investments, real property interests, and income within specified periods of assuming or leaving office, and annually while holding the office. Specified local elected officers file their statements of economic interests with the city clerk or county clerk, who makes and retains a copy of each statement and forwards the original to the Fair Political Practices Commission, which is the filing officer.

This bill would require a city or county clerk who maintains an Internet Web site to post a notification on that Internet Web site that identifies the elected officers who file statements of economic interests with that city or county clerk. The bill would also require the notification to include a statement that a copy of a statement of economic interests for those filers can be obtained by visiting the offices of the Commission or the city or county clerk, as specified. The bill would also require that the notification include a link to the Commission's Internet Web site and a statement that certain statements of economic interests may be available in an electronic format by visiting the Commission's Internet

Web site. By imposing additional duties on a local official, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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 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: 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 87505 is added to the Government Code,
- 2 to read:
- 3 87505. Each city clerk or county clerk who maintains an
- 4 Internet Web site shall post on that Internet Web site a notification
- 5 that includes all of the following:
- 6 (a) A list of the elected officers identified in Section 87200 who
- 7 file statements of economic interests with that city clerk or county
- 8 clerk pursuant to Section 87500.
- 9 (b) A statement that copies of the statements of economic
- 10 interests filed by the elected officers described in subdivision (a)
- 11 may be obtained by visiting the offices of the Commission or that
- 12 city clerk or county clerk, as appropriate. The statement shall
- 13 include the physical address for the Commission’s office and the
- 14 city clerk’s office or the county clerk’s office, as appropriate.
- 15 (c) A link to the Commission’s Internet Web site and a statement
- 16 that statements of economic interests for some state and local
- 17 government agency elected officers may be available in an
- 18 electronic format on the Commission’s Internet Web site.
- 19 SEC. 2. If the Commission on State Mandates determines that
- 20 this act contains costs mandated by the state, reimbursement to
- 21 local agencies and school districts for those costs shall be made

1 pursuant to Part 7 (commencing with Section 17500) of Division
2 4 of Title 2 of the Government Code.
3 SEC. 3. The Legislature finds and declares that this bill furthers
4 the purposes of the Political Reform Act of 1974 within the
5 meaning of subdivision (a) of Section 81012 of the Government
6 Code.

O

ASSEMBLY BILL

No. 1648

Introduced by Assembly Member Brownley

(Principal coauthors: Assembly Members Fong and Gatto)

(Coauthors: Assembly Members Alejo, Ammiano, Beall, Blumenfield, Bonilla, Dickinson, Fletcher, Galgiani, Gordon, Hayashi, Hill, Huber, Huffman, Bonnie Lowenthal, V. Manuel Pérez, and Wieckowski)

(Coauthor: Senator Hancock)

February 13, 2012

An act to amend Sections 84305.5, 84504, and 84505 of, to add Sections 84506.1, 84506.2, and 84506.3 to, to repeal Sections 84502, 84503, and 84506.5 of, and to repeal and add Sections 84501, 84506, 84507, and 84508 of, the Government Code, relating to the Political Reform Act of 1974.

LEGISLATIVE COUNSEL'S DIGEST

AB 1648, as introduced, Brownley. Political Reform Act of 1974: advertisements: disclosure.

The Political Reform Act of 1974 regulates mass mailings, known as slate mailers, that support or oppose multiple candidates or ballot measures for an election. The act requires that each slate mailer identify the slate mailer organization or committee primarily formed to support or oppose one or more ballot measures that is sending the slate mailer, and to contain other specified information in specified formatting. The act requires that each candidate and each ballot measure that has paid to appear in the slate mailer be designated by an asterisk.

This bill would instead require that a candidate or ballot measure appearing in the slate mailer be designated by an asterisk if the slate

mailer organization or committee primarily formed to support or oppose one or more ballot measures that is sending the slate mailer has received payment to include the candidate or ballot measure in the slate mailer. The bill would also recast the language of the prescribed notice to voters that must be included on a slate mailer.

The act also regulates advertisements, which are defined as any general or public advertisement that is authorized and paid for by a person or committee for the purpose supporting or opposing a candidate for elective office or a ballot measure or ballot measures. The act places certain disclosure requirements on advertisements for or against any ballot measure, including that the advertisement disclose any person who has made cumulative contributions of \$50,000 or more, as prescribed. The act places more specific disclosure requirements on broadcast or mass mailing advertisements that are paid for by independent expenditures that support or oppose a candidate or ballot measure.

This bill would repeal provisions relating to disclosures for advertisements paid for by an independent expenditure and required disclosures of persons who have made cumulative contributions of \$50,000 or more. This bill would, instead, impose specified disclosure requirements on radio, television, and video advertisements, and certain mass mailing and print advertisements that support or oppose a candidate or ballot measure or solicit contributions in support of those purposes. The bill would require advertisements that are authorized by a candidate or agent of the candidate to include a statement in which the candidate identifies himself or herself and states that he or she approves the message, as specified. The bill would require advertisements that are not authorized by a candidate or an agent of the candidate to disclose, in a prescribed format, the 3 largest identifiable contributors, as defined, of the committee that paid for the advertisement. The bill would require mass mailings or print advertisements that are paid for by certain persons who are not committees to disclose the name of that person as the funder of the mass mailing or print advertisement. The bill would also require that certain committees establish and maintain a committee disclosure Internet Web site, as defined, which discloses the top 10 identifiable contributors and provides a link to the Internet Web site maintained by the Secretary of State for campaign finance disclosures of the committee. The bill would require these advertisements to identify the address for the committee disclosure Internet Web site.

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.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act’s purposes upon a 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: 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 84305.5 of the Government Code is
2 amended to read:

3 84305.5. (a) ~~No~~A slate mailer organization or committee
4 primarily formed to support or oppose one or more ballot measures
5 shall *not* send a slate mailer unless *the slate mailer complies with*
6 *all of the following*:

7 (1) The name, street address, and city of the slate mailer
8 organization or committee primarily formed to support or oppose
9 one or more ballot measures are shown on the outside of each piece
10 of slate mail and on at least one of the inserts included with each
11 piece of slate mail in no less than 8-point roman type, which shall
12 be in a color or print ~~which~~ *that* contrasts with the background so
13 as to be easily legible. A post office box may be stated in lieu of
14 a street address if the street address of the slate mailer organization
15 or the committee primarily formed to support or oppose one or
16 more ballot ~~measure~~ *measures* is a matter of public record with
17 the Secretary of State’s Political Reform Division.

18 (2) At the top or bottom of the front side or surface of at least
19 one insert, or at the top or bottom of one side or surface of a
20 postcard or other self-mailer, there is a notice in at least 8-point

1 roman boldface type, which shall be in a color or print ~~which that~~
 2 contrasts with the background so as to be easily legible, and in a
 3 printed or drawn box and set apart from any other printed matter.
 4 The notice shall consist of the following statement:

5
 6
 7 NOTICE TO VOTERS
 8
 9 THIS DOCUMENT WAS PREPARED BY (name of slate
 10 mailer organization or committee primarily formed to support
 11 or oppose one or more ballot measures), NOT AN OFFICIAL
 12 POLITICAL PARTY ORGANIZATION. Appearance in this
 13 mailer does not necessarily imply endorsement of others
 14 appearing in this mailer, nor does it imply endorsement of, or
 15 opposition to, any issues set forth in this mailer. Appearance
 16 is paid for and authorized by each candidate and ballot measure
 17 ~~which that~~ is designated by an * *has been paid for*.

18
 19 ~~(3) The name, street address, and city of the slate mailer~~
 20 ~~organization or committee primarily formed to support or oppose~~
 21 ~~one or more ballot measures as required by paragraph (1) and the~~
 22 ~~notice required by paragraph (2) may appear on the same side or~~
 23 ~~surface of an insert.~~

24 ~~(4)~~
 25 (3) (A) Each candidate and each ballot measure ~~that for which~~
 26 ~~the slate mailer organization or committee primarily formed to~~
 27 ~~support or oppose one or more ballot measures has paid received~~
 28 ~~payment to appear include the candidate or ballot measure in the~~
 29 ~~slate mailer is designated by an *. Any A candidate or ballot~~
 30 ~~measure that for which the slate mailer organization or committee~~
 31 ~~primarily formed to support or oppose one or more ballot measures~~
 32 ~~has not paid received payment to appear include the candidate or~~
 33 ~~ballot measure in the slate mailer is shall not be designated by an~~
 34 ~~*~~.

35 (B) The * required by this ~~subdivision~~ *paragraph* shall be of
 36 the same type size, type style, color or contrast, and legibility as
 37 is used for the name of the candidate, or the ballot measure name
 38 or number and position advocated, to which the * designation
 39 applies, except that in no case shall the * be required to be larger

1 than 10-point boldface type. The designation shall immediately
2 follow the name of the candidate, or the name or number and
3 position advocated on the ballot measure, where the designation
4 appears in the slate of candidates and measures. If there is no slate
5 listing, the designation shall appear at least once in at least 8-point
6 boldface type, immediately following the name of the candidate,
7 or the name or number and position advocated on the ballot
8 measure.

9 (5)

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

18 (b) ~~For purposes of the designations required by paragraph (4)~~
19 ~~of subdivision (a), the payment of any sum made reportable by~~
20 ~~subdivision (c) of Section 84219 by or at the behest of a candidate~~
21 ~~or committee, whose name or position appears in the mailer, to~~
22 ~~the~~ *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, shall constitute a payment to appear,*
25 *requiring as required by paragraph (1) of subdivision (a), and the*
26 ** designation. The payment shall also be deemed to constitute*
27 *authorization to appear notice required by paragraph (2) of*
28 *subdivision (a) may appear on the same side or surface of an insert*
29 *in the slate mailer.*

30 SEC. 2. Section 84501 of the Government Code is repealed.

31 84501. (a) ~~“Advertisement” means any general or public~~
32 ~~advertisement which is authorized and paid for by a person or~~
33 ~~committee for the purpose of supporting or opposing a candidate~~
34 ~~for elective office or a ballot measure or ballot measures.~~

35 (b) ~~“Advertisement” does not include a communication from~~
36 ~~an organization other than a political party to its members, a~~
37 ~~campaign button smaller than 10 inches in diameter, a bumper~~
38 ~~sticker smaller than 60 square inches, or other advertisement as~~
39 ~~determined by regulations of the commission.~~

1 SEC. 3. Section 84501 is added to the Government Code, to
 2 read:

3 84501. For purposes of this article, the following terms have
 4 the following meanings:

5 (a) (1) “Advertisement” means any general or public
 6 advertisement which is authorized and paid for by a person or
 7 committee for the purpose of supporting or opposing a candidate
 8 for elective office or a ballot measure or ballot measures.

9 (2) “Advertisement” does not include a communication from
 10 an organization other than a political party to its members, a
 11 campaign button smaller than 10 inches in diameter, a bumper
 12 sticker smaller than 60 square inches, or other advertisement as
 13 determined by regulations of the Commission.

14 (b) “Committee disclosure Internet Web site” means the Internet
 15 Web site for a committee identifying the top identifiable
 16 contributors to that committee, as described in Section 84506.3.

17 (c) “Cumulative contributions” means the cumulative amount
 18 of contributions received by a committee beginning 18 months
 19 prior to the date the committee made its first expenditure to qualify,
 20 support, or oppose a candidate for elective office or a ballot
 21 measure or ballot measures and ending seven days before the
 22 advertisement is sent to the printer or broadcast station or uploaded
 23 to the Internet.

24 (d) “Identifiable contributor” means a person or committee that
 25 has made cumulative contributions of at least ten thousand dollars
 26 (\$10,000) to a committee.

27 SEC. 4. Section 84502 of the Government Code is repealed.

28 ~~84502. “Cumulative contributions” means the cumulative~~
 29 ~~amount of contributions received by a committee beginning 12~~
 30 ~~months prior to the date the committee made its first expenditure~~
 31 ~~to qualify, support, or oppose the measure and ending within seven~~
 32 ~~days of the time the advertisement is sent to the printer or broadcast~~
 33 ~~station.~~

34 SEC. 5. Section 84503 of the Government Code is repealed.

35 ~~84503. (a) Any advertisement for or against any ballot measure~~
 36 ~~shall include a disclosure statement identifying any person whose~~
 37 ~~cumulative contributions are fifty thousand dollars (\$50,000) or~~
 38 ~~more.~~

39 ~~(b) If there are more than two donors of fifty thousand dollars~~
 40 ~~(\$50,000) or more, the committee is only required to disclose the~~

1 ~~highest and second highest in that order. In the event that more~~
2 ~~than two donors meet this disclosure threshold at identical~~
3 ~~contribution levels, the highest and second highest shall be selected~~
4 ~~according to chronological sequence.~~

5 SEC. 6. Section 84504 of the Government Code is amended
6 to read:

7 84504. (a) Any committee that supports or opposes one or
8 more ballot measures shall name and identify itself using a name
9 or phrase that clearly identifies the economic or other special
10 interest of its major donors of fifty thousand dollars (\$50,000) or
11 more in any reference to the committee required by law, including,
12 but not limited, to its statement of organization filed pursuant to
13 Section 84101.

14 (b) If the major donors of fifty thousand dollars (\$50,000) or
15 more share a common employer, the identity of the employer shall
16 also be disclosed.

17 (c) Any committee which supports or opposes a ballot measure;
18 shall print or broadcast its name as provided in this section as part
19 of any advertisement or other paid public statement, *unless the*
20 *advertisement is required to include a disclosure pursuant to any*
21 *other section of this article.*

22 (d) If candidates or their controlled committees, as a group or
23 individually, meet the contribution thresholds for a person, they
24 shall be identified by the controlling candidate's name.

25 SEC. 7. Section 84505 of the Government Code is amended
26 to read:

27 84505. In addition to the requirements of Sections ~~84503,~~
28 ~~84504, 84506, 84506.1, 84506.2, and 84506.5~~ 84506.3, the
29 committee placing the advertisement or persons acting in concert
30 with that committee shall be prohibited from creating or using a
31 noncandidate-controlled committee or a nonsponsored committee
32 to avoid, or that results in the avoidance of, the disclosure of any
33 individual, industry, business entity, controlled committee, or
34 sponsored committee as a major funding source.

35 SEC. 8. Section 84506 of the Government Code is repealed.

36 ~~84506. (a) A broadcast or mass mailing advertisement~~
37 ~~supporting or opposing a candidate or ballot measure, that is paid~~
38 ~~for by an independent expenditure, shall include a disclosure~~
39 ~~statement that identifies both of the following:~~

1 ~~(1) The name of the committee making the independent~~
2 ~~expenditure.~~

3 ~~(2) The names of the persons from whom the committee making~~
4 ~~the independent expenditure has received its two highest~~
5 ~~cumulative contributions of fifty thousand dollars (\$50,000) or~~
6 ~~more during the 12-month period prior to the expenditure. If the~~
7 ~~committee can show, on the basis that contributions are spent in~~
8 ~~the order they are received, that contributions received from the~~
9 ~~two highest contributors have been used for expenditures unrelated~~
10 ~~to the candidate or ballot measure featured in the communication,~~
11 ~~the committee shall disclose the contributors making the next~~
12 ~~largest cumulative contributions of fifty thousand dollars (\$50,000)~~
13 ~~or more.~~

14 ~~(b) If an acronym is used to identify any committee names~~
15 ~~required by this section, the names of any sponsoring organization~~
16 ~~of the committee shall be printed on print advertisements or spoken~~
17 ~~in broadcast advertisements.~~

18 SEC. 9. Section 84506 is added to the Government Code, to
19 read:

20 84506. (a) A radio advertisement that supports or opposes a
21 candidate or ballot measure or solicits contributions in support of
22 that purpose shall, if the advertisement is authorized by a candidate
23 or an agent of the candidate, include an audio statement in which
24 the candidate identifies himself or herself and states that the
25 candidate has approved the message.

26 (b) A radio advertisement that supports or opposes a candidate
27 or ballot measure or solicits contributions in support of that purpose
28 shall, if the advertisement is not authorized by a candidate or an
29 agent of the candidate, include at the end of the advertisement a
30 disclosure read in a clearly spoken manner in a pitch and tone
31 substantially similar to the rest of the advertisement that reads as
32 follows: "Top funders of this ad are [state names in descending
33 order of identifiable contributors who made the three largest
34 cumulative contributions to the committee that paid for the
35 advertisement]. Full funding details at [state Internet Web site
36 address of the committee disclosure Internet Web site]."

37 (c) If there are fewer than three identifiable contributors, the
38 disclosure shall be adjusted accordingly to disclose the qualifying
39 identifiable contributors, if any. If the committee does not have
40 any identifiable contributors, but the committee has received

1 cumulative contributions totaling at least ten thousand dollars
2 (\$10,000), the disclosure shall be adjusted to include the name of
3 the committee in the place of the names of identifiable contributors.

4 SEC. 10. Section 84506.1 is added to the Government Code,
5 to read:

6 84506.1. (a) A television or video advertisement that supports
7 or opposes a candidate or ballot measure or solicits contributions
8 in support of that purpose shall, if the advertisement is authorized
9 by a candidate or an agent of the candidate, include a statement in
10 which the candidate identifies himself or herself and states that
11 the candidate has approved the message. The candidate statement
12 shall be made using an unobscured, full-screen video of the
13 candidate, alone, making the statement, or by using an unobscured,
14 full-screen, and clearly identifiable photographic image of the
15 candidate, alone, that is displayed during an audio voiceover of
16 the candidate reading the statement.

17 (b) A television or video advertisement that supports or opposes
18 a candidate or ballot measure or solicits contributions in support
19 of that purpose shall, if the advertisement is not authorized by a
20 candidate or an agent of the candidate, include all of the following
21 at the end of the advertisement:

22 (1) A full-screen without audio on a black background for a
23 minimum of three seconds that is dedicated to the disclosure
24 described in this subdivision.

25 (2) The text “Top Funders for This Ad” located at the top of the
26 television or video display screen and centered horizontally. The
27 text shall be white in color and the font size shall be at least 5
28 percent of the height of the television or video display screen.

29 (3) Immediately below the text described in paragraph (2), the
30 logos, if any, as they appear on the Internet Web site homepage
31 of the identifiable contributor, for the identifiable contributors who
32 made the three largest cumulative contributions to the committee
33 that paid for the advertisement. Each logo shall occupy at least 15
34 percent of the width or height of the television or video display
35 screen and the logos shall be displayed from left to right in
36 descending order beginning with the largest identifiable contributor.

37 (4) Immediately below the logos, if any, described in paragraph
38 (3), or beneath the text described in paragraph (2) if no identifiable
39 contributor has a logo, the identifiable contributors who have made
40 the three largest cumulative contributions to the committee that

1 paid for the advertisement. The three identifiable contributors shall
 2 each be disclosed on a separate vertical line, in descending order,
 3 beginning with the identifiable contributor who made the largest
 4 cumulative contribution on the first line. The name of each of the
 5 three identifiable contributors shall be centered horizontally. The
 6 text shall be white in color and the font size shall be at least 5
 7 percent of the height of the television or video display screen.

8 (5) The text “Full Funding Details At [insert Internet Web site
 9 address of the committee disclosure Internet Web site].” The text
 10 shall be white in color and the font size shall be equivalent to 4
 11 percent of the height of the television or video display screen. The
 12 text shall be located in a position that is vertically 4 percent above
 13 the bottom of the television or video display screen.

14 (6) If there are fewer than three identifiable contributors, the
 15 disclosure shall be adjusted accordingly to disclose only those that
 16 qualify as identifiable contributors, if any. If the committee does
 17 not have any identifiable contributors, but the committee has
 18 received cumulative contributions totaling at least ten thousand
 19 dollars (\$10,000), the disclosure shall be adjusted to include the
 20 name of the committee in the place of the names of identifiable
 21 contributors.

22 SEC. 11. Section 84506.2 is added to the Government Code,
 23 to read:

24 84506.2. Except for slate mailers or advertisements that are
 25 authorized by a candidate or an agent of the candidate, any mass
 26 mailing or print advertisement that supports or opposes a candidate
 27 or ballot measure or solicits contributions in support of that purpose
 28 and that is paid for by a committee, or by any person who is not a
 29 committee and who spends more than one thousand dollars
 30 (\$1,000) on mass mailing or print advertising cumulatively in the
 31 period beginning 18 months prior to the date the person made his
 32 or her first expenditure to qualify, support, or oppose the candidate
 33 for elective office or the ballot measure and ending seven days
 34 before the mass mailing or print advertisement is sent to the printer,
 35 shall include a disclosure area on the largest page of the mass
 36 mailing or print advertisement that meets all of the following
 37 criteria:

38 (a) The disclosure area shall be set apart from the rest of the
 39 page on which it is located by a line framing the disclosure area
 40 in the shape of a square or rectangle and the line shall be a color

1 that is darker than the background color of the remainder of the
2 disclosure area. The disclosure area within the border line shall
3 have a solid background color that establishes a contrast to the
4 color of the disclosure text that is equivalent to or greater than the
5 text and background color contrast in the other areas of the mass
6 mailing or print advertisement.

7 (b) For purposes of a mass mailing or print advertisement paid
8 for by a committee, the disclosure shall include the following:

9 (1) The text “Top Fenders of This Ad” shall be located at the
10 top of the disclosure area and centered horizontally in the disclosure
11 area. The text shall be in a font size of at least 14-point for pages
12 smaller than 8.5 inches by 11 inches and at least 16-point for pages
13 that are equal to, or larger than, 8.5 inches by 11 inches.

14 (2) Immediately below the text described in paragraph (1) shall
15 be printed the logos, if any, as they appear on the Internet Web
16 site homepage of the identifiable contributor, for the identifiable
17 contributors who made the three largest cumulative contributions
18 to the committee. Each logo shall occupy at least 8 percent of the
19 width or height of the page on which the disclosure area is located
20 and the logos shall be displayed from left to right in descending
21 order beginning with the largest identifiable contributor.

22 (3) Immediately below the logos, if any, described in paragraph
23 (2), or beneath the text described in paragraph (1) if no identifiable
24 contributor has a logo, shall be identified by name the identifiable
25 contributors who have made the three largest cumulative
26 contributions to the committee that paid for the mass mailing or
27 print advertisement. The three identifiable contributors shall each
28 be disclosed on a separate vertical line, in descending order,
29 beginning with the identifiable contributor who made the largest
30 cumulative contribution on the first line. The name of each of the
31 three identifiable contributors shall be centered horizontally. The
32 text shall identify the identifiable contributor in a font size of at
33 least 10-point for pages smaller than 8.5 inches by 11 inches and
34 at least 12-point for pages that are equal to, or larger than, 8.5
35 inches by 11 inches.

36 (4) The text “Full Funding Details At [insert Internet Web site
37 address of the committee disclosure Internet Web site].” The text
38 shall be located at the bottom of the disclosure area and shall be
39 in 10-point font size for pages smaller than 8.5 inches by 11 inches

1 and at least 12-point font size for pages that are equal to, or larger
2 than, 8.5 inches by 11 inches.

3 (5) If there are fewer than three identifiable contributors, the
4 disclosure shall be adjusted accordingly to disclose the qualifying
5 identifiable contributors, if any. If the committee does not have
6 any identifiable contributors, but the committee has received
7 cumulative contributions totaling at least ten thousand dollars
8 (\$10,000), the disclosure shall be adjusted to include the name of
9 the committee in the place of the names of identifiable contributors.

10 (c) For purposes of a mass mailing or print advertisement paid
11 for by a person who is not a committee and who spends more than
12 one thousand dollars (\$1,000) on mass mailings or print
13 advertisements, as described in this section, the disclosure shall
14 include the text “This advertisement funded by [insert name of the
15 person who paid for the mass mailing or print advertisement].”
16 The text shall be centered within the disclosure area and shall be
17 in a font size of at least 14-point for pages smaller than 8.5 inches
18 by 11 inches and at least 16-point for pages that are equal to, or
19 larger than, 8.5 inches by 11 inches. The person shall not be
20 required to create or maintain a disclosure Internet Web site
21 described in Section 85406.3.

22 SEC. 12. Section 84506.3 is added to the Government Code,
23 to read:

24 84506.3. Except for a committee that is controlled by a
25 candidate, a committee that pays for an advertisement described
26 in this article shall establish and maintain a committee disclosure
27 Internet Web site. If the committee has an Internet Web site
28 homepage, that Internet Web site may also serve as the committee
29 disclosure Internet Web site. The homepage of the committee
30 disclosure Internet Web site and any other Internet Web sites
31 maintained by the committee shall include a disclosure statement
32 area for the purpose of making a contribution disclosure statement
33 that includes all of the following:

34 (a) The disclosure statement area shall be at least 250 pixels
35 wide. The disclosure area shall have a white background and a
36 border that is dark in color.

37 (b) A title that reads “Top Funders of This Committee.” The
38 text shall be black in color and shall be at least 10-point font size.

39 (c) Immediately below the text described in subdivision (b), a
40 list of the identifiable contributors who have made the 10 largest

1 cumulative contributions to the committee. Each of the 10
2 identifiable contributors shall be disclosed on a separate vertical
3 line, in descending order, beginning with the identifiable
4 contributor who made the largest cumulative contribution on the
5 first line. The text shall be black in color and shall be at least
6 9-point font size.

7 (d) Immediately below the text described in subdivision (c), the
8 logos, if any, as they appear on the Internet Web site homepage
9 of the identifiable contributor, for the identifiable contributors who
10 made the 10 largest cumulative contributions to the committee.
11 Each logo shall occupy at least 75 horizontal or vertical pixels and
12 shall be displayed from left to right in descending order beginning
13 with the largest identifiable contributor.

14 (e) A link to the Internet Web site maintained by the Secretary
15 of State that contains campaign finance disclosures made by the
16 committee pursuant to this title for the current election cycle. The
17 link shall be labeled “Full funding info at Secretary of State’s
18 Internet Web site.” The link shall be a standard hyperlink that is
19 displayed as blue underlined text in Arial equivalent font in at least
20 9-point font size.

21 (f) If there are fewer than 10 identifiable contributors, the
22 disclosure shall be adjusted accordingly to disclose the qualifying
23 identifiable contributors, if any. If the committee does not have
24 any identifiable contributors, but the committee has received
25 cumulative contributions totaling at least ten thousand dollars
26 (\$10,000), the disclosure shall be adjusted to include the name of
27 the committee in the place of the names of identifiable contributors.

28 SEC. 13. Section 84506.5 of the Government Code is repealed.

29 ~~84506.5. An advertisement supporting or opposing a candidate
30 that is paid for by an independent expenditure must include a
31 statement that it was not authorized by a candidate or a committee
32 controlled by a candidate.~~

33 SEC. 14. Section 84507 of the Government Code is repealed.

34 ~~84507. Any disclosure statement required by this article shall
35 be printed clearly and legibly in no less than 10-point type and in
36 a conspicuous manner as defined by the commission or, if the
37 communication is broadcast, the information shall be spoken so
38 as to be clearly audible and understood by the intended public and
39 otherwise appropriately conveyed for the hearing impaired.~~

1 SEC. 15. Section 84507 is added to the Government Code, to
2 read:

3 84507. For purposes of any disclosure required by Sections
4 84506 to 84506.3, inclusive, for advertisements that are not
5 authorized by a candidate or an agent of the candidate, the
6 following shall also apply in the event that an identifiable
7 contributor is a person who is an individual:

8 (a) If the committee receiving the contribution is supporting or
9 opposing a candidate, then the disclosure shall include the
10 occupation and employer of the identifiable contributor in addition
11 to the contributor’s name.

12 (b) If the committee receiving the contribution is supporting or
13 opposing a ballot measure, and the passage or defeat of the ballot
14 measure directly benefits or harms the employer of the identifiable
15 contributor, then the disclosure shall include the occupation and
16 employer of the identifiable contributor in addition to the
17 contributor’s name. However, if an employer of an identifiable
18 contributor is also an identifiable contributor of that committee,
19 then the contributions of the employees shall, instead, be deemed
20 to be contributions by the employer for purposes of determining
21 the total cumulative contribution made by the employer in order
22 to determine which identifiable contributors shall be disclosed on
23 an advertisement pursuant to this article.

24 (c) If the committee receiving the contribution is supporting or
25 opposing a ballot measure, and the passage or defeat of the ballot
26 measure does not directly benefit or harm the employer of the
27 identifiable contributor, then the disclosure shall include only the
28 name of the identifiable contributor.

29 SEC. 16. Section 84508 of the Government Code is repealed.

30 ~~84508. If disclosure of two major donors is required by Sections~~
31 ~~84503 and 84506, the committee shall be required to disclose, in~~
32 ~~addition to the committee name, only its highest major contributor~~
33 ~~in any advertisement which is:~~

- 34 ~~(a) An electronic broadcast of 15 seconds or less, or~~
- 35 ~~(b) A newspaper, magazine, or other public print media~~
36 ~~advertisement which is 20 square inches or less.~~

37 SEC. 17. Section 84508 is added to the Government Code, to
38 read:

39 84508. Disclosures made pursuant to Sections 84506 to
40 84506.3, inclusive, shall be sufficient to identify the identifiable

1 contributor but need not include such legal terms as “incorporated,”
2 “committee,” “political action committee,” or “company,” or their
3 abbreviations. Nothing in this section shall prevent a contributor
4 from being disclosed as a name used in common usage or parlance,
5 including, but not limited to, an abbreviation or acronym.

6 SEC. 18. No reimbursement is required by this act pursuant
7 to Section 6 of Article XIII B of the California Constitution because
8 the only costs that may be incurred by a local agency or school
9 district will be incurred because this act creates a new crime or
10 infraction, eliminates a crime or infraction, or changes the penalty
11 for a crime or infraction, within the meaning of Section 17556 of
12 the Government Code, or changes the definition of a crime within
13 the meaning of Section 6 of Article XIII B of the California
14 Constitution.

15 SEC. 19. The Legislature finds and declares that this bill
16 furthers the purposes of the Political Reform Act of 1974 within
17 the meaning of subdivision (a) of Section 81012 of the Government
18 Code.

ASSEMBLY BILL

No. 1730

Introduced by Assembly Member Olsen

February 16, 2012

An act to add Sections 9131.1, 9518, 82037.5, and 84203.1 to the Government Code, relating to the Legislature.

LEGISLATIVE COUNSEL'S DIGEST

AB 1730, as introduced, Olsen. Legislative Transparency Act.

Existing law requires the Assembly Committee on Rules, the Senate Committee on Rules, and the Joint Rules Committee to annually prepare a report to the public of all expenditures made from the operating fund subject to their direction and control, including a list of expenditures for each Member and committee of the Legislature, as prescribed.

This bill would require the Assembly Committee on Rules and the Senate Committee on Rules to provide to each Member of the Assembly and Senate, respectively, a monthly report of that Member's office budget, as specified. The bill would require each Member of the Legislature to publish the monthly budget report on the Member's Internet Web site.

Existing provisions of the California Constitution provide for the manner in which the Legislature may pass a bill, and authorize the Legislature to adopt rules for its proceedings.

This bill would prohibit either house of the Legislature from taking a vote on any bill until the bill, in its present form, has been made available to the public on an Internet Web site for at least 72 hours, unless the house dispenses with this requirement by a $\frac{2}{3}$ vote.

The Political Reform Act of 1974 imposes various reporting and disclosure requirements on contributions made to or by candidates and candidate-controlled committees.

This bill would require a Member of the Legislature or a controlled committee of a Member of the Legislature that receives a legislative deadline contribution to report that contribution within 24 hours, as prescribed. The bill would define “legislative deadline contribution” to mean a contribution of \$100 or more that is made to a Member of the Legislature or a controlled committee of a Member of the Legislature within the 7 days prior to specified legislative deadlines for a regular session of the Legislature.

Existing law makes a knowing or willful violation of the act a misdemeanor and subjects offenders to criminal penalties.

By creating additional crimes, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act’s purposes upon a 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: 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. This act shall be known and may be cited as the
- 2 Legislative Transparency Act.
- 3 SEC. 2. Section 9131.1 is added to the Government Code, to
- 4 read:
- 5 9131.1. (a) The Assembly Committee on Rules and the Senate
- 6 Committee on Rules shall provide to each Member of the Assembly
- 7 and Senate, respectively, a monthly report of that Member’s office
- 8 budget. The monthly budget report shall include all allocations
- 9 and expenditures, including caucus allocations, travel expenses,
- 10 office rent, and staff salaries.

1 (b) Each Member of the Legislature shall publish the monthly
2 budget report provided to him or her pursuant to subdivision (a)
3 on the Member's Internet Web site.

4 SEC. 3. Section 9518 is added to the Government Code, to
5 read:

6 9518. No vote shall be taken in either house of the Legislature
7 on a bill until that bill, in its present form, has been made available
8 to the public on an Internet Web site for at least 72 hours, unless
9 the house dispenses with this requirement by a roll call vote entered
10 in the journal, two-thirds of the membership concurring.

11 SEC. 4. Section 82037.5 is added to the Government Code, to
12 read:

13 82037.5. "Legislative deadline contribution" means a
14 contribution of one hundred dollars (\$100) or more that is made
15 to a Member of the Legislature or a controlled committee of a
16 Member of the Legislature within the seven days prior to any of
17 the following legislative deadlines for a regular session of the
18 Legislature:

19 (a) The June 15 deadline to pass a Budget Bill pursuant to
20 Section 12 of Article IV of the California Constitution.

21 (b) Any deadline imposed by the California Constitution, a
22 statute, or the Joint Rules of the Senate and Assembly for the
23 passage of a bill by the house in which the bill was introduced.

24 (c) Any date specified by the California Constitution, a statute,
25 or the Joint Rules of the Senate and Assembly by when the
26 Legislature is required to adjourn for a joint recess in an
27 odd-numbered year to reconvene in an even-numbered year or the
28 date for the Legislature to adjourn sine die in an even-numbered
29 year.

30 SEC. 5. Section 84203.1 is added to the Government Code, to
31 read:

32 84203.1. (a) Each Member of the Legislature or controlled
33 committee of a Member of the Legislature that receives a legislative
34 deadline contribution shall report the legislative deadline
35 contribution to each office with which the Member or committee
36 is required to file its next campaign statement pursuant to Section
37 84215. The recipient of the legislative deadline contribution shall
38 report his or her full name and street address, the date and amount
39 of the legislative deadline contribution, and whether the
40 contribution was made in the form of a loan. The recipient shall

1 also report the full name of the contributor, his or her street address,
2 his or her occupation, and the name of his or her employer or, if
3 self-employed, the name of the business.

4 (b) A legislative deadline contribution shall be reported by
5 facsimile transmission, guaranteed overnight delivery, or personal
6 delivery within 24 hours of the time it is received. The report to
7 the Secretary of State shall be by online or electronic transmission
8 only. A legislative deadline contribution shall be reported on
9 subsequent campaign statements without regard to reports filed
10 pursuant to this section.

11 (c) A legislative deadline contribution need not be reported nor
12 shall it be deemed accepted if it is not cashed, negotiated, or
13 deposited, and is returned to the contributor within 24 hours of its
14 receipt.

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

17 SEC. 6. No reimbursement is required by this act pursuant to
18 Section 6 of Article XIII B of the California Constitution because
19 the only costs that may be incurred by a local agency or school
20 district will be incurred because this act creates a new crime or
21 infraction, eliminates a crime or infraction, or changes the penalty
22 for a crime or infraction, within the meaning of Section 17556 of
23 the Government Code, or changes the definition of a crime within
24 the meaning of Section 6 of Article XIII B of the California
25 Constitution.

26 SEC. 7. The Legislature finds and declares that this bill furthers
27 the purposes of the Political Reform Act of 1974 within the
28 meaning of subdivision (a) of Section 81012 of the Government
29 Code.

ASSEMBLY BILL

No. 1881

Introduced by Assembly Member Donnelly

February 22, 2012

An act to amend Sections 84204, 84204.5, and 84211 of the Government Code, relating to the Political Reform Act of 1974.

LEGISLATIVE COUNSEL'S DIGEST

AB 1881, as introduced, Donnelly. Political Reform Act of 1974: campaign statements.

The Political Reform Act of 1974 requires elected officers, candidates, and campaign committees to file periodic campaign statements that include prescribed information, including the name, address, occupation, and employer of each person who made a cumulative amount of contributions of \$100 or more to the campaign statement filer. Under the act, campaign statements are public records and are required to be open for public inspection.

This bill would prohibit a committee that is not controlled by a candidate from disclosing in a campaign statement the name and address of a person who has made a cumulative amount of contributions to that committee in an amount less than \$5,000. The bill would require, upon the request of the Fair Political Practices Commission, that the committee provide the withheld information to the Commission, but that information would not be a public record and would not be open for public inspection. The bill would also make conforming changes.

Existing law makes a knowing or willful violation of the act a misdemeanor and subjects offenders to criminal penalties.

By creating additional crimes, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act’s purposes upon a 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: 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 84204 of the Government Code is
 2 amended to read:
 3 84204. (a) A committee that makes a late independent
 4 expenditure, as defined in Section 82036.5, shall report the late
 5 independent expenditure by facsimile transmission, guaranteed
 6 overnight delivery, or personal delivery within 24 hours of the
 7 time it is made. If a late independent expenditure is required to be
 8 reported to the Secretary of State, the report to the Secretary of
 9 State shall be by online or electronic transmission only. A late
 10 independent expenditure shall be reported on subsequent campaign
 11 statements without regard to reports filed pursuant to this section.
 12 (b) A committee that makes a late independent expenditure shall
 13 report its full name and street address, as well as the name, office,
 14 and district of the candidate if the report is related to a candidate,
 15 or if the report is related to a measure, the number or letter of the
 16 measure, the jurisdiction in which the measure is to be voted upon,
 17 and the amount and the date, as well as a description of goods or
 18 services for which the late independent expenditure was made. In
 19 addition to the information required by this subdivision, a
 20 committee that makes a late independent expenditure shall include
 21 with its late independent expenditure report the information
 22 required by ~~paragraphs (1) to (5)~~ *subparagraphs (A) to (E)*,
 23 inclusive, *of paragraph (1)* of subdivision (f) of Section 84211,
 24 covering the period from the day after the closing date of the last
 25 campaign report filed to the date of the late independent

1 expenditure, or if the committee has not previously filed a
2 campaign statement, covering the period from the previous January
3 1 to the date of the late independent expenditure. No information
4 required by ~~paragraphs (1) to (5)~~ *subparagraphs (A) to (E)*,
5 inclusive, of *paragraph (1)* of subdivision (f) of Section 84211
6 that is required to be reported with a late independent expenditure
7 report by this subdivision is required to be reported on more than
8 one late independent expenditure report.

9 (c) A committee that makes a late independent expenditure shall
10 file a late independent expenditure report in the places where it
11 would be required to file campaign statements under this article
12 as if it were formed or existing primarily to support or oppose the
13 candidate or measure for or against which it is making the late
14 independent expenditure.

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

17 (e) Expenditures that have been disclosed by candidates and
18 committees pursuant to Section 85500 are not required to be
19 disclosed pursuant to this section.

20 SEC. 2. Section 84204.5 of the Government Code is amended
21 to read:

22 84204.5. (a) In addition to any other report required by this
23 title, a committee pursuant to subdivision (a) of Section 82013 that
24 is required to file reports pursuant to Section 84605 shall file online
25 or electronically with the Secretary of State each time it makes
26 contributions totaling five thousand dollars (\$5,000) or more or
27 each time it makes independent expenditures totaling five thousand
28 dollars (\$5,000) or more to support or oppose the qualification or
29 passage of a single state ballot measure. The report shall be filed
30 within 10 business days of making the contributions or independent
31 expenditures and shall contain all of the following:

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

34 (2) The number or letter of the measure if the measure has
35 qualified for the ballot and has been assigned a number or letter;
36 the title of the measure if the measure has not been assigned a
37 number or letter but has been issued a title by the Attorney General;
38 or the subject of the measure if the measure has not been assigned
39 a number or letter and has not been issued a title by the Attorney
40 General.

1 (3) In the case of a contribution, the date and amount of the
2 contribution and the name, address, and identification number of
3 the committee to whom the contribution was made. In addition,
4 the report shall include the information required by ~~paragraphs (1)~~
5 ~~to (5) subparagraphs (A) to (E)~~, inclusive, of *paragraph (1)* of
6 subdivision (f) of Section 84211, regarding contributions or loans
7 received from a person described in that subdivision, covering the
8 period from the day after the closing date of the last campaign
9 report filed to the date of the contribution requiring a report under
10 this section, or if the committee has not previously filed a campaign
11 statement, covering the period from the previous January 1 to the
12 date of the contribution requiring a report under this section. No
13 information described in ~~paragraphs (1) to (5) subparagraphs (A)~~
14 ~~to (E)~~, inclusive, of *paragraph (1)* of subdivision (f) of Section
15 84211 that is required to be reported pursuant to this subdivision
16 is required to be reported in more than one report provided for in
17 this subdivision for each contribution or loan received from a
18 person described in subdivision (f) of Section 84211.

19 (4) In the case of an independent expenditure, the date, amount,
20 and a description of the goods or services for which the expenditure
21 was made. In addition, the report shall include the information
22 required by ~~paragraphs (1) to (5) subparagraphs (A) to (E)~~,
23 inclusive, of *paragraph (1)* of subdivision (f) of Section 84211
24 regarding contributions or loans received from a person described
25 in that subdivision, covering the period from the day after the
26 closing date of the last campaign report filed to the date of the
27 expenditure, or if the committee has not previously filed a
28 campaign statement, covering the period from the previous January
29 1 to the date of the expenditure. No information described in
30 ~~paragraphs (1) to (5) subparagraphs (A) to (E)~~, inclusive, of
31 *paragraph (1)* of subdivision (f) of Section 84211 that is required
32 to be reported pursuant to this subdivision is required to be reported
33 in more than one report provided for in this subdivision for each
34 contribution or loan received from a person described in
35 subdivision (f) of Section 84211.

36 (b) Reports required by this section are not required to be filed
37 by a committee primarily formed to support or oppose the
38 qualification or passage of a state ballot measure for expenditures
39 made on behalf of the ballot measure or measures for which it is
40 formed.

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

4 SEC. 3. Section 84211 of the Government Code is amended
5 to read:

6 84211. Each campaign statement required by this article shall
7 contain all of the following information:

8 (a) The total amount of contributions received during the period
9 covered by the campaign statement and the total cumulative amount
10 of contributions received.

11 (b) The total amount of expenditures made during the period
12 covered by the campaign statement and the total cumulative amount
13 of expenditures made.

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

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

20 (e) The balance of cash and cash equivalents on hand at the
21 beginning and the end of the period covered by the campaign
22 statement.

23 (f) ~~If (1)~~ *Except as provided in paragraph (2), if* the cumulative
24 amount of contributions (including loans) received from a person
25 is one hundred dollars (\$100) or more and a contribution or loan
26 has been received from that person during the period covered by
27 the campaign statement, all of the following:

28 ~~(1)~~

29 (A) His or her full name.

30 ~~(2)~~

31 (B) His or her street address.

32 ~~(3)~~

33 (C) His or her occupation.

34 ~~(4)~~

35 (D) The name of his or her employer, or if self-employed, the
36 name of the business.

37 ~~(5)~~

38 (E) The date and amount received for each contribution received
39 during the period covered by the campaign statement and if the
40 contribution is a loan, the interest rate for the loan.

- 1 ~~(6)~~
- 2 (F) The cumulative amount of contributions.
- 3 (2) *A campaign statement of a committee that is not a candidate*
- 4 *controlled committee shall not disclose the name or street address*
- 5 *of a person who has made a cumulative amount of contributions*
- 6 *to the committee that is less than five thousand dollars (\$5,000).*
- 7 *However, upon request of the Commission, the committee shall*
- 8 *provide the Commission any name and street address that are*
- 9 *withheld from a campaign statement pursuant to this paragraph.*
- 10 *A record provided to the Commission pursuant to this paragraph*
- 11 *that contains the name and street address of a contributor is not*
- 12 *a public record and shall not be open for public inspection.*
- 13 (g) If the cumulative amount of loans received from or made to
- 14 a person is one hundred dollars (\$100) or more, and a loan has
- 15 been received from or made to a person during the period covered
- 16 by the campaign statement, or is outstanding during the period
- 17 covered by the campaign statement, all of the following:
- 18 (1) His or her full name.
- 19 (2) His or her street address.
- 20 (3) His or her occupation.
- 21 (4) The name of his or her employer, or if self-employed, the
- 22 name of the business.
- 23 (5) The original date and amount of each loan.
- 24 (6) The due date and interest rate of the loan.
- 25 (7) The cumulative payment made or received to date at the end
- 26 of the reporting period.
- 27 (8) The balance outstanding at the end of the reporting period.
- 28 (9) The cumulative amount of contributions.
- 29 (h) For each person, other than the filer, who is directly,
- 30 indirectly, or contingently liable for repayment of a loan received
- 31 or outstanding during the period covered by the campaign
- 32 statement, all of the following:
- 33 (1) His or her full name.
- 34 (2) His or her street address.
- 35 (3) His or her occupation.
- 36 (4) The name of his or her employer, or if self-employed, the
- 37 name of the business.
- 38 (5) The amount of his or her maximum liability outstanding.

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

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

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

10 (1) His or her full name.

11 (2) His or her street address.

12 (3) The amount of each expenditure.

13 (4) A brief description of the consideration for which each
14 expenditure was made.

15 (5) In the case of an expenditure which is a contribution to a
16 candidate, elected officer, or committee or an independent
17 expenditure to support or oppose a candidate or measure, in
18 addition to the information required in paragraphs (1) to (4) ~~above~~,
19 *inclusive*, the date of the contribution or independent expenditure,
20 the cumulative amount of contributions made to a candidate,
21 elected officer, or committee, or the cumulative amount of
22 independent expenditures made relative to a candidate or measure;
23 the full name of the candidate, and the office and district for which
24 he or she seeks nomination or election, or the number or letter of
25 the measure; and the jurisdiction in which the measure or candidate
26 is voted upon.

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

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

36 (l) In the case of a controlled committee, an official committee
37 of a political party, or an organization formed or existing primarily
38 for political purposes, the amount and source of any miscellaneous
39 receipt.

1 (m) If a committee is listed pursuant to subdivision (f), (g), (h),
2 (k), (l), or (q), the number assigned to the committee by the
3 Secretary of State shall be listed, or if no number has been assigned,
4 the full name and street address of the treasurer of the committee.

5 (n) In a campaign statement filed by a candidate who is a
6 candidate in both a state primary and general election, his or her
7 controlled committee, or a committee primarily formed to support
8 or oppose such a candidate, the total amount of contributions
9 received and the total amount of expenditures made for the period
10 January 1 ~~through~~ to June 30, *inclusive*, and the total amount of
11 contributions received and expenditures made for the period July
12 1 ~~through~~ to December 31, *inclusive*.

13 (o) The full name, residential or business address, and telephone
14 number of the filer, or in the case of a campaign statement filed
15 by a committee defined by subdivision (a) of Section 82013, the
16 name, street address, and telephone number of the committee and
17 of the committee treasurer. In the case of a committee defined by
18 subdivision (b) or (c) of Section 82013, the name that the filer uses
19 on campaign statements shall be the name by which the filer is
20 identified for other legal purposes or any name by which the filer
21 is commonly known to the public.

22 (p) If the campaign statement is filed by a candidate, the name,
23 street address, and treasurer of any committee of which he or she
24 has knowledge which has received contributions or made
25 expenditures on behalf of his or her candidacy and whether the
26 committee is controlled by the candidate.

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

31 (r) If a committee primarily formed for the qualification or
32 support of, or opposition to, an initiative or ballot measure is
33 required to report an expenditure to a business entity pursuant to
34 subdivision (k) and 50 percent or more of the business entity is
35 owned by a candidate or person controlling the committee, by an
36 officer or employee of the committee, or by a spouse of any of
37 these individuals, the committee's campaign statement shall also
38 contain, in addition to the information required by subdivision (k),
39 that person's name, the relationship of that person to the committee,

1 and a description of that person’s ownership interest or position
2 with the business entity.

3 (s) If a committee primarily formed for the qualification or
4 support of, or opposition to, an initiative or ballot measure is
5 required to report an expenditure to a business entity pursuant to
6 subdivision (k), and a candidate or person controlling the
7 committee, an officer or employee of the committee, or a spouse
8 of any of these individuals is an officer, partner, consultant, or
9 employee of the business entity, the committee’s campaign
10 statement shall also contain, in addition to the information required
11 by subdivision (k), that person’s name, the relationship of that
12 person to the committee, and a description of that person’s
13 ownership interest or position with the business entity.

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

17 (1) If the filer is an individual, the name and address of the
18 filer’s employer, if any, or his or her principal place of business
19 if the filer is self-employed, and a description of the business
20 activity in which the filer or his or her employer is engaged.

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

23 (3) If the filer is an industry, trade, or professional association,
24 a description of the industry, trade, or profession which it
25 represents, including a specific description of any portion or faction
26 of the industry, trade, or profession which the association
27 exclusively or primarily represents.

28 (4) If the filer is not an individual, business entity, or industry,
29 trade, or professional association, a statement of the person’s nature
30 and purposes, including a description of any industry, trade,
31 profession, or other group with a common economic interest which
32 the person principally represents or from which its membership
33 or financial support is principally derived.

34 SEC. 4. No reimbursement is required by this act pursuant to
35 Section 6 of Article XIII B of the California Constitution because
36 the only costs that may be incurred by a local agency or school
37 district will be incurred because this act creates a new crime or
38 infraction, eliminates a crime or infraction, or changes the penalty
39 for a crime or infraction, within the meaning of Section 17556 of
40 the Government Code, or changes the definition of a crime within

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

O

ASSEMBLY BILL

No. 2054

Introduced by Assembly Member Fong

February 23, 2012

An act to amend Section 83109 of the Government Code, relating to the Political Reform Act of 1974.

LEGISLATIVE COUNSEL'S DIGEST

AB 2054, as introduced, Fong. Fair Political Practices Commission: civil service classification.

The Political Reform Act of 1974 establishes the Fair Political Practices Commission to implement the act's provisions. Under the act, a nonclerical position in the Commission is not to be included in the same civil service classification with any position of any other department or agency.

This bill would correct an erroneous cross-reference in that provision.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

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

- 1 SECTION 1. Section 83109 of the Government Code is
- 2 amended to read:
- 3 83109. For purposes of Section ~~18801~~ 19818.6 of the
- 4 Government Code, ~~no non-clerical~~ a nonclerical position under
- 5 the Commission shall *not* be included in the same class in the civil

- 1 service classification plan with any position of any other
- 2 department or agency.

O

ASSEMBLY BILL

No. 2062

Introduced by Assembly Member Davis

February 23, 2012

An act to add Section 87500.2 to the Government Code, relating to the Political Reform Act of 1974, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 2062, as introduced, Davis. Political Reform Act of 1974: statements of economic interests: electronic filing.

Existing law establishes, until December 31, 2012, a pilot program authorizing specified local government agencies to develop and implement a system for the electronic filing of statements of economic interests by certain public officials, as specified.

This bill would authorize all agencies to permit the electronic filing of a statement of economic interests, in accordance with regulations adopted by the Fair Political Practices Commission. The bill would require the Commission to approve and certify an electronic filing system proposed by an agency if the system meets prescribed requirements. The bill would also authorize the Commission to conduct discretionary audits of an agency's electronic filing system to evaluate its performance and compliance with the requirements of this bill.

The bill would authorize a city or county that developed an electronic filing system pursuant to the pilot program to continue to use that system during the time it takes the Commission to adopt the regulations to govern the electronic filing system program, but would require the city or county to submit a description of its electronic filing system to the

Commission for approval and certification after the Commission’s regulations take effect, as specified.

Existing law makes a knowing or willful violation of the Political Reform Act of 1974 a misdemeanor and subjects offenders to criminal penalties.

By creating additional crimes, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act’s purposes upon a 2/3 vote of each house and compliance with specified procedural requirements.

This bill would declare that it furthers the purposes of the act.

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

Vote: 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 87500.2 is added to the Government
- 2 Code, to read:
- 3 87500.2. (a) An agency may permit the electronic filing of a
- 4 statement of economic interests required by Article 2 (commencing
- 5 with Section 87200) or Article 3 (commencing with Section
- 6 87300), including amendments, in accordance with regulations
- 7 adopted by the Commission.
- 8 (b) In consultation with interested agencies, the Commission
- 9 shall use common database integration features in developing
- 10 database design requirements for all electronic filings that may be
- 11 used.
- 12 (c) (1) An agency that intends to permit electronic filing of a
- 13 statement of economic interests shall submit a proposal, which
- 14 shall include a description of the electronic filing system that the
- 15 agency proposes to use, to the Commission for approval and
- 16 certification.

1 (2) The Commission shall review an agency's proposal for
2 compliance with the system requirement regulations adopted
3 pursuant to subdivisions (a) and (b) and the requirements of
4 subdivision (d). If the proposed system complies with these
5 requirements, the Commission shall approve and certify the
6 agency's electronic filing system as soon as practicable after
7 receiving the agency's submitted proposal.

8 (d) An agency's proposed electronic filing system shall meet
9 the following requirements:

10 (1) A statement of economic interests filed electronically shall
11 include an electronic transmission that is submitted under penalty
12 of perjury and that conforms to subdivision (b) of Section 1633.11
13 of the Civil Code.

14 (2) (A) The agency's filing officer shall issue to a person who
15 electronically files his or her statement of economic interests or
16 amendment electronic confirmation that notifies the filer that his
17 or her statement of economic interests or amendment was received.
18 The confirmation shall include the date and the time that the
19 statement of economic interests or amendment was received by
20 the filing officer and the method by which the filer may view and
21 print the data received by the filing officer.

22 (B) A copy retained by the filer of a statement of economic
23 interests or amendment that was electronically filed and the
24 confirmation issued pursuant to subparagraph (A) that shows that
25 the filer timely filed his or her statement of economic interests or
26 amendment shall create a rebuttable presumption that the filer
27 timely filed his or her statement of economic interests or
28 amendment.

29 (3) The agency shall utilize an electronic filing system that
30 includes layered security to ensure data integrity. The system shall
31 have the capability to uniquely identify a filer electronically when
32 he or she accesses the electronic filing system. The operational
33 process for the system shall include industry best practices to
34 ensure that the security and integrity of the data and information
35 contained in the statement of economic interests is not jeopardized
36 or compromised.

37 (4) The agency shall provide the public with a copy of an
38 official's statement of economic interests upon request, in
39 accordance with Section 81008. The copy of the electronically
40 filed statement of economic interests shall be identical to the

1 statement of economic interests published by the Commission and
2 shall include the date that the statement was filed.

3 (e) The Commission may adopt regulations to require that an
4 agency redact information on a statement of economic interests
5 prior to posting the statement of economic interests on the Internet.

6 (f) The Commission may conduct discretionary audits of an
7 agency’s approved and certified electronic filing system to evaluate
8 its performance and compliance with the requirements of this
9 section.

10 (g) A city or county that developed an electronic filing system
11 pursuant to the pilot program established by Section 87500.1 may
12 continue to use that system for purposes of this section, including,
13 but not limited to, the time during which the Commission is
14 adopting the regulations required by this section. However, after
15 the Commission’s regulations take effect, the city or county shall
16 submit a description of its electronic filing system to the
17 Commission for approval and certification, within a reasonable
18 time to be determined by the Commission. A city or county shall
19 not continue to use an electronic filing system originally developed
20 for purposes of Section 87500.1 if the Commission does not
21 approve and certify that electronic filing system as complying with
22 the requirements of the Commission’s regulations and the other
23 requirements of this section.

24 SEC. 2. No reimbursement is required by this act pursuant to
25 Section 6 of Article XIII B of the California Constitution because
26 the only costs that may be incurred by a local agency or school
27 district will be incurred because this act creates a new crime or
28 infraction, eliminates a crime or infraction, or changes the penalty
29 for a crime or infraction, within the meaning of Section 17556 of
30 the Government Code, or changes the definition of a crime within
31 the meaning of Section 6 of Article XIII B of the California
32 Constitution.

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

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

1 In order to allow the Fair Political Practices Commission time
2 to develop regulations and procedures critical to the implementation
3 of a system for the electronic filing of statements of economic
4 interests prior to the 2013 filing period, which will allow state and
5 local agencies to achieve significant savings, and to allow the city
6 and county agencies that participated in the pilot program to
7 continue using electronic filing while the Commission develops
8 the necessary regulations in order to preserve the substantial
9 investment those agencies have already made in developing
10 electronic filing systems, it is necessary that this act take immediate
11 effect.

O

ASSEMBLY BILL

No. 2129

Introduced by Assembly Member Cook
(Principal coauthor: Senator Emmerson)

February 23, 2012

An act relating to the Political Reform Act of 1974.

LEGISLATIVE COUNSEL'S DIGEST

AB 2129, as introduced, Cook. Political Reform Act of 1974.

The Political Reform Act of 1974 establishes the Fair Political Practices Commission, which has the primary responsibility for the impartial, effective administration and implementation of the act, including acting as the civil prosecutor responsible for the enforcement of the penalty provisions of the act.

This bill would state the intent of the Legislature to enact legislation that would require the Fair Political Practices Commission to have primary responsibility for the impartial, effective administration, implementation, and enforcement of a campaign reform ordinance for the County of San Bernardino, which would apply as to the county only if the board of supervisors has adopted a campaign reform ordinance and also has adopted an ordinance to make the statute applicable in the county.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

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

- 1 SECTION 1. It is the intent of the Legislature to enact
- 2 legislation that would require the Fair Political Practices

1 Commission to have the primary responsibility for the impartial,
2 effective administration, implementation, and enforcement of a
3 campaign reform ordinance for the County of San Bernardino,
4 which would apply as to the county only if the board of supervisors
5 has adopted a campaign reform ordinance and also has adopted
6 an ordinance to make the statute applicable in the county.

O

ASSEMBLY BILL

No. 2162

Introduced by Assembly Member Portantino

February 23, 2012

An act to amend Sections 87206 and 87207 of the Government Code, relating to the Political Reform Act of 1974.

LEGISLATIVE COUNSEL'S DIGEST

AB 2162, as introduced, Portantino. Political Reform Act of 1974: economic interest disclosure.

The Political Reform Act of 1974 requires persons holding specified public offices to file disclosures of investments, real property interests, and income within specified periods of assuming or leaving office, and annually while holding the office. The act requires the disclosures to include a statement indicating, within a specified value range, the fair market value of investments or interests in real property and the aggregate value of income received from a source.

This bill would revise the dollar amounts associated with these ranges to provide for 8 total ranges of fair market value of investments and real property interests and 10 total ranges of aggregate value of income.

Existing law makes a knowing or willful violation of the act a misdemeanor and subjects offenders to criminal penalties.

By creating additional crimes, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act’s purposes upon a 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: 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 87206 of the Government Code is
2 amended to read:

3 87206. (a) If an investment or an interest in real property is
4 required to be disclosed under this article, the statement shall
5 contain *all of the following*:

- 6 (a)
- 7 (1) A statement of the nature of the investment or interest.
- 8 (b)
- 9 (2) The name of the business entity in which each investment
10 is held, and a general description of the business activity in which
11 the business entity is engaged.
- 12 (c)
- 13 (3) The address or other precise location of the real property.
- 14 (d)
- 15 (4) A statement ~~whether~~ *indicating which of the following ranges*
16 *represents* the fair market value of the investment or interest in
17 real property ~~equals or exceeds two thousand dollars (\$2,000) but~~
18 ~~does not exceed ten thousand dollars (\$10,000), whether it exceeds~~
19 ~~ten thousand dollars (\$10,000) but does not exceed one hundred~~
20 ~~thousand dollars (\$100,000), whether it exceeds one hundred~~
21 ~~thousand dollars (\$100,000) but does not exceed one million dollars~~
22 ~~(\$1,000,000), or whether it exceeds one million dollars~~
23 ~~(\$1,000,000):~~
24 (A) *At least two thousand dollars (\$2,000) but not greater than*
25 *twenty-five thousand dollars (\$25,000).*
26 (B) *More than twenty-five thousand dollars (\$25,000) but not*
27 *greater than one hundred thousand dollars (\$100,000).*
28 (C) *More than one hundred thousand dollars (\$100,000) but*
29 *not greater than two hundred fifty thousand dollars (\$250,000).*

1 (D) More than two hundred fifty thousand dollars (\$250,000)
2 but not greater than five hundred thousand dollars (\$500,000).

3 (E) More than five hundred thousand dollars (\$500,000) but
4 not greater than one million dollars (\$1,000,000).

5 (F) More than one million dollars (\$1,000,000) but not greater
6 than five million dollars (\$5,000,000).

7 (G) More than five million dollars (\$5,000,000) but not greater
8 than ten million dollars (\$10,000,000).

9 (H) More than ten million dollars (\$10,000,000).

10 (e)

11 (5) In the case of a statement filed under ~~Sections~~ Section 87203
12 or 87204, if the investment or interest in real property was partially
13 or wholly acquired or disposed of during the period covered by
14 the statement, the date of acquisition or disposal.

15 (f)

16 (b) For purposes of disclosure under this article, “interest in real
17 property” does not include the principal residence of the filer or
18 any other property which the filer utilizes exclusively as the
19 personal residence of the filer.

20 SEC. 2. Section 87207 of the Government Code is amended
21 to read:

22 87207. (a) ~~When~~ Except as provided in subdivision (b), when
23 income is required to be reported under this article, the statement
24 shall contain, ~~except as provided in subdivision (b)~~ the following:

25 (1) The name and address of each source of income aggregating
26 five hundred dollars (\$500) or more in value, or fifty dollars (\$50)
27 or more in value if the income was a gift, and a general description
28 of the business activity, if any, of each source.

29 (2) A statement ~~whether~~ indicating which of the following ranges
30 represents the aggregate value of income from each source, or in
31 the case of a loan, the highest amount owed to each source, ~~was~~
32 at least five hundred dollars (\$500) but did not exceed one thousand
33 dollars (\$1,000), whether it was in excess of one thousand dollars
34 (\$1,000) but was not greater than ten thousand dollars (\$10,000),
35 whether it was greater than ten thousand dollars (\$10,000) but not
36 greater than one hundred thousand dollars (\$100,000), or whether
37 it was greater than one hundred thousand dollars (\$100,000):.

38 (A) At least five hundred dollars (\$500) but not greater than
39 one thousand dollars (\$1,000).

1 (B) More than one thousand dollars (\$1,000) but not greater
2 than ten thousand dollars (\$10,000).

3 (C) More than ten thousand dollars (\$10,000) but not greater
4 than twenty-five thousand dollars (\$25,000).

5 (D) More than twenty-five thousand dollars (\$25,000) but not
6 greater than one hundred thousand dollars (\$100,000).

7 (E) More than one hundred thousand dollars (\$100,000) but
8 not greater than two hundred fifty thousand dollars (\$250,000).

9 (F) More than two hundred fifty thousand dollars (\$250,000)
10 but not greater than five hundred thousand dollars (\$500,000).

11 (G) More than five hundred thousand dollars (\$500,000) but
12 not greater than one million dollars (\$1,000,000).

13 (H) More than one million dollars (\$1,000,000) but not greater
14 than five million dollars (\$5,000,000).

15 (I) More than five million dollars (\$5,000,000) but not greater
16 than ten million dollars (\$10,000,000).

17 (J) More than ten million dollars (\$10,000,000).

18 (3) A description of the consideration, if any, for which the
19 income was received.

20 (4) In the case of a gift, the amount and the date on which the
21 gift was received.

22 (5) In the case of a loan, the annual interest rate, the security,
23 if any, given for the loan, and the term of the loan.

24 (b) When the filer's pro rata share of income to a business entity,
25 including income to a sole proprietorship, is required to be reported
26 under this article, the statement shall contain *the following*:

27 (1) The name, address, and a general description of the business
28 activity of the business entity.

29 (2) The name of every person from whom the business entity
30 received payments if the filer's pro rata share of gross receipts
31 from that person was equal to or greater than ten thousand dollars
32 (\$10,000) during a calendar year.

33 (c) When a payment, including an advance or reimbursement,
34 for travel is required to be reported pursuant to this section, it may
35 be reported on a separate travel reimbursement schedule which
36 shall be included in the filer's statement of economic interest. A
37 filer who chooses not to use the travel schedule shall disclose
38 payments for travel as a gift, unless it is clear from all surrounding
39 circumstances that the services provided were equal to or greater

1 in value than the payments for the travel, in which case the travel
2 may be reported as income.

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

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

ASSEMBLY BILL

No. 2191

Introduced by Assembly Member Norby

February 23, 2012

An act to amend Sections 81009.5, 82013, 82023, and 85703 of the Government Code, relating to the Political Reform Act of 1974.

LEGISLATIVE COUNSEL'S DIGEST

AB 2191, as introduced, Norby. Political Reform Act of 1974: county central committees.

The Political Reform Act of 1974 requires elected officers, candidates for elective office, and committees to prepare and file various campaign finance reports, as specified. The act defines “committee” to include, among other things, any person or combination of persons who directly or indirectly receive contributions totaling \$1,000 or more in a calendar year. The act defines “elective office” to expressly include membership on a county central committee of a qualified political party, thereby making elected members of, and candidates for election to, a county central committee of a qualified political party subject to the reporting requirements of the act.

This bill would revise the definition of “elective office” to exclude membership on a county central committee of a qualified political party and would revise the definition of “committee” to exclude an entity that is primarily formed to support or oppose a person seeking election to a county central committee of a qualified political party.

The act imposes limitations on contributions by persons to candidates for elective state office and permits local jurisdictions to impose additional contribution limitations, as specified. The act also authorizes

a local agency to impose additional filing requirements on a person, except as specified.

This bill would prohibit a local government agency from imposing filing requirements on elected members of, or candidates for election to, a county central committee of a qualified political party. The bill would also prohibit a local agency from imposing any contribution limitations or prohibitions on elected members of, or candidates for election to, a county central committee of a qualified political party, or on a committee primarily formed to support or oppose a person seeking election to a county central committee of a qualified political party.

The Political Reform Act of 1974, an initiative measure, provides that the act may be amended by a statute that becomes effective upon approval of the voters.

This bill would require the Secretary of State to submit the provisions of the bill that would amend the Political Reform Act of 1974 to the voters for approval at a statewide election, as specified.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

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

1 SECTION 1. Section 81009.5 of the Government Code is
2 amended to read:

3 81009.5. (a) ~~Any~~A local government agency ~~which~~ that has
4 enacted, enacts, amends, or repeals an ordinance or other provision
5 of law affecting campaign contributions and expenditures shall
6 file a copy of the action with the ~~commission~~ Commission.

7 (b) Notwithstanding Section 81013, ~~no~~ a local government
8 agency shall *not* enact any ordinance imposing filing requirements
9 additional to or different from those set forth in Chapter 4
10 (commencing with Section 84100) for elections held in its
11 jurisdiction unless the additional or different filing requirements
12 apply only to the candidates seeking election in that jurisdiction,
13 their controlled committees or committees formed or existing
14 primarily to support or oppose their candidacies, and to committees
15 formed or existing primarily to support or oppose a candidate or
16 to support or oppose the qualification of, or passage of, a local
17 ballot measure which is being voted on only in that jurisdiction,
18 and to city or county general purpose committees active only in
19 that city or county, respectively. *However, a local government*

1 *agency shall not impose any filing requirements on elected*
2 *members of, or candidates for election to, a county central*
3 *committee of a qualified political party or on committees primarily*
4 *formed to support or oppose a person seeking election to a county*
5 *central committee of a qualified political party.*

6 SEC. 2. Section 82013 of the Government Code is amended
7 to read:

8 82013. “Committee” means any person or combination of
9 persons who directly or indirectly does any of the following:

10 (a) Receives contributions totaling one thousand dollars (\$1,000)
11 or more in a calendar year.

12 (b) Makes independent expenditures totaling one thousand
13 dollars (\$1,000) or more in a calendar year; ~~or.~~

14 (c) Makes contributions totaling ten thousand dollars (\$10,000)
15 or more in a calendar year to or at the behest of candidates or
16 committees.

17 A person or combination of persons that becomes a committee
18 shall retain its status as a committee until ~~such time as~~ that status
19 is terminated pursuant to Section 84214.

20 “Committee” does not include an entity primarily formed to
21 support or oppose a person seeking election to a county central
22 committee of a qualified political party.

23 SEC. 3. Section 82023 of the Government Code is amended
24 to read:

25 82023. “Elective office” means any state, regional, county,
26 municipal, district, or judicial office that is filled at an election.
27 “Elective office” also includes ~~membership on a county central~~
28 ~~committee of a qualified political party,~~ and membership through
29 election on the Board of Administration of the Public Employees’
30 Retirement System or the Teachers’ Retirement Board. “*Elective*
31 *office*” does not include membership on a county central committee
32 of a qualified political party.

33 SEC. 4. Section 85703 of the Government Code is amended
34 to read:

35 85703. (a) Nothing in this act shall nullify contribution
36 limitations or prohibitions of any local jurisdiction that apply to
37 elections for local elective office, except that these limitations and
38 prohibitions may not conflict with ~~the provisions of~~ Section 85312.
39 *However, a local jurisdiction shall not impose any contribution*
40 *limitations or prohibitions on elected members of, or candidates*

1 *for election to, a county central committee of a qualified political*
2 *party, or on a committee primarily formed to support or oppose*
3 *a person seeking election to a county central committee of a*
4 *qualified political party.*

5 (b) Limitations and prohibitions imposed by a local jurisdiction
6 on payments for a member communication, as defined in
7 subdivision (c), that conflict with Section 85312 and which are
8 thereby prohibited by subdivision (a) include, but are not limited
9 to, any of the following:

10 (1) Source restrictions on payments for member communications
11 that are not expressly made applicable to member communications
12 by a state statute or by a regulation adopted by the ~~commission~~
13 *Commission* pursuant to Section 83112.

14 (2) Limitations on payments to a political party committee for
15 a member communication that are not expressly made applicable
16 to member communications by a state statute or by a regulation
17 adopted by the ~~commission~~ *Commission* pursuant to Section 83112.

18 (3) Limitations on the scope of payments considered directly
19 related to the making of a member communication, including costs
20 associated with the formulation, design, production, and
21 distribution of the communication such as surveys, list acquisition,
22 and consulting fees that are not expressly made applicable to
23 member communications by a state statute or by a regulation
24 adopted by the ~~commission~~ *Commission* pursuant to Section 83112.

25 (c) For purposes of this section, “member communication”
26 means a communication, within the meaning of Section 85312, to
27 members, employees, shareholders, or families of members,
28 employees, or shareholders of an organization, including a
29 communication by a political party to its members who are
30 registered with that party.

31 SEC. 5. The Secretary of State shall, pursuant to subdivision
32 (b) of Section 81012 of the Government Code, submit Sections 1
33 to 4, inclusive, of this act to the voters for approval at a statewide
34 election in accordance with Section 9040 of the Elections Code.

ASSEMBLY BILL

No. 2220

Introduced by Assembly Member Gatto

February 24, 2012

An act to amend Section 9085 of the Elections Code, and to amend Section 88002.5 of the Government Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 2220, as introduced, Gatto. Elections: statewide ballot pamphlet.

The Political Reform Act of 1974 requires the Legislative Analyst to prepare an impartial analysis of each initiative measure to appear on the ballot, and provides that the Legislative Analyst is solely responsible for determining the content of the analysis. The act requires the Legislative Analyst to prepare an impartial fiscal analysis of a measure that is included in the ballot pamphlet stating whether the measure would increase or decrease any revenue or cost to state or local government. Existing law also requires the Legislative Analyst to prepare for inclusion in the ballot pamphlet a summary statement regarding the general meaning and effect of “yes” and “no” votes on each state measure.

The Political Reform Act of 1974, an initiative statute, generally 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. The act also provides that, notwithstanding this requirement, the Legislature may without restriction amend specified provisions of the act to add to the ballot pamphlet information regarding candidates or other information.

This bill would, except as specified, require, if a fiscal analysis prepared by the Legislative Analyst determines that a measure would

provide an increase in revenues to fund new or existing programs, that specified language be added at the end of the “yes” and “no” summary statement in the ballot pamphlet advising that, unless changed by a future measure approved by the voters, the initiative would forever dedicate the revenue it generates to programs identified in the initiative by its backers and that these revenues would not be available to meet other responsibilities of the state not identified in the initiative. The bill also would contain a finding and declaration of the Legislature that the bill permits or requires additional information to be included in the ballot pamphlet in accordance with the provision of the Political Reform Act of 1974 described above that authorizes the Legislature to add information to the ballot pamphlet.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

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

1 SECTION 1. Section 9085 of the Elections Code is amended
2 to read:
3 9085. (a) The ballot pamphlet shall also contain a section,
4 located near the front of the pamphlet, that provides a concise
5 summary of the general meaning and effect of “yes” and “no”
6 votes on each state measure.
7 (b) The summary statements required by this section shall be
8 prepared by the Legislative Analyst. These statements are not
9 intended to provide comprehensive information on each measure.
10 The Legislative Analyst shall be solely responsible for determining
11 the contents of these statements. The statements shall be available
12 for public examination and amendment pursuant to Section 9092.
13 (c) (1) *Except as provided in paragraph (2), if an initiative*
14 *measure qualifies for the ballot and the analysis prepared pursuant*
15 *to Section 9087 determines that the initiative measure would*
16 *provide for an increase in revenues to fund new or existing*
17 *programs, the Legislative Analyst shall add a paragraph at the*
18 *end of the summary statement prepared pursuant to this section,*
19 *stating as follows:*
20 *“Unless changed by a future measure approved by the voters,*
21 *this initiative would forever dedicate the revenue it generates to*
22 *programs identified in the initiative by its backers, and these*

1 *revenues would not be available to meet other responsibilities of*
2 *the state not identified in the initiative.”*

3 *(2) Paragraph (1) shall not apply if the measure provides that*
4 *the increase in revenues is to be deposited without restriction into*
5 *the General Fund commencing at a future date after its enactment,*
6 *or if the initiative measure allows the Legislature to reallocate the*
7 *increase in revenues.*

8 SEC. 2. Section 88002.5 of the Government Code is amended
9 to read:

10 88002.5. (a) The ballot pamphlet shall also contain a section,
11 located near the front of the pamphlet, that provides a concise
12 summary of the general meaning and effect of “yes” and “no”
13 votes on each state measure.

14 (b) The summary statements required by this section shall be
15 prepared by the Legislative Analyst. These statements are not
16 intended to provide comprehensive information on each measure.
17 The Legislative Analyst shall be solely responsible for determining
18 the contents of these statements. The statements shall be available
19 for public examination and amendment pursuant to Section 88006.

20 *(c) (1) Except as provided in paragraph (2), if an initiative*
21 *measure qualifies for the ballot and the analysis prepared pursuant*
22 *to Section 88003 determines that the initiative measure would*
23 *provide for an increase in revenues to fund new or existing*
24 *programs, the Legislative Analyst shall add a paragraph at the*
25 *end of the summary statement prepared pursuant to this section,*
26 *stating as follows:*

27 *“Unless changed by a future measure approved by the voters,*
28 *this initiative would forever dedicate the revenue it generates to*
29 *programs identified in the initiative by its backers, and these*
30 *revenues would not be available to meet other responsibilities of*
31 *the state not identified in the initiative.”*

32 *(2) Paragraph (1) shall not apply if the measure provides that*
33 *the increase in revenues is to be deposited without restriction into*
34 *the General Fund commencing at a future date after its enactment,*
35 *or if the initiative measure allows the Legislature to reallocate the*
36 *increase in revenues.*

37 SEC. 3. The Legislature finds and declares that this act permits
38 or requires the inclusion of additional information on the ballot

- 1 pamphlet in accordance with Section 88007 of the Government
- 2 Code.

O

ASSEMBLY BILL

No. 2239

Introduced by Assembly Member Norby

February 24, 2012

An act to amend Section 170.1 of the Code of Civil Procedure, and to amend Sections 56100.1, 82036.5, 83124, 84101, 84103, 84108, 84203.3, 84203.5, 84204, 84204.5, 84215, 84216, 84218, 84300, 84308, 84602, 84604, 84605, 84609, 85304, 85304.5, 85306, 85310, 85315, 85316, 85501, 89510, 89511.5, 89512.5, 89513, and 90002 of, to repeal Sections 84200.5, 84200.6, 84200.7, 84200.8, 84200.9, 84202.3, 84202.5, 84202.7, 84203, 84205, 84206, 84209, 84211, 84216.5, 84220, 84302, 85300, 85301, 85302, 85303, 85305, 85307, 85309, 85314, 85320, 85321, 85701, 85702, and 85704 of, to repeal Article 2.5 (commencing with Section 84250) of Chapter 4 of Title 9 of, and to repeal and add Section 84200 of, the Government Code, relating to the Political Reform Act of 1974.

LEGISLATIVE COUNSEL'S DIGEST

AB 2239, as introduced, Norby. Political Reform Act of 1974.

The Political Reform Act of 1974 imposes various limitations on contributions that may be made to, or accepted by, candidates for elective office and campaign committees that support or oppose candidates and ballot measures, including, among other things, limiting the maximum dollar amount of contributions that may be accepted by candidates for elective state office, prohibiting candidates from accepting public funds for the purpose of seeking public office, limiting contributions to an officer of an agency from a party who has a financial interest in a permit or license proceeding before that agency, and prohibiting elected state officers or candidates for elective state office

from accepting contributions from lobbyists registered to lobby the governmental agency of which the elected official is a member or for which the candidate seeks election.

This bill would repeal limitations on contributions that may be made to, or accepted by, candidates for elective office.

The act requires candidates and committees to file specified campaign finance reports, including semiannual statements, preelection statements, supplemental preelection statements, and late contribution reports, that include prescribed campaign finance information.

This bill would repeal the requirements to file these reports and would, instead, require that a candidate or committee who makes or receives a contribution of \$100 or more to report that contribution to specified filing officers within 24 hours of receiving the contribution. The bill would require a candidate or committee making the contribution to report his, her, or its full name and address, the full name and address of the recipient, the office sought by the candidate or the ballot measure, as appropriate, and the date and amount of the contribution. The bill would require the recipient of the contribution to report his, her, or its full name and address, the date and amount of the contribution, whether the contribution is in the form of a loan, and the full name of the contributor, and his or her street address, occupation, and employer or the name of the business, if self-employed. The bill would require a candidate or committee who is required to report to the Secretary of State to file the report online or by electronic transmission only.

The bill would also make conforming changes.

By increasing the duties of local government officials, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The Political Reform Act of 1974, an initiative measure, provides that the act may be amended by a statute that becomes effective upon approval of the voters.

This bill would require the Secretary of State to submit the provisions of the bill that would amend the Political Reform Act of 1974 to the voters for approval at a statewide election, as specified.

Vote: majority. 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 170.1 of the Code of Civil Procedure is
2 amended to read:

3 170.1. (a) A judge shall be disqualified if any one or more of
4 the following are true:

5 (1) (A) The judge has personal knowledge of disputed
6 evidentiary facts concerning the proceeding.

7 (B) A judge shall be deemed to have personal knowledge within
8 the meaning of this paragraph if the judge, or the spouse of the
9 judge, or a person within the third degree of relationship to either
10 of them, or the spouse of such a person, is to the judge's knowledge
11 likely to be a material witness in the proceeding.

12 (2) (A) The judge served as a lawyer in the proceeding, or in
13 any other proceeding involving the same issues he or she served
14 as a lawyer for a party in the present proceeding, or gave advice
15 to a party in the present proceeding upon a matter involved in the
16 action or proceeding.

17 (B) A judge shall be deemed to have served as a lawyer in the
18 proceeding if within the past two years:

19 (i) A party to the proceeding, or an officer, director, or trustee
20 of a party, was a client of the judge when the judge was in the
21 private practice of law or a client of a lawyer with whom the judge
22 was associated in the private practice of law.

23 (ii) A lawyer in the proceeding was associated in the private
24 practice of law with the judge.

25 (C) A judge who served as a lawyer for, or officer of, a public
26 agency that is a party to the proceeding shall be deemed to have
27 served as a lawyer in the proceeding if he or she personally advised
28 or in any way represented the public agency concerning the factual
29 or legal issues in the proceeding.

30 (3) (A) The judge has a financial interest in the subject matter
31 in a proceeding or in a party to the proceeding.

32 (B) A judge shall be deemed to have a financial interest within
33 the meaning of this paragraph if:

34 (i) A spouse or minor child living in the household has a
35 financial interest.

36 (ii) The judge or the spouse of the judge is a fiduciary who has
37 a financial interest.

- 1 (C) A judge has a duty to make reasonable efforts to inform
2 himself or herself about his or her personal and fiduciary interests
3 and those of his or her spouse and the personal financial interests
4 of children living in the household.
- 5 (4) The judge, or the spouse of the judge, or a person within the
6 third degree of relationship to either of them, or the spouse of such
7 a person, is a party to the proceeding or an officer, director, or
8 trustee of a party.
- 9 (5) A lawyer or a spouse of a lawyer in the proceeding is the
10 spouse, former spouse, child, sibling, or parent of the judge or the
11 judge's spouse or if such a person is associated in the private
12 practice of law with a lawyer in the proceeding.
- 13 (6) (A) For any reason:
- 14 (i) The judge believes his or her recusal would further the
15 interests of justice.
- 16 (ii) The judge believes there is a substantial doubt as to his or
17 her capacity to be impartial.
- 18 (iii) A person aware of the facts might reasonably entertain a
19 doubt that the judge would be able to be impartial.
- 20 (B) Bias or prejudice toward a lawyer in the proceeding may
21 be grounds for disqualification.
- 22 (7) By reason of permanent or temporary physical impairment,
23 the judge is unable to properly perceive the evidence or is unable
24 to properly conduct the proceeding.
- 25 (8) (A) The judge has a current arrangement concerning
26 prospective employment or other compensated service as a dispute
27 resolution neutral or is participating in, or, within the last two years
28 has participated in, discussions regarding prospective employment
29 or service as a dispute resolution neutral, or has been engaged in
30 that employment or service, and any of the following applies:
- 31 (i) The arrangement is, or the prior employment or discussion
32 was, with a party to the proceeding.
- 33 (ii) The matter before the judge includes issues relating to the
34 enforcement of either an agreement to submit a dispute to an
35 alternative dispute resolution process or an award or other final
36 decision by a dispute resolution neutral.
- 37 (iii) The judge directs the parties to participate in an alternative
38 dispute resolution process in which the dispute resolution neutral
39 will be an individual or entity with whom the judge has the

1 arrangement, has previously been employed or served, or is
2 discussing or has discussed the employment or service.

3 (iv) The judge will select a dispute resolution neutral or entity
4 to conduct an alternative dispute resolution process in the matter
5 before the judge, and among those available for selection is an
6 individual or entity with whom the judge has the arrangement,
7 with whom the judge has previously been employed or served, or
8 with whom the judge is discussing or has discussed the employment
9 or service.

10 (B) For the purposes of this paragraph, all of the following
11 apply:

12 (i) “Participating in discussions” or “has participated in
13 discussion” means that the judge solicited or otherwise indicated
14 an interest in accepting or negotiating possible employment or
15 service as an alternative dispute resolution neutral, or responded
16 to an unsolicited statement regarding, or an offer of, that
17 employment or service by expressing an interest in that
18 employment or service, making an inquiry regarding the
19 employment or service, or encouraging the person making the
20 statement or offer to provide additional information about that
21 possible employment or service. If a judge’s response to an
22 unsolicited statement regarding, a question about, or offer of,
23 prospective employment or other compensated service as a dispute
24 resolution neutral is limited to responding negatively, declining
25 the offer, or declining to discuss that employment or service, that
26 response does not constitute participating in discussions.

27 (ii) “Party” includes the parent, subsidiary, or other legal affiliate
28 of any entity that is a party and is involved in the transaction,
29 contract, or facts that gave rise to the issues subject to the
30 proceeding.

31 (iii) “Dispute resolution neutral” means an arbitrator, mediator,
32 temporary judge appointed under Section 21 of Article VI of the
33 California Constitution, referee appointed under Section 638 or
34 639, special master, neutral evaluator, settlement officer, or
35 settlement facilitator.

36 (9) (A) The judge has received a contribution in excess of one
37 thousand five hundred dollars ~~(\$1,500)~~ (\$1,500) from a party or
38 lawyer in the proceeding, and either of the following applies:

39 (i) The contribution was received in support of the judge’s last
40 election, if the last election was within the last six years.

1 (ii) The contribution was received in anticipation of an upcoming
2 election.

3 (B) Notwithstanding subparagraph (A), the judge shall be
4 disqualified based on a contribution of a lesser amount if
5 subparagraph (A) of paragraph (6) applies.

6 (C) The judge shall disclose any contribution from a party or
7 lawyer in a matter that is before the court that is required to be
8 reported under ~~subdivision (f) of Section 84211~~ *Section 84200* of
9 the Government Code, even if the amount would not require
10 disqualification under this paragraph. The manner of disclosure
11 shall be the same as that provided in Canon 3E of the Code of
12 Judicial Ethics.

13 (D) Notwithstanding paragraph (1) of subdivision (b) of Section
14 170.3, the disqualification required under this paragraph may be
15 waived by the party that did not make the contribution unless there
16 are other circumstances that would prohibit a waiver pursuant to
17 paragraph (2) of subdivision (b) of Section 170.3.

18 (b) A judge before whom a proceeding was tried or heard shall
19 be disqualified from participating in any appellate review of that
20 proceeding.

21 (c) At the request of a party or on its own motion an appellate
22 court shall consider whether in the interests of justice it should
23 direct that further proceedings be heard before a trial judge other
24 than the judge whose judgment or order was reviewed by the
25 appellate court.

26 SEC. 2. Section 56100.1 of the Government Code is amended
27 to read:

28 56100.1. (a) Contributions and expenditures for political
29 purposes related to a proposal or proceeding shall be disclosed and
30 reported pursuant to Article ~~2.5~~ 2 (commencing with Section
31 ~~84250~~ 84200) of Chapter 4 of the Political Reform Act of 1974
32 (Title 9 (commencing with Section 81000)).

33 (b) A commission may require, through the adoption of written
34 policies and procedures, additional disclosure of contributions in
35 support of or opposition to a proposal, which shall be made either
36 to the commission’s executive officer, in which case it shall be
37 posted on the commission’s Internet Web site, if applicable, or to
38 the board of supervisors of the county in which the commission
39 is located, which may designate a county officer to receive the
40 disclosure. Disclosure pursuant to a requirement under the authority

1 provided in this section shall be in addition to any disclosure
2 otherwise required by Section 56700.1, 57009, or local ordinance.

3 SEC. 3. Section 82036.5 of the Government Code is amended
4 to read:

5 82036.5. “Late independent expenditure” means any
6 independent expenditure that totals in the aggregate one thousand
7 dollars (\$1,000) or more and is made for or against any specific
8 candidate or measure involved in an election *within the 12 days*
9 ~~before the date of the election but after the closing date of the last~~
10 ~~campaign statement required to be filed prior to the election by a~~
11 ~~candidate or committee participating in the election.~~ For purposes
12 of the Board of Administration of the Public Employees’
13 Retirement System and the Teachers’ Retirement Board, “the date
14 of the election” is the deadline to return ballots.

15 SEC. 4. Section 83124 of the Government Code is amended
16 to read:

17 83124. The commission shall adjust the ~~contribution limitations~~
18 ~~and voluntary expenditure limitations provisions in Sections 85301,~~
19 ~~85302, 85303, and Section 85400~~ in January of every
20 odd-numbered year to reflect any increase or decrease in the
21 Consumer Price Index. Those adjustments shall be rounded to the
22 nearest ~~one hundred dollars (\$100) for limitations on contributions~~
23 ~~and one thousand dollars (\$1,000) for limitations on expenditures.~~

24 SEC. 5. Section 84101 of the Government Code is amended
25 to read:

26 84101. (a) A committee that is a committee by virtue of
27 subdivision (a) of Section 82013 shall file a statement of
28 organization. The committee shall file the original of the statement
29 of organization with the Secretary of State and shall also file a
30 copy of the statement of organization with the local filing officer,
31 if any, with whom the committee is required to file the originals
32 of its campaign reports pursuant to Section 84215. The original
33 and copy of the statement of organization shall be filed within 10
34 days after the committee has qualified as a committee. The
35 Secretary of State shall assign a number to each committee that
36 files a statement of organization and shall notify the committee of
37 the number. The Secretary of State shall send a copy of statements
38 filed pursuant to this section to the county elections official of each
39 county that he or she deems appropriate. A county elections official
40 who receives a copy of a statement of organization from the

1 Secretary of State pursuant to this section shall send a copy of the
2 statement to the clerk of each city in the county that he or she
3 deems appropriate.

4 (b) In addition to filing the statement of organization as required
5 by subdivision (a), if a committee qualifies as a committee under
6 subdivision (a) of Section 82013 *within the 12 days* before the date
7 of an election in connection with which the committee is required
8 to file ~~preelection~~ *campaign* statements, ~~but after the closing date~~
9 ~~of the last campaign statement required to be filed before the~~
10 ~~election pursuant to Section 84200.7, 84200.8, or 84200.9;~~ the
11 committee shall file, by facsimile transmission, guaranteed
12 overnight delivery, or personal delivery within 24 hours of
13 qualifying as a committee, the information required to be reported
14 in the statement of organization. The information required by this
15 subdivision shall be filed with the filing officer with whom the
16 committee is required to file the originals of its campaign reports
17 pursuant to Section 84215.

18 (c) If an independent expenditure committee qualifies as a
19 committee pursuant to subdivision (a) of Section 82013 during the
20 time period described in Section 82036.5 and makes independent
21 expenditures of one thousand dollars (\$1,000) or more to support
22 or oppose a candidate or candidates for office, the committee shall
23 file, by facsimile transmission, online transmission, guaranteed
24 overnight delivery, or personal delivery within 24 hours of
25 qualifying as a committee, the information required to be reported
26 in the statement of organization. The information required by this
27 section shall be filed with the filing officer with whom the
28 committee is required to file the original of its campaign reports
29 pursuant to Section 84215, and shall be filed at all locations
30 required for the candidate or candidates supported or opposed by
31 the independent expenditures. The filings required by this section
32 are in addition to filings that may be required by ~~Sections 84203.5~~
33 ~~and Section 84204.~~

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

39 SEC. 6. Section 84103 of the Government Code is amended
40 to read:

1 84103. (a) Whenever there is a change in any of the
2 information contained in a statement of organization, an
3 amendment shall be filed within 10 days to reflect the change. The
4 committee shall file the original of the amendment with the
5 Secretary of State and shall also file a copy of the amendment with
6 the local filing officer, if any, with whom the committee is required
7 to file the originals of its campaign reports pursuant to Section
8 84215.

9 (b) In addition to filing an amendment to a statement of
10 organization as required by subdivision (a), a committee as defined
11 in subdivision (a) of Section 82013 shall, by facsimile transmission,
12 online transmission, guaranteed overnight delivery, or personal
13 delivery within 24 hours, notify the filing officer with whom it is
14 required to file the originals of its campaign reports pursuant to
15 Section 84215 when the change requiring the amendment occurs
16 *within the 12 days* before the date of the election in connection
17 with which the committee is required to file a ~~preelection campaign~~
18 ~~statement, but after the closing date of the last preelection statement~~
19 ~~required to be filed for the election pursuant to Section 84200.7~~
20 ~~or 84200.8~~; if any of the following information is changed:

- 21 (1) The name of the committee.
- 22 (2) The name of the treasurer or other principal officers.
- 23 (3) The name of any candidate or committee by which the
24 committee is controlled or with which it acts jointly.

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

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

30 SEC. 7. Section 84108 of the Government Code is amended
31 to read:

32 84108. (a) Every slate mailer organization shall comply with
33 the requirements of Sections 84100, 84101, 84103, and 84104.

34 (b) The statement of organization of a slate mailer organization
35 shall include:

- 36 (1) The name, street address, and telephone number of the
37 organization. In the case of an individual or business entity that
38 qualifies as a slate mailer organization, the name of the slate mailer
39 organization shall include the name by which the individual or
40 entity is identified for legal purposes. Whenever identification of

1 a slate mailer organization is required by this title, the identification
 2 shall include the full name of the slate mailer organization as
 3 contained in its statement of organization.

4 (2) The full name, street address, and telephone number of the
 5 treasurer and other principal officers.

6 (3) The full name, street address, and telephone number of each
 7 person with final decisionmaking authority as to which candidates
 8 or measures will be supported or opposed in the organization’s
 9 slate mailers.

10 (c) The statement of organization shall be filed with the
 11 Secretary of State within 10 days after the slate mailer organization
 12 receives or is promised five hundred dollars (\$500) or more for
 13 producing one or more slate mailers. However, if an entity qualifies
 14 as a slate mailer organization *within the 12 days* before the date
 15 of an election in which it is required to file ~~preelection campaign~~
 16 ~~statements, but after the closing date of the last campaign statement~~
 17 ~~required to be filed before the election pursuant to Section 84218,~~
 18 the slate mailer organization shall file with the Secretary of State,
 19 by facsimile transmission, guaranteed overnight delivery, or
 20 personal delivery within 24 hours of qualifying as a slate mailer
 21 organization, the information required to be reported in the
 22 statement of organization.

23 SEC. 8. Section 84200 of the Government Code is repealed.

24 ~~84200. (a) Except as provided in paragraphs (1), (2), and (3),~~
 25 ~~elected officers, candidates, and committees pursuant to subdivision~~
 26 ~~(a) of Section 82013 shall file semiannual statements each year no~~
 27 ~~later than July 31 for the period ending June 30, and no later than~~
 28 ~~January 31 for the period ending December 31.~~

29 ~~(1) A candidate who, during the past six months has filed a~~
 30 ~~declaration pursuant to Section 84206 shall not be required to file~~
 31 ~~a semiannual statement for that six-month period.~~

32 ~~(2) Elected officers whose salaries are less than two hundred~~
 33 ~~dollars (\$200) a month, judges, judicial candidates, and their~~
 34 ~~controlled committees shall not file semiannual statements pursuant~~
 35 ~~to this subdivision for any six-month period in which they have~~
 36 ~~not made or received any contributions or made any expenditures.~~

37 ~~(3) A judge who is not listed on the ballot for reelection to, or~~
 38 ~~recall from, any elective office during a calendar year shall not~~
 39 ~~file semiannual statements pursuant to this subdivision for any~~
 40 ~~six-month period in that year if both of the following apply:~~

1 ~~(A) The judge has not received any contributions.~~

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

6 ~~(b) All committees pursuant to subdivision (b) or (c) of Section~~
7 ~~82013 shall file campaign statements each year no later than July~~
8 ~~31 for the period ending June 30, and no later than January 31 for~~
9 ~~the period ending December 31, if they have made contributions~~
10 ~~or independent expenditures, including payments to a slate mailer~~
11 ~~organization, during the six-month period before the closing date~~
12 ~~of the statements.~~

13 SEC. 9. Section 84200 is added to the Government Code, to
14 read:

15 84200. (a) Each candidate or committee that makes or receives
16 a contribution of one hundred dollars (\$100) or more shall report
17 the contribution to each office with which the candidate or
18 committee is required to file its statements pursuant to Section
19 84215 or 84218. The candidate or committee that makes the
20 contribution shall report his or her full name and street address
21 and the full name and street address of the person to whom the
22 contribution has been made, the office sought if the recipient is a
23 candidate, or the ballot measure number or letter if the recipient
24 is a committee primarily formed to support or oppose a ballot
25 measure, and the date and amount of the contribution. The recipient
26 of the contribution shall report his or her full name and street
27 address, the date and amount of the contribution, and whether the
28 contribution was made in the form of a loan. The recipient shall
29 also report the full name of the contributor, his or her street address,
30 occupation, and the name of his or her employer, or if
31 self-employed, the name of the business.

32 (b) A contribution shall be reported by facsimile transmission,
33 guaranteed overnight delivery, or personal delivery within 24 hours
34 of the time it is made in the case of the candidate or committee
35 that makes the contribution and within 24 hours of the time it is
36 received in the case of the recipient. If a contribution is required
37 to be reported to the Secretary of State, the report to the Secretary
38 of State shall be by online or electronic transmission only.

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

4 SEC. 10. Section 84200.5 of the Government Code is repealed.

5 ~~84200.5. In addition to the campaign statements required by~~
6 ~~Section 84200, elected officers, candidates, and committees shall~~
7 ~~file preelection statements as follows:~~

8 ~~(a) During an even-numbered year, all candidates for elective~~
9 ~~state office being voted upon in the statewide direct primary~~
10 ~~election or the statewide general election, their controlled~~
11 ~~committees, and committees primarily formed to support or oppose~~
12 ~~an elected state officer or a state candidate being voted upon shall~~
13 ~~file the applicable preelection statements specified in Section~~
14 ~~84200.7 or 84200.8. All elected state officers who, during the~~
15 ~~applicable reporting periods covered by Section 84200.7 or~~
16 ~~84200.8, contribute to any committee required to report receipts,~~
17 ~~expenditures, or contributions pursuant to this title, or make an~~
18 ~~independent expenditure, shall file the applicable preelection~~
19 ~~statements specified in Section 84200.7 or 84200.8. However, a~~
20 ~~candidate for an office that is not being voted upon in the~~
21 ~~November election, his or her controlled committee, and any~~
22 ~~committee primarily formed to support or oppose that candidate~~
23 ~~is not required to file statements in connection with the November~~
24 ~~election pursuant to subdivision (b) of Section 84200.7 unless,~~
25 ~~during the reporting periods covered by Section 84200.7, the~~
26 ~~candidate, his or her controlled committee, or any committee~~
27 ~~primarily formed to support or oppose that candidate contributes~~
28 ~~to any committee required to report receipts, expenditures, or~~
29 ~~contributions pursuant to this title or makes independent~~
30 ~~expenditures.~~

31 ~~(b) During an even-numbered year, all candidates not specified~~
32 ~~in subdivision (a) who are running for offices being voted upon~~
33 ~~on the first Tuesday after the first Monday in June or November,~~
34 ~~their controlled committees, and committees primarily formed to~~
35 ~~support or oppose those candidates or a measure being voted upon~~
36 ~~on the first Tuesday after the first Monday in June or November~~
37 ~~of an even-numbered year shall file the preelection statements~~
38 ~~specified in subdivision (a) of Section 84200.7 in the case of a~~
39 ~~June election, or subdivision (b) of Section 84200.7 in the case of~~
40 ~~a November election.~~

1 ~~(e) All candidates for offices being voted upon on a date other~~
2 ~~than the first Tuesday after the first Monday in June or November~~
3 ~~of an even-numbered year, their controlled committees, and~~
4 ~~committees primarily formed to support or oppose a candidate or~~
5 ~~a measure being voted upon on a date other than the first Tuesday~~
6 ~~after the first Monday in June or November of an even-numbered~~
7 ~~year shall file the preelection statements specified in Section~~
8 ~~84200.8.~~

9 ~~(d) During an election period for the Board of Administration~~
10 ~~of the Public Employees' Retirement System or the Teachers'~~
11 ~~Retirement Board, all candidates for these boards, their controlled~~
12 ~~committees, and committees primarily formed to support or oppose~~
13 ~~the candidates shall file the preelection statements specified in~~
14 ~~Section 84200.9.~~

15 ~~(e) In an even-numbered year in which the statewide direct~~
16 ~~primary election is held on the first Tuesday after the first Monday~~
17 ~~in June, a state or county general purpose committee formed~~
18 ~~pursuant to subdivision (a) of Section 82013, other than a political~~
19 ~~party committee as defined in Section 85205, shall file the~~
20 ~~preelection statements specified in Section 84200.7 if it makes~~
21 ~~contributions or independent expenditures totaling five hundred~~
22 ~~dollars (\$500) or more during the period covered by the preelection~~
23 ~~statement. A state or county general purpose committee formed~~
24 ~~pursuant to subdivision (b) or (c) of Section 82013 is not required~~
25 ~~to file the statements specified in Section 84200.7.~~

26 ~~(f) During an even-numbered year in which the statewide direct~~
27 ~~primary election is held on a date other than the first Tuesday after~~
28 ~~the first Monday in June, a state or county general purpose~~
29 ~~committee formed pursuant to subdivision (a) of Section 82013,~~
30 ~~other than a political party committee as defined in Section 85205,~~
31 ~~shall file the preelection statements specified in Section 84200.8~~
32 ~~if it makes contributions or independent expenditures totaling five~~
33 ~~hundred dollars (\$500) or more during the period covered by the~~
34 ~~preelection statement. A state or county general purpose committee~~
35 ~~formed pursuant to subdivision (b) or (c) of Section 82013 is not~~
36 ~~required to file the statements specified in Section 84200.8.~~

37 ~~(g) During an election period for the Board of Administration~~
38 ~~of the Public Employees' Retirement System or the Teachers'~~
39 ~~Retirement Board, a state or county general purpose committee~~
40 ~~formed pursuant to subdivision (a) of Section 82013 shall file the~~

1 preelection statements specified in Section 84200.9 if it makes
2 contributions or independent expenditures totaling five hundred
3 dollars (\$500) or more during the period covered by the preelection
4 statement to support or oppose a candidate, or a committee
5 primarily formed to support or oppose a candidate, on the ballot
6 for the Board of Administration of the Public Employees'
7 Retirement System or the Teachers' Retirement Board. A state or
8 county general purpose committee formed pursuant to subdivision
9 (b) or (c) of Section 82013 is not required to file the statements
10 specified in Section 84200.9.

11 (h) A political party committee as defined in Section 85205
12 shall file the applicable preelection statements specified in Section
13 84200.7 or 84200.8 in connection with a state election if the
14 committee receives contributions totaling one thousand dollars
15 (\$1,000) or more, or if it makes contributions or independent
16 expenditures totaling five hundred dollars (\$500) or more, during
17 the period covered by the preelection statement.

18 (i) City general purpose committees shall file statements as
19 follows:

20 (1) City general purpose committees in a city that has an election
21 on the first Tuesday after the first Monday in June or November
22 of an even-numbered year shall file the statements specified in
23 subdivision (a) or (b) of Section 84200.7 for the six-month period
24 in which the city election is held, if they make contributions or
25 independent expenditures totaling five hundred dollars (\$500) or
26 more during the period covered by the preelection statement.

27 (2) City general purpose committees in a city that has an election
28 on a date other than the first Tuesday after the first Monday in
29 June or November of an even-numbered year shall file the
30 preelection statements specified in Section 84200.8 if they make
31 contributions or independent expenditures totaling five hundred
32 dollars (\$500) or more during the period covered by the preelection
33 statement.

34 SEC. 11. Section 84200.6 of the Government Code is repealed.

35 84200.6. In addition to the campaign statements required by
36 Sections 84200 and 84200.5, all candidates and committees shall
37 file the following special statements and reports:

38 (a) Supplemental preelection statements when required by
39 Section 84202.5.

40 (b) Late contribution reports when required by Section 84203.

1 ~~(e) Independent expenditure reports when required by Section~~
2 ~~84203.5.~~

3 ~~(d) Late independent expenditure reports when required by~~
4 ~~Section 84204.~~

5 SEC. 12. Section 84200.7 of the Government Code is repealed.

6 ~~84200.7. (a) Preelection statements for the June election period~~
7 ~~shall be filed as follows:~~

8 ~~(1) For the period ending March 17, a statement to be filed no~~
9 ~~later than March 22. However, for a special election called after~~
10 ~~March 17, or for which the period for filing nomination documents,~~
11 ~~as defined in Section 333 of the Elections Code, ends after March~~
12 ~~17, a preelection statement for the period ending 45 days before~~
13 ~~the election shall be filed no later than 40 days before the election.~~

14 ~~(2) For the period ending 17 days before the election, a statement~~
15 ~~to be filed no later than 12 days before the election. All candidates~~
16 ~~being voted upon in the June election, their controlled committees,~~
17 ~~and committees formed primarily to support or oppose a candidate~~
18 ~~or measure being voted upon in the June election shall file this~~
19 ~~statement by guaranteed overnight delivery service or by personal~~
20 ~~delivery.~~

21 ~~(b) Preelection statements for the November election period~~
22 ~~shall be filed as follows:~~

23 ~~(1) For the period ending September 30, a statement to be filed~~
24 ~~no later than October 5.~~

25 ~~(2) For the period ending 17 days before the election, a statement~~
26 ~~to be filed no later than 12 days before the election. All candidates~~
27 ~~being voted upon in the November election, their controlled~~
28 ~~committees, and committees formed primarily to support or oppose~~
29 ~~a candidate or measure being voted upon in the November election~~
30 ~~shall file this statement by guaranteed overnight delivery service~~
31 ~~or by personal delivery.~~

32 SEC. 13. Section 84200.8 of the Government Code is repealed.

33 ~~84200.8. Preelection statements shall be filed under this section~~
34 ~~as follows:~~

35 ~~(a) For the period ending 45 days before the election, the~~
36 ~~statement shall be filed no later than 40 days before the election.~~

37 ~~(b) For the period ending 17 days before the election, the~~
38 ~~statement shall be filed no later than 12 days before the election.~~

39 ~~All candidates being voted upon in the election in connection with~~
40 ~~which the statement is filed, their controlled committees, and~~

1 committees formed primarily to support or oppose a candidate or
2 measure being voted upon in that election shall file this statement
3 by guaranteed overnight delivery service or by personal delivery.

4 ~~(e) For runoff elections held within 60 days of the qualifying~~
5 ~~election, an additional preelection statement for the period ending~~
6 ~~17 days before the runoff election shall be filed no later than 12~~
7 ~~days before the election. All candidates being voted upon in the~~
8 ~~election in connection with which the statement is filed, their~~
9 ~~controlled committees, and committees formed primarily to support~~
10 ~~or oppose a candidate or measure being voted upon in that election~~
11 ~~shall file this statement by guaranteed overnight delivery service~~
12 ~~or personal delivery.~~

13 SEC. 14. Section 84200.9 of the Government Code is repealed.

14 ~~84200.9. Preelection statements for an election period for the~~
15 ~~Board of Administration of the Public Employees' Retirement~~
16 ~~System or the Teachers' Retirement Board shall be filed as follows:~~

17 ~~(a) For the period ending five days before the beginning of the~~
18 ~~ballot period, as determined by the relevant board, a statement~~
19 ~~shall be filed no later than two days before the beginning of the~~
20 ~~ballot period.~~

21 ~~(b) For the period ending five days before the deadline to return~~
22 ~~ballots, as determined by the relevant board, a statement shall be~~
23 ~~filed no later than two days before the deadline to return ballots.~~

24 ~~(c) In the case of a runoff election, for the period ending five~~
25 ~~days before the deadline to return runoff ballots, as determined by~~
26 ~~the relevant board, a statement shall be filed no later than two days~~
27 ~~before the deadline to return runoff ballots.~~

28 ~~(d) All candidates being voted upon, their controlled committees,~~
29 ~~and committees primarily formed to support or oppose a candidate~~
30 ~~being voted upon in that election shall file the statements specified~~
31 ~~in subdivisions (b) and (c) by guaranteed overnight delivery service~~
32 ~~or by personal delivery.~~

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

34 ~~84202.3. (a) In addition to the campaign statements required~~
35 ~~by Section 84200, committees pursuant to subdivision (a) of~~
36 ~~Section 82013 that are primarily formed to support or oppose the~~
37 ~~qualification, passage, or defeat of a measure and proponents of a~~
38 ~~state ballot measure who control a committee formed or existing~~
39 ~~primarily to support the qualification, passage, or defeat of a state~~

1 ballot measure, shall file campaign statements on the following
2 dates:

3 (1) No later than April 30 for the period January 1 through
4 March 31.

5 (2) No later than October 31 for the period July 1 through
6 September 30.

7 (b) This section shall not apply to a committee during any
8 semiannual period in which the committee is required to file
9 preelection statements pursuant to subdivision (a), (b), or (c) of
10 Section 84200.5.

11 (c) This section shall not apply to a committee following the
12 election at which the measure is voted upon unless the committee
13 makes contributions or expenditures to support or oppose the
14 qualification or passage of another ballot measure.

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

16 84202.5. (a) Any candidate or any committee pursuant to
17 subdivision (a) of Section 82013 which makes contributions
18 totaling ten thousand dollars (\$10,000) or more in connection with
19 an election, including a runoff election, shall file a supplemental
20 preelection statement no later than 12 days before the election, for
21 the period ending 17 days before the election. This statement shall
22 be filed by guaranteed overnight delivery service or by personal
23 delivery with each office with which the candidate or committee
24 filing the statement is required to file its next campaign statement
25 pursuant to Section 84215.

26 (b) This section shall not apply to candidates or committees
27 during any semiannual period in which the candidate or committee
28 is required to file preelection statements pursuant to Section
29 84200.5.

30 (c) If a candidate or committee makes contributions totaling ten
31 thousand dollars (\$10,000) or more in connection with an election
32 and all of those contributions are reported pursuant to Section
33 84200 or 84202.7 on or before the closing date specified in
34 subdivision (a), the candidate or committee shall not be required
35 to file additional statements for that period pursuant to this section.

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

37 84202.7. (a) Except as provided in subdivision (b), during an
38 odd-numbered year, any committee by virtue of Section 82013
39 that makes contributions totaling ten thousand dollars (\$10,000)
40 or more to elected state officers, their controlled committees, or

1 ~~committees primarily formed to support or oppose any elected~~
2 ~~state officer during a period specified below shall file campaign~~
3 ~~statements on the following dates:~~

4 ~~(1) No later than April 30 for the period of January 1 through~~
5 ~~March 31.~~

6 ~~(2) No later than October 31 for the period of July 1 through~~
7 ~~September 30.~~

8 ~~(b) If a committee makes contributions totaling ten thousand~~
9 ~~dollars (\$10,000) or more to elected state officers, their controlled~~
10 ~~committees, or committees primarily formed to support or oppose~~
11 ~~any elected state officer during a period specified in subdivision~~
12 ~~(a), and all of those contributions are reported pursuant to Section~~
13 ~~84202.5 on or before the time specified in subdivision (a), the~~
14 ~~committee shall not be required to file additional statements for~~
15 ~~that period pursuant to this section.~~

16 SEC. 18. Section 84203 of the Government Code is repealed.

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

34 ~~(b) A late contribution shall be reported by facsimile~~
35 ~~transmission, guaranteed overnight delivery, or personal delivery~~
36 ~~within 24 hours of the time it is made in the case of the candidate~~
37 ~~or committee that makes the contribution and within 24 hours of~~
38 ~~the time it is received in the case of the recipient. If a late~~
39 ~~contribution is required to be reported to the Secretary of State,~~
40 ~~the report to the Secretary of State shall be by online or electronic~~

1 ~~transmission only. A late contribution shall be reported on~~
2 ~~subsequent campaign statements without regard to reports filed~~
3 ~~pursuant to this section.~~

4 ~~(e) A late contribution need not be reported nor shall it be~~
5 ~~deemed accepted if it is not cashed, negotiated, or deposited and~~
6 ~~is returned to the contributor within 24 hours of its receipt.~~

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

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

12 SEC. 19. Section 84203.3 of the Government Code is amended
13 to read:

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

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

26 SEC. 20. Section 84203.5 of the Government Code is amended
27 to read:

28 84203.5. (a) In addition to any campaign statements required
29 by this article, if a candidate or committee has made independent
30 expenditures totaling one thousand dollars (\$1,000) or more in a
31 calendar year to support or oppose a candidate, a measure or
32 qualification of a measure, it shall file independent expenditure
33 reports at the same time, covering the same periods, and in the
34 places where the candidate or committee would be required to file
35 campaign statements under this article, as if it were formed or
36 existing primarily to support or oppose the candidate or measure
37 or qualification of the measure. No independent expenditure report
38 need be filed to cover a period for which there has been no activity
39 to report *times prescribed by the Commission.*

1 (b) An independent expenditure report shall contain the
2 following information:

3 (1) The name, street address, and telephone number of the
4 candidate or committee making the expenditure and of the
5 committee's treasurer, and the number assigned to the committee
6 by the Secretary of State.

7 (2) If the report is related to a candidate, the full name of the
8 candidate and the office and district for which the candidate seeks
9 nomination or election. If the report is related to a measure or
10 qualification of a measure, the number or letter of the measure, or
11 if none has yet been assigned, a brief description of the subject
12 matter of the measure, and the jurisdiction in which the measure
13 is to be voted on or would be voted on if it qualified.

14 (3) The total amount of expenditures related to the candidate or
15 measure during the period covered by the report made to persons
16 who have received less than one hundred dollars (\$100).

17 (4) The total amount of expenditures related to the candidate or
18 measure during the period covered by the report made to persons
19 who have received one hundred dollars (\$100) or more.

20 (5) For each person to whom an expenditure of one hundred
21 dollars (\$100) or more related to the candidate or measure has
22 been made during the period covered by the report and for each
23 person who has provided consideration for an expenditure of one
24 hundred dollars (\$100) or more during the period covered by the
25 report:

26 (A) His or her full name.

27 (B) His or her street address.

28 (C) If the person is a committee, the name of the committee,
29 the number assigned to the committee by the Secretary of State,
30 or if no number has been assigned, the full name and street address
31 of the treasurer of the committee.

32 (D) The date of the expenditure.

33 (E) The amount of the expenditure.

34 (F) A brief description of the consideration for which each
35 expenditure was made and the value of the consideration if less
36 than the total amount of the expenditure.

37 (G) The cumulative amount of expenditures to ~~such~~ *the* person.

38 (6) A list of all the filing officers with whom the committee
39 filed its most recent campaign statement.

1 (c) Filing officers shall maintain paper reports filed pursuant to
2 this section under the name of the candidate or measure supported
3 or opposed by the independent expenditure.

4 SEC. 21. Section 84204 of the Government Code is amended
5 to read:

6 84204. (a) A committee that makes a late independent
7 expenditure, as defined in Section 82036.5, shall report the late
8 independent expenditure by facsimile transmission, guaranteed
9 overnight delivery, or personal delivery within 24 hours of the
10 time it is made. If a late independent expenditure is required to be
11 reported to the Secretary of State, the report to the Secretary of
12 State shall be by online or electronic transmission only. A late
13 independent expenditure shall be reported on subsequent campaign
14 statements without regard to reports filed pursuant to this section.

15 (b) A committee that makes a late independent expenditure shall
16 report its full name and street address, as well as the name, office,
17 and district of the candidate if the report is related to a candidate,
18 or if the report is related to a measure, the number or letter of the
19 measure, the jurisdiction in which the measure is to be voted upon,
20 and the amount and the date, as well as a description of goods or
21 services for which the late independent expenditure was made. ~~In~~
22 ~~addition to the information required by this subdivision, a~~
23 ~~committee that makes a late independent expenditure shall include~~
24 ~~with its late independent expenditure report the information~~
25 ~~required by paragraphs (1) to (5), inclusive, of subdivision (f) of~~
26 ~~Section 84211, covering the period from the day after the closing~~
27 ~~date of the last campaign report filed to the date of the late~~
28 ~~independent expenditure, or if the committee has not previously~~
29 ~~filed a campaign statement, covering the period from the previous~~
30 ~~January 1 to the date of the late independent expenditure. No~~
31 ~~information required by paragraphs (1) to (5), inclusive, of~~
32 ~~subdivision (f) of Section 84211 that is required to be reported~~
33 ~~with a late independent expenditure report by this subdivision is~~
34 ~~required to be reported on more than one late independent~~
35 ~~expenditure report.~~

36 (c) A committee that makes a late independent expenditure shall
37 file a late independent expenditure report in the places where it
38 would be required to file campaign statements under this article
39 as if it were formed or existing primarily to support or oppose the

1 candidate or measure for or against which it is making the late
2 independent expenditure.

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

5 (e) Expenditures that have been disclosed by candidates and
6 committees pursuant to Section 85500 are not required to be
7 disclosed pursuant to this section.

8 SEC. 22. Section 84204.5 of the Government Code is amended
9 to read:

10 84204.5. (a) In addition to any other report required by this
11 title, a committee pursuant to subdivision (a) of Section 82013 that
12 is required to file reports pursuant to Section 84605 shall file online
13 or electronically with the Secretary of State each time ~~it makes~~
14 ~~contributions totaling five thousand dollars (\$5,000) or more or~~
15 ~~each time it makes~~ independent expenditures totaling five thousand
16 dollars (\$5,000) or more to support or oppose the qualification or
17 passage of a single state ballot measure. The report shall be filed
18 within 10 business days of making the contributions or independent
19 expenditures and shall contain all of the following:

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

22 (2) The number or letter of the measure if the measure has
23 qualified for the ballot and has been assigned a number or letter;
24 the title of the measure if the measure has not been assigned a
25 number or letter but has been issued a title by the Attorney General;
26 or the subject of the measure if the measure has not been assigned
27 a number or letter and has not been issued a title by the Attorney
28 General.

29 ~~(3) In the case of a contribution, the date and amount of the~~
30 ~~contribution and the name, address, and identification number of~~
31 ~~the committee to whom the contribution was made. In addition,~~
32 ~~the report shall include the information required by paragraphs (1)~~
33 ~~to (5), inclusive, of subdivision (f) of Section 84211, regarding~~
34 ~~contributions or loans received from a person described in that~~
35 ~~subdivision, covering the period from the day after the closing~~
36 ~~date of the last campaign report filed to the date of the contribution~~
37 ~~requiring a report under this section, or if the committee has not~~
38 ~~previously filed a campaign statement, covering the period from~~
39 ~~the previous January 1 to the date of the contribution requiring a~~
40 ~~report under this section. No information described in paragraphs~~

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

6 (4) In the case of an independent expenditure, the date, amount,
7 and a description of the goods or services for which the expenditure
8 was made. In addition, the report shall include the information
9 required by paragraphs (1) to (5), inclusive, of subdivision (f) of
10 Section 84211 regarding contributions or loans received from a
11 person described in that subdivision, covering the period from the
12 day after the closing date of the last campaign report filed to the
13 date of the expenditure, or if the committee has not previously
14 filed a campaign statement, covering the period from the previous
15 January 1 to the date of the expenditure. No information described
16 in paragraphs (1) to (5), inclusive, of subdivision (f) of Section
17 84211 that is required to be reported pursuant to this subdivision
18 is required to be reported in more than one report provided for in
19 this subdivision for each contribution or loan received from a
20 person described in subdivision (f) of Section 84211.

21 (3) *The date, amount, and a description of the goods or services*
22 *for which the expenditure was made.*

23 (b) Reports required by this section are not required to be filed
24 by a committee primarily formed to support or oppose the
25 qualification or passage of a state ballot measure for expenditures
26 made on behalf of the ballot measure or measures for which it is
27 formed.

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

31 SEC. 23. Section 84205 of the Government Code is repealed.

32 84205. ~~The commission may by regulation or written advice~~
33 ~~permit candidates and committees to file campaign statements~~
34 ~~combining statements and reports required to be filed by this title.~~

35 SEC. 24. Section 84206 of the Government Code is repealed.

36 84206. (a) ~~The commission shall provide by regulation for a~~
37 ~~short form for filing reports required by this article for candidates~~
38 ~~or officeholders who receive contributions of less than one~~
39 ~~thousand dollars (\$1,000), and who make expenditures of less than~~
40 ~~one thousand dollars (\$1,000), in a calendar year.~~

1 ~~(b) For the purposes of this section, in calculating whether one~~
2 ~~thousand dollars (\$1,000) in expenditures have been made,~~
3 ~~payments for a filing fee or for a statement of qualification shall~~
4 ~~not be included if these payments have been made from the~~
5 ~~candidate's personal funds.~~

6 ~~(e) Every candidate or officeholder who has filed a short form~~
7 ~~pursuant to subdivision (a), and who thereafter receives~~
8 ~~contributions or makes expenditures totaling one thousand dollars~~
9 ~~(\$1,000) or more in a calendar year, shall send written notification~~
10 ~~to the Secretary of State, the local filing officer, and each candidate~~
11 ~~contending for the same office within 48 hours of receiving or~~
12 ~~expending a total of one thousand dollars (\$1,000). The written~~
13 ~~notification shall revoke the previously filed short form statement.~~

14 SEC. 25. Section 84209 of the Government Code is repealed.

15 ~~84209. A candidate or state measure proponent and any~~
16 ~~committee or committees which the candidate or a state measure~~
17 ~~proponent controls may file consolidated campaign statements~~
18 ~~under this chapter. Such consolidated statements shall be filed in~~
19 ~~each place each of the committees and the candidate or state~~
20 ~~measure proponent would be required to file campaign statements~~
21 ~~if separate statements were filed.~~

22 SEC. 26. Section 84211 of the Government Code is repealed.

23 ~~84211. Each campaign statement required by this article shall~~
24 ~~contain all of the following information:~~

25 ~~(a) The total amount of contributions received during the period~~
26 ~~covered by the campaign statement and the total cumulative amount~~
27 ~~of contributions received.~~

28 ~~(b) The total amount of expenditures made during the period~~
29 ~~covered by the campaign statement and the total cumulative amount~~
30 ~~of expenditures made.~~

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

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

37 ~~(e) The balance of cash and cash equivalents on hand at the~~
38 ~~beginning and the end of the period covered by the campaign~~
39 ~~statement.~~

- 1 ~~(f) If the cumulative amount of contributions (including loans)~~
2 ~~received from a person is one hundred dollars (\$100) or more and~~
3 ~~a contribution or loan has been received from that person during~~
4 ~~the period covered by the campaign statement, all of the following:~~
5 ~~(1) His or her full name.~~
6 ~~(2) His or her street address.~~
7 ~~(3) His or her occupation.~~
8 ~~(4) The name of his or her employer, or if self-employed, the~~
9 ~~name of the business.~~
10 ~~(5) The date and amount received for each contribution received~~
11 ~~during the period covered by the campaign statement and if the~~
12 ~~contribution is a loan, the interest rate for the loan.~~
13 ~~(6) The cumulative amount of contributions.~~
14 ~~(g) If the cumulative amount of loans received from or made to~~
15 ~~a person is one hundred dollars (\$100) or more, and a loan has~~
16 ~~been received from or made to a person during the period covered~~
17 ~~by the campaign statement, or is outstanding during the period~~
18 ~~covered by the campaign statement, all of the following:~~
19 ~~(1) His or her full name.~~
20 ~~(2) His or her street address.~~
21 ~~(3) His or her occupation.~~
22 ~~(4) The name of his or her employer, or if self-employed, the~~
23 ~~name of the business.~~
24 ~~(5) The original date and amount of each loan.~~
25 ~~(6) The due date and interest rate of the loan.~~
26 ~~(7) The cumulative payment made or received to date at the end~~
27 ~~of the reporting period.~~
28 ~~(8) The balance outstanding at the end of the reporting period.~~
29 ~~(9) The cumulative amount of contributions.~~
30 ~~(h) For each person, other than the filer, who is directly,~~
31 ~~indirectly, or contingently liable for repayment of a loan received~~
32 ~~or outstanding during the period covered by the campaign~~
33 ~~statement, all of the following:~~
34 ~~(1) His or her full name.~~
35 ~~(2) His or her street address.~~
36 ~~(3) His or her occupation.~~
37 ~~(4) The name of his or her employer, or if self-employed, the~~
38 ~~name of the business.~~
39 ~~(5) The amount of his or her maximum liability outstanding.~~

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

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

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

10 ~~(1) His or her full name.~~

11 ~~(2) His or her street address.~~

12 ~~(3) The amount of each expenditure.~~

13 ~~(4) A brief description of the consideration for which each~~
14 ~~expenditure was made.~~

15 ~~(5) In the case of an expenditure which is a contribution to a~~
16 ~~candidate, elected officer, or committee or an independent~~
17 ~~expenditure to support or oppose a candidate or measure, in~~
18 ~~addition to the information required in paragraphs (1) to (4) above,~~
19 ~~the date of the contribution or independent expenditure, the~~
20 ~~cumulative amount of contributions made to a candidate, elected~~
21 ~~officer, or committee, or the cumulative amount of independent~~
22 ~~expenditures made relative to a candidate or measure; the full name~~
23 ~~of the candidate, and the office and district for which he or she~~
24 ~~seeks nomination or election, or the number or letter of the~~
25 ~~measure; and the jurisdiction in which the measure or candidate~~
26 ~~is voted upon.~~

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

31 ~~For purposes of subdivisions (i), (j), and (k) only, the terms~~
32 ~~“expenditure” or “expenditures” mean any individual payment or~~
33 ~~accrued expense, unless it is clear from surrounding circumstances~~
34 ~~that a series of payments or accrued expenses are for a single~~
35 ~~service or product.~~

36 ~~(l) In the case of a controlled committee, an official committee~~
37 ~~of a political party, or an organization formed or existing primarily~~
38 ~~for political purposes, the amount and source of any miscellaneous~~
39 ~~receipt.~~

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

5 ~~(n) In a campaign statement filed by a candidate who is a~~
6 ~~candidate in both a state primary and general election, his or her~~
7 ~~controlled committee, or a committee primarily formed to support~~
8 ~~or oppose such a candidate, the total amount of contributions~~
9 ~~received and the total amount of expenditures made for the period~~
10 ~~January 1 through June 30 and the total amount of contributions~~
11 ~~received and expenditures made for the period July 1 through~~
12 ~~December 31.~~

13 ~~(o) The full name, residential or business address, and telephone~~
14 ~~number of the filer, or in the case of a campaign statement filed~~
15 ~~by a committee defined by subdivision (a) of Section 82013, the~~
16 ~~name, street address, and telephone number of the committee and~~
17 ~~of the committee treasurer. In the case of a committee defined by~~
18 ~~subdivision (b) or (c) of Section 82013, the name that the filer uses~~
19 ~~on campaign statements shall be the name by which the filer is~~
20 ~~identified for other legal purposes or any name by which the filer~~
21 ~~is commonly known to the public.~~

22 ~~(p) If the campaign statement is filed by a candidate, the name,~~
23 ~~street address, and treasurer of any committee of which he or she~~
24 ~~has knowledge which has received contributions or made~~
25 ~~expenditures on behalf of his or her candidacy and whether the~~
26 ~~committee is controlled by the candidate.~~

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

31 ~~(r) If a committee primarily formed for the qualification or~~
32 ~~support of, or opposition to, an initiative or ballot measure is~~
33 ~~required to report an expenditure to a business entity pursuant to~~
34 ~~subdivision (k) and 50 percent or more of the business entity is~~
35 ~~owned by a candidate or person controlling the committee, by an~~
36 ~~officer or employee of the committee, or by a spouse of any of~~
37 ~~these individuals, the committee's campaign statement shall also~~
38 ~~contain, in addition to the information required by subdivision (k),~~
39 ~~that person's name, the relationship of that person to the committee,~~

1 and a description of that person’s ownership interest or position
2 with the business entity.

3 (s) ~~If a committee primarily formed for the qualification or~~
4 ~~support of, or opposition to, an initiative or ballot measure is~~
5 ~~required to report an expenditure to a business entity pursuant to~~
6 ~~subdivision (k), and a candidate or person controlling the~~
7 ~~committee, an officer or employee of the committee, or a spouse~~
8 ~~of any of these individuals is an officer, partner, consultant, or~~
9 ~~employee of the business entity, the committee’s campaign~~
10 ~~statement shall also contain, in addition to the information required~~
11 ~~by subdivision (k), that person’s name, the relationship of that~~
12 ~~person to the committee, and a description of that person’s~~
13 ~~ownership interest or position with the business entity.~~

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

17 (1) ~~If the filer is an individual, the name and address of the~~
18 ~~filer’s employer, if any, or his or her principal place of business~~
19 ~~if the filer is self-employed, and a description of the business~~
20 ~~activity in which the filer or his or her employer is engaged.~~

21 (2) ~~If the filer is a business entity, a description of the business~~
22 ~~activity in which it is engaged.~~

23 (3) ~~If the filer is an industry, trade, or professional association,~~
24 ~~a description of the industry, trade, or profession which it~~
25 ~~represents, including a specific description of any portion or faction~~
26 ~~of the industry, trade, or profession which the association~~
27 ~~exclusively or primarily represents.~~

28 (4) ~~If the filer is not an individual, business entity, or industry,~~
29 ~~trade, or professional association, a statement of the person’s nature~~
30 ~~and purposes, including a description of any industry, trade,~~
31 ~~profession, or other group with a common economic interest which~~
32 ~~the person principally represents or from which its membership~~
33 ~~or financial support is principally derived.~~

34 SEC. 27. Section 84215 of the Government Code is amended
35 to read:

36 84215. All candidates and elected officers and their controlled
37 committees, except as provided in subdivisions (d) and (e), shall
38 file one copy of the campaign statements required by Section 84200
39 with the elections official of the county in which the candidate or
40 elected official is domiciled, as defined in subdivision (b) of

1 Section 349 of the Elections Code. In addition, campaign
2 statements shall be filed at the following places:

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

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

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

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

37 (e) Elected members of the Board of Administration of the
38 Public Employees' Retirement System, elected members of the
39 Teachers' Retirement Board, candidates for these offices, their
40 controlled committees, and committees formed or existing

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

7 (f) Notwithstanding any other provision of this section, a
 8 committee, candidate, or elected officer is not required to file more
 9 than the original and one copy, or one copy, of a campaign
 10 statement with any one county elections official or city clerk or
 11 with the Secretary of State.

12 (g) If a committee is required to file campaign statements
 13 required by Section 84200 or ~~84200.5~~ in places designated in
 14 subdivisions (a) to (d), inclusive, it shall continue to file these
 15 statements in those places, in addition to any other places required
 16 by this title, until the end of the calendar year.

17 SEC. 28. Section 84216 of the Government Code is amended
 18 to read:

19 84216. (a) Notwithstanding Section 82015, a loan received
 20 by a candidate or committee is a contribution unless the loan is
 21 received from a commercial lending institution in the ordinary
 22 course of business, or it is clear from the surrounding circumstances
 23 that it is not made for political purposes.

24 (b) A loan, whether or not there is a written contract for the
 25 loan, shall be reported as provided in Section ~~84211~~ 84200 when
 26 any of the following apply:

- 27 (1) The loan is a contribution.
- 28 (2) The loan is received by a committee.
- 29 (3) The loan is received by a candidate and is used for political
 30 purposes.

31 SEC. 29. Section 84216.5 of the Government Code is repealed.

32 ~~84216.5. A loan of campaign funds, whether or not there is a
 33 written contract for the loan, made by a candidate or committee
 34 shall be reported as provided in Section 84211.~~

35 SEC. 30. Section 84218 of the Government Code is amended
 36 to read:

37 84218. (a) A slate mailer organization shall file semiannual
 38 campaign statements no later than July 31 for the period ending
 39 June 30, and no later than January 31 for the period ending
 40 December 31.

1 ~~(b) In addition to the semiannual statements required by~~
2 ~~subdivision (a), slate mailer organizations shall file preelection~~
3 ~~statements as follows:~~

4 ~~(1) Any slate mailer organization which produces a slate mailer~~
5 ~~supporting or opposing candidates or measures being voted on in~~
6 ~~an election held upon the first Tuesday after the first Monday in~~
7 ~~June or November of an even-numbered year shall file the~~
8 ~~statements specified in Section 84200.7 if, during the period~~
9 ~~covered by the preelection statement, the slate mailer organization~~
10 ~~receives payments totaling five hundred dollars (\$500) or more~~
11 ~~from any person for the support of or opposition to candidates or~~
12 ~~ballot measures in one or more slate mailers, or expends five~~
13 ~~hundred dollars (\$500) or more to produce one or more slate~~
14 ~~mailers.~~

15 ~~(2) Any slate mailer organization which produces a slate mailer~~
16 ~~supporting or opposing candidates or measures being voted on in~~
17 ~~an election held on a date other than the first Tuesday after the~~
18 ~~first Monday in June or November of an even-numbered year shall~~
19 ~~file the statements specified in Section 84200.8 if, during the period~~
20 ~~covered by the preelection statement, the slate mailer organization~~
21 ~~receives payments totaling five hundred dollars (\$500) or more~~
22 ~~from any person for the support of or opposition to candidates or~~
23 ~~ballot measures in one or more slate mailers, or expends five~~
24 ~~hundred dollars (\$500) or more to produce one or more slate~~
25 ~~mailers.~~

26 ~~(e)~~

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

1 (2) A slate mailer organization which produces one or more
 2 slate mailers supporting or opposing candidates or measures voted
 3 on in only one county, or in more than one jurisdiction within one
 4 county, shall file campaign reports in the same manner as county
 5 general purpose committees pursuant to subdivision (c) of Section
 6 84215.

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

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

16 SEC. 31. Section 84220 of the Government Code is repealed.

17 ~~84220. If a slate mailer organization receives a payment of two~~
 18 ~~thousand five hundred dollars (\$2,500) or more for purposes of~~
 19 ~~supporting or opposing any candidate or ballot measure in a slate~~
 20 ~~mailer, and the payment is received at a time when, if the payment~~
 21 ~~were a contribution it would be considered a late contribution, then~~
 22 ~~the slate mailer organization shall report the payment in the manner~~
 23 ~~set forth in Section 84203 for candidates and committees when~~
 24 ~~reporting late contributions received. The slate mailer organization~~
 25 ~~shall, in addition to reporting the information required by Section~~
 26 ~~84203, identify the candidates or measures whose support or~~
 27 ~~opposition is being paid for, in whole or in part, by each late~~
 28 ~~payment.~~

29 SEC. 32. Article 2.5 (commencing with Section 84250) of
 30 Chapter 4 of Title 9 of the Government Code is repealed.

31 SEC. 33. Section 84300 of the Government Code is amended
 32 to read:

33 84300. (a) ~~No contribution of one hundred dollars (\$100) or~~
 34 ~~more shall be made or received in cash.~~

35 ~~A cash contribution shall not be deemed received if it is not~~
 36 ~~negotiated or deposited and is returned to the contributor before~~
 37 ~~the closing date of the campaign statement on which the~~
 38 ~~contribution would otherwise be reported. If a cash contribution,~~
 39 ~~other than a late contribution, as defined in Section 82036, is~~
 40 ~~negotiated or deposited, it shall not be deemed received if it is~~

1 refunded within 72 hours of receipt. In the case of a late
2 contribution, as defined in Section 82036, it shall not be deemed
3 received if it is returned to the contributor within 48 hours of
4 receipt.

5 (b) No expenditure of one hundred dollars (\$100) or more shall
6 be made in cash.

7 (e) No contribution of one hundred dollars (\$100) or more other
8 than an in-kind contribution shall be made unless in the form of a
9 written instrument containing the name of the donor and the name
10 of the payee and drawn from the account of the donor or the
11 intermediary, as defined in Section 84302.

12 (d)

13 (b) The value of all in-kind contributions of one hundred dollars
14 (\$100) or more shall be reported in writing to the recipient upon
15 the request in writing of the recipient.

16 SEC. 34. Section 84302 of the Government Code is repealed.

17 84302. No person shall make a contribution on behalf of
18 another, or while acting as the intermediary or agent of another,
19 without disclosing to the recipient of the contribution both his own
20 full name and street address, occupation, and the name of his
21 employer, if any, or his principal place of business if he is
22 self-employed, and the full name and street address, occupation,
23 and the name of employer, if any, or principal place of business
24 if self-employed, of the other person. The recipient of the
25 contribution shall include in his campaign statement the full name
26 and street address, occupation, and the name of the employer, if
27 any, or the principal place of business if self-employed, of both
28 the intermediary and the contributor.

29 SEC. 35. Section 84308 of the Government Code is amended
30 to read:

31 84308. (a) The definitions set forth in this subdivision shall
32 govern the interpretation of this section.

33 (1) "Party" means any person who files an application for, or
34 is the subject of, a proceeding involving a license, permit, or other
35 entitlement for use.

36 (2) "Participant" means any person who is not a party but who
37 actively supports or opposes a particular decision in a proceeding
38 involving a license, permit, or other entitlement for use and who
39 has a financial interest in the decision, as described in Article 1
40 (commencing with Section 87100) of Chapter 7. A person actively

1 supports or opposes a particular decision in a proceeding if he or
2 she lobbies in person the officers or employees of the agency,
3 testifies in person before the agency, or otherwise acts to influence
4 officers of the agency.

5 (3) “Agency” means an agency as defined in Section 82003
6 except that it does not include the courts or any agency in the
7 judicial branch of government, local governmental agencies whose
8 members are directly elected by the voters, the Legislature, the
9 *State Board of Equalization*, or constitutional officers. However,
10 this section applies to any person who is a member of an exempted
11 agency but is acting as a voting member of another agency.

12 (4) “Officer” means any elected or appointed officer of an
13 agency, any alternate to an elected or appointed officer of an
14 agency, and any candidate for elective office in an agency.

15 (5) “License, permit, or other entitlement for use” means all
16 business, professional, trade, and land use licenses and permits
17 and all other entitlements for use, including all entitlements for
18 land use, all contracts (other than competitively bid, labor, or
19 personal employment contracts), and all franchises.

20 (6) “Contribution” includes contributions to candidates and
21 committees in federal, state, or local elections.

22 ~~(b) No officer of an agency shall accept, solicit, or direct a
23 contribution of more than two hundred fifty dollars (\$250) from
24 any party, or his or her agent, or from any participant, or his or her
25 agent, while a proceeding involving a license, permit, or other
26 entitlement for use is pending before the agency and for three
27 months following the date a final decision is rendered in the
28 proceeding if the officer knows or has reason to know that the
29 participant has a financial interest, as that term is used in Article
30 1 (commencing with Section 87100) of Chapter 7. This prohibition
31 shall apply regardless of whether the officer accepts, solicits, or
32 directs the contribution for himself or herself, or on behalf of any
33 other officer, or on behalf of any candidate for office or on behalf
34 of any committee.~~

35 (e)

36 (b) Prior to rendering any decision in a proceeding involving a
37 license, permit or other entitlement for use pending before an
38 agency, each officer of the agency who received a contribution
39 within the preceding 12 months in an amount of more than two
40 hundred fifty dollars (\$250) from a party or from any participant

1 shall disclose that fact on the record of the proceeding. No officer
2 of an agency shall make, participate in making, or in any way
3 attempt to use his or her official position to influence the decision
4 in a proceeding involving a license, permit, or other entitlement
5 for use pending before the agency if the officer has willfully or
6 knowingly received a contribution in an amount of more than two
7 hundred fifty dollars (\$250) within the preceding 12 months from
8 a party or his or her agent, or from any participant, or his or her
9 agent if the officer knows or has reason to know that the participant
10 has a financial interest in the decision, as that term is described
11 with respect to public officials in Article 1 (commencing with
12 Section 87100) of Chapter 7.

13 If an officer receives a contribution which would otherwise
14 require disqualification under this section, returns the contribution
15 within 30 days from the time he or she knows, or should have
16 known, about the contribution and the proceeding involving a
17 license, permit, or other entitlement for use, he or she shall be
18 permitted to participate in the proceeding.

19 ~~(d)~~

20 (c) A party to a proceeding before an agency involving a license,
21 permit, or other entitlement for use shall disclose on the record of
22 the proceeding any contribution in an amount of more than two
23 hundred fifty dollars (\$250) made within the preceding 12 months
24 by the party, or his or her agent, to any officer of the agency. No
25 party, or his or her agent, to a proceeding involving a license,
26 permit, or other entitlement for use pending before any agency
27 and no participant, or his or her agent, in the proceeding shall make
28 a contribution of more than two hundred fifty dollars (\$250) to
29 any officer of that agency during the proceeding and for three
30 months following the date a final decision is rendered by the
31 agency in the proceeding. When a closed corporation is a party to,
32 or a participant in, a proceeding involving a license, permit, or
33 other entitlement for use pending before an agency, the majority
34 shareholder is subject to the disclosure and prohibition
35 requirements specified in ~~subdivisions (b), (e)~~, *subdivision (b)* and
36 this subdivision.

37 ~~(e)~~

38 (d) Nothing in this section shall be construed to imply that any
39 contribution subject to being reported under this title shall not be
40 so reported.

1 SEC. 36. 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,
6 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~~ contribution *reports* and late independent
12 expenditure reports, ~~as defined by Sections 84203 and 84204,~~
13 ~~respectively,~~ shall be made available on the Internet within 24
14 hours of receipt. The data made available on the Internet shall not
15 contain the street name and building number of the persons or
16 entity representatives listed on the electronically filed forms or
17 any bank account number required to be disclosed pursuant to this
18 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

1 ~~commission~~ *Commission* and suggest appropriate changes if
2 necessary. There shall be one report due before the system is
3 operational as set forth in Section 84603, one report due no later
4 than June 1, 2002, and one report due no later than January 31,
5 2003.

6 (k) Review the current filing and disclosure requirements of
7 this chapter and report to the Legislature, no later than June 1,
8 2005, recommendations on revising these requirements so as to
9 promote greater reliance on electronic and online submissions.

10 SEC. 37. Section 84604 of the Government Code is amended
11 to read:

12 84604. (a) The Secretary of State shall implement an online
13 or electronic disclosure program in connection with the 2000 state
14 primary election and the lobbying activities specified in paragraph
15 (4). Entities specified in paragraphs (1), (2), and (3) shall
16 commence online or electronic disclosure with the first preelection
17 statement filed in connection with the 2000 statewide direct
18 primary election for the period ending January 22, 2000, and shall
19 continue to disclose online or electronically all required reports
20 and statements up to and including the semiannual statement for
21 the period ending June 30, 2000. Entities specified in paragraph
22 (4) shall commence online or electronic disclosure with the
23 quarterly report for the period ending March 31, 2000, and shall
24 continue to disclose online or electronically all required reports
25 and statements up to and including the quarterly report for the
26 period ending June 30, 2000. The entities subject to this section
27 are the following:

28 (1) Any candidate, including appellate court and Supreme Court
29 candidates and officeholders, committee, or other persons who are
30 required, pursuant to Chapter 4 (commencing with Section 84100),
31 to file statements, reports, or other documents in connection with
32 a state elective office or state measure appearing on the 2000
33 statewide direct primary ballot, provided that the total cumulative
34 reportable amount of contributions received, expenditures made,
35 loans made, or loans received is one hundred thousand dollars
36 (\$100,000) or more. For the purpose of cumulating totals, the
37 period covered shall commence January 1, 1999.

38 (2) Any general purpose committees, as defined in Section
39 82027.5, including the general purpose committees of political
40 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 contribution *report* or late independent expenditure report, ~~as~~
26 ~~defined by Sections 84203 and 84204, respectively,~~ not covered
27 by subdivision (a).

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

30 SEC. 38. 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 contribution *report* or late independent expenditure report, as

1 ~~defined by Sections 84203 and 84204, respectively,~~ not covered
2 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. 39. Section 84609 of the Government Code is amended
31 to read:

32 84609. All candidates and ballot measure committees who are
33 required, pursuant to Chapter 4 (commencing with Section 84100),
34 to file statements, reports, or other documents in connection with
35 a statewide elective office or state measure appearing on the
36 November 1998 ballot shall provide at the time of filing, in addition
37 to a paper submission, a copy of the required report on computer
38 disk in either an ASCII or PDF format with documentation
39 detailing the field layout or file structure. Filers who submit
40 computer disks which are not readable, cannot be copied, or do

1 not have documentation have not complied with the requirements
2 of this section. Candidate and ballot measure committees who
3 make their report available on the Internet through the Secretary
4 of State's office are not required to file the report on computer
5 disk. The Secretary of State shall make copies available to the
6 public, upon payment of fees covering direct costs of duplication,
7 or a statutory fee, if applicable. The Secretary of State shall also
8 disclose online; any late contribution *report* or late independent
9 expenditure report, as defined by Sections 84203 and 84204
10 respectively, filed in connection with any elective state office or
11 ballot measure appearing on the November 1998 ballot.

12 SEC. 40. Section 85300 of the Government Code is repealed.

13 ~~85300. No public officer shall expend and no candidate shall~~
14 ~~accept any public moneys for the purpose of seeking elective office.~~

15 SEC. 41. Section 85301 of the Government Code is repealed.

16 ~~85301. (a) A person, other than a small contributor committee~~
17 ~~or political party committee, may not make to any candidate for~~
18 ~~elective state office other than a candidate for statewide elective~~
19 ~~office, and a candidate for elective state office other than a~~
20 ~~candidate for statewide elective office may not accept from a~~
21 ~~person, any contribution totaling more than three thousand dollars~~
22 ~~(\$3,000) per election.~~

23 ~~(b) Except to a candidate for Governor, a person, other than a~~
24 ~~small contributor committee or political party committee, may not~~
25 ~~make to any candidate for statewide elective office, and except a~~
26 ~~candidate for Governor, a candidate for statewide elective office~~
27 ~~may not accept from a person other than a small contributor~~
28 ~~committee or a political party committee, any contribution totaling~~
29 ~~more than five thousand dollars (\$5,000) per election.~~

30 ~~(c) A person, other than a small contributor committee or~~
31 ~~political party committee, may not make to any candidate for~~
32 ~~Governor, and a candidate for governor may not accept from any~~
33 ~~person other than a small contributor committee or political party~~
34 ~~committee, any contribution totaling more than twenty thousand~~
35 ~~dollars (\$20,000) per election.~~

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

39 SEC. 42. Section 85302 of the Government Code is repealed.

1 ~~85302. (a) A small contributor committee may not make to~~
2 ~~any candidate for elective state office other than a candidate for~~
3 ~~statewide elective office, and a candidate for elective state office,~~
4 ~~other than a candidate for statewide elective office may not accept~~
5 ~~from a small contributor committee, any contribution totaling more~~
6 ~~than six thousand dollars (\$6,000) per election.~~

7 ~~(b) Except to a candidate for Governor, a small contributor~~
8 ~~committee may not make to any candidate for statewide elective~~
9 ~~office and except for a candidate for Governor, a candidate for~~
10 ~~statewide elective office may not accept from a small contributor~~
11 ~~committee, any contribution totaling more than ten thousand dollars~~
12 ~~(\$10,000) per election.~~

13 ~~(c) A small contributor committee may not make to any~~
14 ~~candidate for Governor, and a candidate for governor may not~~
15 ~~accept from a small contributor committee, any contribution~~
16 ~~totaling more than twenty thousand dollars (\$20,000) per election.~~

17 ~~SEC. 43. Section 85303 of the Government Code is repealed.~~

18 ~~85303. (a) A person may not make to any committee, other~~
19 ~~than a political party committee, and a committee other than a~~
20 ~~political party committee may not accept, any contribution totaling~~
21 ~~more than five thousand dollars (\$5,000) per calendar year for the~~
22 ~~purpose of making contributions to candidates for elective state~~
23 ~~office.~~

24 ~~(b) A person may not make to any political party committee,~~
25 ~~and a political party committee may not accept, any contribution~~
26 ~~totaling more than twenty-five thousand dollars (\$25,000) per~~
27 ~~calendar year for the purpose of making contributions for the~~
28 ~~support or defeat of candidates for elective state office.~~
29 ~~Notwithstanding Section 85312, this limit applies to contributions~~
30 ~~made to a political party used for the purpose of making~~
31 ~~expenditures at the behest of a candidate for elective state office~~
32 ~~for communications to party members related to the candidate's~~
33 ~~candidacy for elective state office.~~

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

38 ~~(d) Nothing in this chapter limits a candidate for elected state~~
39 ~~office from transferring contributions received by the candidate~~
40 ~~in excess of any amount necessary to defray the candidate's~~

1 ~~expenses for election related activities or holding office to a~~
 2 ~~political party committee, provided those transferred contributions~~
 3 ~~are used for purposes consistent with paragraph (4) of subdivision~~
 4 ~~(b) of Section 89519.~~

5 SEC. 44. Section 85304 of the Government Code is amended
 6 to read:

7 85304. (a) A candidate for elective state office or an elected
 8 state officer may establish a separate account to defray attorney’s
 9 fees and other related legal costs incurred for the candidate’s or
 10 officer’s legal defense if the candidate or officer is subject to one
 11 or more civil or criminal proceedings or administrative proceedings
 12 arising directly out of the conduct of an election campaign, the
 13 electoral process, or the performance of the officer’s governmental
 14 activities and duties. These funds may be used only to defray those
 15 ~~attorney~~ attorney’s fees and other related legal costs.

16 (b) ~~A candidate may receive contributions to this account that~~
 17 ~~are not subject to the contribution limits set forth in this article.~~
 18 ~~However, all~~ All contributions shall be reported in ~~a~~ the manner
 19 prescribed by ~~the commission~~ Section 84200.

20 (c) Once the legal dispute is resolved, the candidate shall dispose
 21 of any funds remaining after all expenses associated with the
 22 dispute are discharged for one or more of the purposes set forth in
 23 paragraphs (1) to (5), inclusive, of subdivision (b) of Section
 24 89519.

25 SEC. 45. Section 85304.5 of the Government Code is amended
 26 to read:

27 85304.5. (a) A candidate for elective office other than an
 28 elective state office or an elected officer other than an elected state
 29 officer may establish a separate account pursuant to subdivision
 30 (a) of Section 85304 and may use these funds only to defray
 31 attorney’s fees and other related legal costs.

32 (b) A candidate for an elective office other than an elective state
 33 office may receive contributions to the separate account, *which*
 34 *shall not be* subject to any limitations provided by local ordinance.
 35 However, all contributions to these separate accounts shall be
 36 reported in ~~a~~ the manner prescribed by ~~the commission~~ Section
 37 84200.

38 (c) Once the legal dispute is resolved, the candidate or elected
 39 officer shall dispose of any funds remaining in the separate
 40 accounts after all expenses associated with the dispute are

1 discharged for one or more of the purposes set forth in paragraphs
2 (1) to (5), inclusive, of subdivision (b) of Section 89519.

3 SEC. 46. Section 85305 of the Government Code is repealed.

4 ~~85305. A candidate for elective state office or committee
5 controlled by that candidate may not make any contribution to any
6 other candidate for elective state office in excess of the limits set
7 forth in subdivision (a) of Section 85301.~~

8 SEC. 47. Section 85306 of the Government Code is amended
9 to read:

10 85306. (a) A candidate may transfer campaign funds from one
11 controlled committee to a controlled committee for elective state
12 office of the same candidate. Contributions transferred shall be
13 attributed to specific contributors using a “last in, first out” or “first
14 in, first out” accounting method, ~~and these attributed contributions
15 when aggregated with all other contributions from the same
16 contributor may not exceed the limits set forth in Section 85301
17 or 85302.~~

18 (b) Notwithstanding subdivision (a), a candidate for elective
19 state office, other than a candidate for statewide elective office,
20 who possesses campaign funds on January 1, 2001, may use those
21 funds to seek elective office without attributing the funds to specific
22 contributors.

23 (c) Notwithstanding subdivision (a), a candidate for statewide
24 elective office who possesses campaign funds on November 6,
25 2002, may use those funds to seek elective office without
26 attributing the funds to specific contributors.

27 SEC. 48. Section 85307 of the Government Code is repealed.

28 ~~85307. (a) The provisions of this article regarding loans apply
29 to extensions of credit, but do not apply to loans made to a
30 candidate by a commercial lending institution in the lender's
31 regular course of business on terms available to members of the
32 general public for which the candidate is personally liable.~~

33 ~~(b) Notwithstanding subdivision (a), a candidate for elective
34 state office may not personally loan to his or her campaign,
35 including the proceeds of a loan obtained by the candidate from a
36 commercial lending institution, an amount, the outstanding balance
37 of which exceeds one hundred thousand dollars (\$100,000). A
38 candidate may not charge interest on any loan he or she made to
39 his or her campaign.~~

40 SEC. 49. Section 85309 of the Government Code is repealed.

1 85309. ~~(a) In addition to any other report required by this title,~~
2 ~~a candidate for elective state office who is required to file reports~~
3 ~~pursuant to Section 84605 shall file online or electronically with~~
4 ~~the Secretary of State a report disclosing receipt of a contribution~~
5 ~~of one thousand dollars (\$1,000) or more received during an~~
6 ~~election cycle. Those reports shall disclose the same information~~
7 ~~required by subdivision (a) of Section 84203 and shall be filed~~
8 ~~within 24 hours of receipt of the contribution.~~

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

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

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

36 SEC. 50. Section 85310 of the Government Code is amended
37 to read:

38 85310. (a) Any person who makes a payment or a promise of
39 payment totaling fifty thousand dollars (\$50,000) or more for a
40 communication that clearly identifies a candidate for elective state

1 office, but does not expressly advocate the election or defeat of
2 the candidate, and that is disseminated, broadcast, or otherwise
3 published within 45 days of an election, shall file online or
4 electronically with the Secretary of State a report disclosing the
5 name of the person, address, occupation, and employer, and amount
6 of the payment. The report shall be filed within 48 hours of making
7 the payment or the promise to make the payment.

8 (b) (1) Except as provided in paragraph (2), if any person has
9 received a payment or a promise of a payment from other persons
10 totaling five thousand dollars (\$5,000) or more for the purpose of
11 making a communication described in subdivision (a), the person
12 receiving the payments shall disclose on the report the name,
13 address, occupation and employer, and date and amount received
14 from the person.

15 (2) A person who receives or is promised a payment that is
16 otherwise reportable under paragraph (1) is not required to report
17 the payment if the person is in the business of providing goods or
18 services and receives or is promised the payment for the purpose
19 of providing those goods or services.

20 ~~(e) Any payment received by a person who makes a~~
21 ~~communication described in subdivision (a) is subject to the limits~~
22 ~~specified in subdivision (b) of Section 85303 if the communication~~
23 ~~is made at the behest of the clearly identified candidate.~~

24 SEC. 51. Section 85314 of the Government Code is repealed.

25 ~~85314. The contribution limits of this chapter apply to special~~
26 ~~elections and apply to special runoff elections. A special election~~
27 ~~and a special runoff election are separate elections for purposes~~
28 ~~of the contribution and voluntary expenditure limits set forth in~~
29 ~~this chapter.~~

30 SEC. 52. Section 85315 of the Government Code is amended
31 to read:

32 85315. (a) Notwithstanding any other provision of this chapter,
33 an elected state officer may establish a committee to oppose the
34 qualification of a recall measure, and the recall election. This
35 committee may be established when the elected state officer
36 receives a notice of intent to recall pursuant to Section 11021 of
37 the Elections Code. An elected state officer may accept campaign
38 contributions to oppose the qualification of a recall measure, ~~and~~
39 ~~if qualification is successful, the recall election, without regard to~~
40 ~~the campaign contributions limits set forth in this chapter. The~~

1 voluntary expenditure limits do not apply to expenditures made
 2 to oppose the qualification of a recall measure or to oppose the
 3 recall election.

4 (b) After the failure of a recall petition or after the recall
 5 election, the committee formed by the elected state officer shall
 6 wind down its activities and dissolve. Any remaining funds shall
 7 be treated as surplus funds and shall be expended within 30 days
 8 after the failure of the recall petition or after the recall election for
 9 a purpose specified in subdivision (b) of Section 89519.

10 SEC. 53. Section 85316 of the Government Code is amended
 11 to read:

12 85316. (a) Except as provided in subdivision (b), a contribution
 13 for an election may be accepted by a candidate for elective state
 14 office after the date of the election only to the extent that the
 15 contribution does not exceed net debts outstanding from the
 16 election, ~~and the contribution does not otherwise exceed the~~
 17 ~~applicable contribution limit for that election.~~

18 (b) Notwithstanding subdivision (a), an elected state officer
 19 may accept contributions after the date of the election for the
 20 purpose of paying expenses associated with holding the office
 21 provided that the contributions are not expended for any
 22 contribution to any state or local committee. Contributions received
 23 pursuant to this subdivision shall be deposited into a bank account
 24 established solely for the purposes specified in this subdivision.

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

28 ~~(A) Three thousand dollars (\$3,000) in the case of an elected~~
 29 ~~state officer of the Assembly or Senate.~~

30 ~~(B) Five thousand dollars (\$5,000) in the case of a statewide~~
 31 ~~elected state officer other than the Governor.~~

32 ~~(C) Twenty thousand dollars (\$20,000) in the case of the~~
 33 ~~Governor.~~

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

37 ~~(A) Fifty thousand dollars (\$50,000) in the case of an elected~~
 38 ~~state officer of the Assembly or Senate.~~

39 ~~(B) One hundred thousand dollars (\$100,000) in the case of a~~
 40 ~~statewide elected state officer other than the Governor.~~

1 ~~(C) Two hundred thousand dollars (\$200,000) in the case of the~~
2 ~~Governor.~~

3 ~~(3)~~

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

17 ~~(4) The commission shall adjust the calendar year contribution~~
18 ~~limitations and aggregate contribution limitations set forth in this~~
19 ~~subdivision in January of every odd-numbered year to reflect any~~
20 ~~increase or decrease in the Consumer Price Index. Those~~
21 ~~adjustments shall be rounded to the nearest one hundred dollars~~
22 ~~(\$100).~~

23 SEC. 54. Section 85320 of the Government Code is repealed.

24 ~~85320. (a) No foreign government or foreign principal shall~~
25 ~~make, directly or through any other person, any contribution,~~
26 ~~expenditure, or independent expenditure in connection with the~~
27 ~~qualification or support of, or opposition to, any state or local ballot~~
28 ~~measure.~~

29 ~~(b) No person and no committee shall solicit or accept a~~
30 ~~contribution from a foreign government or foreign principal in~~
31 ~~connection with the qualification or support of, or opposition to,~~
32 ~~any state or local ballot measure.~~

33 ~~(c) For the purposes of this section, a “foreign principal”~~
34 ~~includes the following:~~

35 ~~(1) A foreign political party.~~

36 ~~(2) A person outside the United States, unless either of the~~
37 ~~following is established:~~

38 ~~(A) The person is an individual and a citizen of the United~~
39 ~~States.~~

1 ~~(B) The person is not an individual and is organized under or~~
2 ~~created by the laws of the United States or of any state or other~~
3 ~~place subject to the jurisdiction of the United States and has its~~
4 ~~principal place of business within the United States.~~

5 ~~(3) A partnership, association, corporation, organization, or~~
6 ~~other combination of persons organized under the laws of or having~~
7 ~~its principal place of business in a foreign country.~~

8 ~~(4) A domestic subsidiary of a foreign corporation if the decision~~
9 ~~to contribute or expend funds is made by an officer, director, or~~
10 ~~management employee of the foreign corporation who is neither~~
11 ~~a citizen of the United States nor a lawfully admitted permanent~~
12 ~~resident of the United States.~~

13 ~~(d) This section shall not prohibit a contribution, expenditure,~~
14 ~~or independent expenditure made by a lawfully admitted permanent~~
15 ~~resident.~~

16 ~~(e) Any person who violates this section shall be guilty of a~~
17 ~~misdemeanor and shall be fined an amount equal to the amount~~
18 ~~contributed or expended.~~

19 SEC. 55. Section 85321 of the Government Code is repealed.

20 ~~85321. Notwithstanding any other provision of this chapter, if~~
21 ~~a candidate for elective state office or the candidate's controlled~~
22 ~~committee had net debts resulting from an election held prior to~~
23 ~~January 1, 2001, contributions to that candidate or committee for~~
24 ~~that election are not subject to the limits of Sections 85301 and~~
25 ~~85302.~~

26 SEC. 56. Section 85501 of the Government Code is amended
27 to read:

28 85501. A controlled committee of a candidate may not make
29 independent expenditures and may not contribute funds to another
30 committee for the purpose of making independent expenditures to
31 support or oppose other candidates.

32 SEC. 57. Section 85701 of the Government Code is repealed.

33 ~~85701. Any candidate or committee that receives a contribution~~
34 ~~in violation of Section 84301 shall pay to the General Fund of the~~
35 ~~state the amount of the contribution.~~

36 SEC. 58. Section 85702 of the Government Code is repealed.

37 ~~85702. An elected state officer or candidate for elected state~~
38 ~~office may not accept a contribution from a lobbyist, and a lobbyist~~
39 ~~may not make a contribution to an elected state officer or candidate~~
40 ~~for elected state office, if that lobbyist is registered to lobby the~~

1 ~~governmental agency for which the candidate is seeking election~~
2 ~~or the governmental agency of the elected state officer.~~

3 SEC. 59. Section 85704 of the Government Code is repealed.

4 ~~85704. A person may not make any contribution to a committee~~
5 ~~on the condition or with the agreement that it will be contributed~~
6 ~~to any particular candidate unless the contribution is fully disclosed~~
7 ~~pursuant to Section 84302.~~

8 SEC. 60. Section 89510 of the Government Code is amended
9 to read:

10 89510. ~~(a) A candidate for elective state office may only accept~~
11 ~~contributions within the limits provided in Chapter 5 (commencing~~
12 ~~with Section 85100).~~

13 ~~(b) All contributions deposited into the campaign account shall~~
14 ~~be deemed to be held in trust for expenses associated with the~~
15 ~~election of the candidate or for expenses associated with holding~~
16 ~~office.~~

17 SEC. 61. Section 89511.5 of the Government Code is amended
18 to read:

19 89511.5. (a) An incumbent elected officer may utilize his or
20 her personal funds for expenditures authorized by ~~subdivision (b)~~
21 ~~of~~ Section 89510 without first depositing those funds in his or her
22 controlled committee's campaign bank account, if both of the
23 following conditions are met:

24 (1) The expenditures are not campaign expenses.

25 (2) The treasurer of the committee is provided with a dated
26 receipt and a written description of the expenditure.

27 (b) An incumbent elected officer may be reimbursed for
28 expenditures of his or her personal funds, from either the controlled
29 committee campaign bank account established pursuant to Section
30 85201 with respect to election to the incumbent term of office, or
31 from a controlled committee campaign bank account established
32 pursuant to Section 85201 with respect to election to a future term
33 of office, if all of the following conditions are met:

34 (1) The expenditures are not campaign expenses.

35 (2) The incumbent elected officer, prior to reimbursement,
36 provides the treasurer of the committee with a dated receipt and a
37 written description of each expenditure.

38 (3) Reimbursement is paid within 90 days of the expenditure,
39 in the case of a cash expenditure, or within 90 days of the end of

1 the billing period in which it was included, in the case of an
2 expenditure charged to a credit card or charge account.

3 ~~(e) When the elected officer's controlled committee is notified
4 that expenditures totaling one hundred dollars (\$100) or more in
5 a fiscal year have been made by the incumbent elected officer, the
6 committee shall report, pursuant to subdivision (k) of Section
7 84211, the expenditures on the campaign statement for the period
8 in which the expenditures were made and the reimbursements on
9 the campaign statement for the period in which the reimbursements
10 were made.~~

11 ~~(d)~~
12 (c) If reimbursement is not paid within the time authorized by
13 this section, the expenditure shall be reported on the campaign
14 statement as a nonmonetary contribution received on the 90th day
15 after the expenditure is paid, in the case of a cash expenditure, or
16 within 90 days of the end of the billing period in which it was
17 included, in the case of an expenditure charged to a credit card or
18 charge account.

19 ~~(e)~~
20 (d) This section shall not be construed to authorize an incumbent
21 elected officer to make expenditures from any campaign bank
22 account for expenses other than those expenses associated with
23 his or her election to the specific office for which the account was
24 established and expenses associated with holding that office.

25 SEC. 62. Section 89512.5 of the Government Code is amended
26 to read:

27 89512.5. (a) Subject to the provisions of subdivision (b), any
28 expenditure by a committee not subject to the trust imposed by
29 ~~subdivision (b) of Section 89510~~ shall be reasonably related to a
30 political, legislative, or governmental purpose of the committee.

31 (b) Any expenditure by a committee that confers a substantial
32 personal benefit on any individual or individuals with authority to
33 approve the expenditure of campaign funds held by the committee,
34 shall be directly related to a political, legislative, or governmental
35 purpose of the committee.

36 SEC. 63. Section 89513 of the Government Code is amended
37 to read:

38 89513. This section governs the use of campaign funds for the
39 specific expenditures set forth in this section. It is the intent of the
40 Legislature that this section shall guide the interpretation of the

1 standard imposed by Section 89512 as applied to other expenditures
2 not specifically set forth in this section.

3 (a) (1) Campaign funds shall not be used to pay or reimburse
4 the candidate, the elected officer, or any individual or individuals
5 with authority to approve the expenditure of campaign funds held
6 by a committee, or employees or staff of the committee or the
7 elected officer's governmental agency for travel expenses and
8 necessary accommodations except when these expenditures are
9 directly related to a political, legislative, or governmental purpose.

10 (2) For the purposes of this section, payments or reimbursements
11 for travel and necessary accommodations shall be considered as
12 directly related to a political, legislative, or governmental purpose
13 if the payments would meet standards similar to the standards of
14 the Internal Revenue Service pursuant to Sections 162 and 274 of
15 the Internal Revenue Code for deductions of travel expenses under
16 the federal income tax law.

17 (3) For the purposes of this section, payments or reimbursement
18 for travel by the household of a candidate or elected officer when
19 traveling to the same destination in order to accompany the
20 candidate or elected officer shall be considered for the same
21 purpose as the candidate's or elected officer's travel.

22 ~~(4) Whenever campaign funds are used to pay or reimburse a~~
23 ~~candidate, elected officer, his or her representative, or a member~~
24 ~~of the candidate's household for travel expenses and necessary~~
25 ~~accommodations, the expenditure shall be reported as required by~~
26 ~~Section 84211.~~

27 (5)

28 (4) Whenever campaign funds are used to pay or reimburse for
29 travel expenses and necessary accommodations, any mileage credit
30 that is earned or awarded pursuant to an airline bonus mileage
31 program shall be deemed personally earned by or awarded to the
32 individual traveler. Neither the earning or awarding of mileage
33 credit, nor the redeeming of credit for actual travel, shall be subject
34 to reporting pursuant to Section 84211.

35 (b) (1) Campaign funds shall not be used to pay for or reimburse
36 the cost of professional services unless the services are directly
37 related to a political, legislative, or governmental purpose.

38 (2) Expenditures by a committee to pay for professional services
39 reasonably required by the committee to assist it in the performance

1 of its administrative functions are directly related to a political,
2 legislative, or governmental purpose.

3 (3) Campaign funds shall not be used to pay health-related
4 expenses for a candidate, elected officer, or any individual or
5 individuals with authority to approve the expenditure of campaign
6 funds held by a committee, or members of his or her household.
7 “Health-related expenses” includes, but is not limited to,
8 examinations by physicians, dentists, psychiatrists, psychologists,
9 or counselors, expenses for medications, treatments or medical
10 equipment, and expenses for hospitalization, health club dues, and
11 special dietary foods. However, campaign funds may be used to
12 pay employer costs of health care benefits of a bona fide employee
13 or independent contractor of the committee.

14 (c) Campaign funds shall not be used to pay or reimburse fines,
15 penalties, judgments, or settlements, except those resulting from
16 either of the following:

17 (1) Parking citations incurred in the performance of an activity
18 that was directly related to a political, legislative, or governmental
19 purpose.

20 (2) Any other action for which payment of attorney’s fees from
21 contributions would be permitted pursuant to this title.

22 (d) Campaign funds shall not be used for campaign, business,
23 or casual clothing except specialty clothing that is not suitable for
24 everyday use, including, but not limited to, formal wear, if this
25 attire is to be worn by the candidate or elected officer and is directly
26 related to a political, legislative, or governmental purpose.

27 (e) (1) Except where otherwise prohibited by law, campaign
28 funds may be used to purchase or reimburse for the costs of
29 purchase of tickets to political fundraising events for the attendance
30 of a candidate, elected officer, or his or her immediate family, or
31 an officer, director, employee, or staff of the committee or the
32 elected officer’s governmental agency.

33 (2) Campaign funds shall not be used to pay for or reimburse
34 for the costs of tickets for entertainment or sporting events for the
35 candidate, elected officer, or members of his or her immediate
36 family, or an officer, director, employee, or staff of the committee,
37 unless their attendance at the event is directly related to a political,
38 legislative, or governmental purpose.

1 (3) The purchase of tickets for entertainment or sporting events
2 for the benefit of persons other than the candidate, elected officer,
3 or his or her immediate family are governed by subdivision (f).

4 (f) (1) Campaign funds shall not be used to make personal gifts
5 unless the gift is directly related to a political, legislative, or
6 governmental purpose. The refund of a campaign contribution
7 does not constitute the making of a gift.

8 (2) Nothing in this section shall prohibit the use of campaign
9 funds to reimburse or otherwise compensate a public employee
10 for services rendered to a candidate or committee while on
11 vacation, leave, or otherwise outside of compensated public time.

12 (3) An election victory celebration or similar campaign event,
13 or gifts with a total cumulative value of less than two hundred fifty
14 dollars (\$250) in a single year made to an individual employee, a
15 committee worker, or an employee of the elected officer's agency,
16 are considered to be directly related to a political, legislative, or
17 governmental purpose. For purposes of this paragraph, a gift to a
18 member of a person's immediate family shall be deemed to be a
19 gift to that person.

20 (g) Campaign funds shall not be used to make loans other than
21 to organizations pursuant to Section 89515, or, unless otherwise
22 prohibited, to a candidate for elective office, political party, or
23 committee.

24 SEC. 64. Section 90002 of the Government Code is amended
25 to read:

26 90002. (a) Audits and investigations of lobbying firms and
27 lobbyist employers shall be performed on a biennial basis and shall
28 cover reports filed during a period of two years.

29 (b) If a lobbying firm or lobbyist employer keeps a separate
30 account for all receipts and payments for which reporting is
31 required by this chapter, the requirement of an audit under
32 subdivision (a) of Section 90001 shall be satisfied by an audit of
33 that account and the supporting documentation required to be
34 maintained by Section 86110.

35 (c) No audit or investigation of any candidate, controlled
36 committee, or committee primarily supporting or opposing a
37 candidate or a measure in connection with a report or statement
38 required by Chapter 4 ~~of this title~~ (*commencing with Section*
39 *84100*), shall begin until after the last date for filing the first report
40 or statement following the general, runoff, or special election for

1 the office for which the candidate ran, or following the election at
2 which the measure was adopted or defeated, except that audits and
3 investigations of statewide candidates, their controlled committees,
4 and committees primarily supporting or opposing those statewide
5 candidates who were defeated in the primary election and who are
6 not required to file statements for the general election may begin
7 after the last date for filing the first report or statement following
8 the primary election. When the campaign statements or reports of
9 a candidate, controlled committee, or a committee primarily
10 supporting or opposing a candidate are audited and investigated
11 pursuant to Section 90001, the audit and investigation shall cover
12 all campaign statements and reports filed for the primary and
13 general or special or runoff elections and any previous campaign
14 statement or report filed pursuant to Section 84200 or 84200.5
15 since the last election for that office, but shall exclude any
16 statements or reports which have previously been audited pursuant
17 to Section 90001 or 90003. When the campaign statements or
18 reports of a committee primarily supporting or opposing a measure
19 are audited and investigated, the audit and investigation shall cover
20 all campaign statements and reports from the beginning date of
21 the first campaign statement filed by the committee in connection
22 with the measure. For all other committees, the audit and
23 investigation shall cover all campaign statements filed during the
24 previous two calendar years.

25 SEC. 65. No reimbursement is required by this act pursuant to
26 Section 6 of Article XIII B of the California Constitution because
27 the duties imposed on a local agency or school district by this act
28 were expressly included in a ballot measure approved by the voters
29 in a statewide election, within the meaning of Section 17556 of
30 the Government Code.

31 SEC. 66. The Secretary of State shall, pursuant to subdivision
32 (b) of Section 81012 of the Government Code, submit Sections 3
33 to 64, inclusive, of this act to the voters for approval at a statewide
34 election in accordance with Section 9040 of the Elections Code.

35 SEC. 67. Sections 1 and 2 of this act shall not become operative
36 unless and until the voters approve the amendments to the Political
37 Reform Act of 1974 (Title 9 (commencing with Section 81000))

1 of the Government Code) made by Sections 3 to 64, inclusive, of
2 this act, at the statewide election described in Section 66.

O

ASSEMBLY BILL

No. 2256

Introduced by Assembly Member Portantino

February 24, 2012

An act to add Article 11 (commencing with Section 9149.50) to Chapter 1.5 of Part 1 of Division 2 of Title 2 of the Government Code, relating to the Legislature.

LEGISLATIVE COUNSEL'S DIGEST

AB 2256, as introduced, Portantino. California Legislature Whistleblower Protection Act.

Existing law, the California Whistleblower Protection Act, prohibits a state employee from using his or her official authority or influence to discourage or retaliate against any person in order to interfere with the right of that person to disclose evidence of an improper government activity. The act requires the State Auditor to investigate disclosures of improper government activities. The act expressly does not apply to an employee who is a Member or employee of the Legislature.

This bill would enact, and would require the Fair Political Practices Commission to administer, the California Legislature Whistleblower Protection Act. The act would prohibit a Member or employee of the Legislature from directly or indirectly using or attempting to use his or her official authority or influence to retaliate, threaten, coerce, or engage in any similar improper act for the purpose of interfering with the right of an employee of the Legislature to make a protected disclosure of improper governmental activity or to refuse an illegal order, as defined. The act would authorize a current, prospective, or former employee of the Legislature, as specified, within one year of the most recent improper act complained of, to file a written complaint with his or her supervisor,

manager, or other officer designated by the Senate Committee on Rules or the Assembly Committee on Rules alleging actual or attempted violations of these prohibited acts. The act would provide that any Member or employee of the Legislature who intentionally engages in these prohibited acts is subject to, except as specified, a civil action brought by the injured party in addition to specified civil and criminal penalties.

The act would require the commission to create the means for the submission of allegations of improper governmental activities to the commission, and would authorize the commission to investigate the allegations or refer them to the Senate Committee on Rules or the Assembly Committee on Rules, the Attorney General, or the appropriate district attorney for investigation. The act would require the commission, if it investigates an allegation and determines that a Member or employee of the Legislature may have engaged or participated in such activities, to prepare an investigative report and send a copy to the Senate Committee on Rules or the Assembly Committee on Rules, as applicable. The act would also authorize the commission, as it deems appropriate, to send a copy of the investigative report to other entities.

This bill would impose a state-mandated local program by creating additional crimes.

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.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

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

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) The California Whistleblower Protection Act prohibits a
- 4 state employee from using his or her official authority or influence
- 5 for the purpose of intimidating, threatening, coercing, or
- 6 commanding any person for the purpose of interfering with his or
- 7 her right to make a protected disclosure of improper governmental
- 8 activity. The Legislature has passed legislation exempting itself
- 9 and its employees from this prohibition.

1 (b) The California Whistleblower Protection Act requires the
2 State Auditor to investigate and report on improper state
3 governmental activities. The State Auditor has maintained that she
4 will not investigate California Whistleblower Protection Act
5 violation allegations against Members or employees of the
6 Legislature because the Legislature is one of the State Auditor's
7 clients.

8 (c) The California Whistleblower Protection Act authorizes a
9 state employee or applicant for state employment who files a
10 written complaint alleging reprisal, retaliation, or similar prohibited
11 acts to also file a copy of the written complaint with the State
12 Personnel Board, together with a sworn statement that the
13 complaint is true, under penalty of perjury. The act provides that
14 any person who intentionally engages in acts of reprisal, retaliation,
15 or similar prohibited acts against a state employee or applicant for
16 state employment for having made a protected disclosure is subject
17 to punishment for a misdemeanor, and shall be liable in an action
18 for civil damages brought by the injured party. The Legislature
19 has exempted itself from these provisions and, therefore, legislative
20 employees have no protection against reprisal or retaliation for
21 reporting fraud, waste, criminal acts, abuse, or other improper
22 governmental activities.

23 (d) There currently is no place where employees of the
24 Legislature can report fraud, waste, criminal acts, abuse, or other
25 improper governmental activities anonymously and without fear
26 of reprisal or retaliation. The lack of a forum to anonymously
27 disclose improper governmental activities creates an environment
28 of secrecy and closed government in the Legislature that serves to
29 ensure that no corrective action or measures are taken.

30 (e) It is the intent of the Legislature that its decisions be made
31 openly. If there are instances of fraud, waste, criminal acts, abuse,
32 or other improper governmental activities, it is the policy of the
33 Legislature that these be reported and corrected. The Legislature
34 actively seeks openness and accountability in government.
35 Employees of the Legislature need to be free to report these abuses
36 with the same protections as other state employees.

37 SEC. 2. Article 11 (commencing with Section 9149.50) is
38 added to Chapter 1.5 of Part 1 of Division 2 of Title 2 of the
39 Government Code, to read:

1 Article 11. California Legislature Whistleblower Protection
2 Act

3
4 9149.50. This article shall be known and may be cited as the
5 California Legislature Whistleblower Protection Act.

6 9149.51. (a) The Legislature finds and declares that employees
7 of each house of the Legislature should be free to report waste,
8 fraud, abuse of authority, violations of law, or threats to the public
9 without fear of retribution. The Legislature further finds and
10 declares that legislative employees best serve the citizens of this
11 state when they can be candid and honest without reservation in
12 conducting the people’s business. Employees of each house of the
13 Legislature have an affirmative duty to disclose or report improper
14 governmental activity.

15 (b) The Legislature finds and declares that access to information
16 concerning the conduct of the people’s business by the Legislature
17 is a fundamental and necessary right of every citizen in this state.
18 It is the intent of the Legislature that the Legislature conduct the
19 people’s business in a manner that is free from improper
20 governmental activity. To this end, the Legislature encourages and
21 requires that instances of fraud, waste, abuse of authority, violations
22 of law, or threats to public safety be reported to an independent
23 entity for review and action.

24 9149.52. For the purposes of this article, the following terms
25 have the following meanings:

26 (a) “Illegal order” means a directive to violate or assist in
27 violating a federal, state, or local law, rule, or regulation, or an
28 order to work or cause others to work in conditions outside of their
29 line of duty that would unreasonably threaten the health or safety
30 of employees or the public.

31 (b) “Improper governmental activity” means an activity of a
32 Member or employee of either house of the Legislature that is
33 undertaken in the performance of the Member’s or employee’s
34 duties, whether or not that activity is within the scope of his or her
35 employment, and is in violation of any state or federal law or
36 regulation, including corruption, malfeasance, bribery, theft of
37 government property, fraudulent claims, fraud, coercion,
38 conversion, malicious prosecution, misuse of government property,
39 or willful omission to perform a duty, or that is economically

1 wasteful or involves gross misconduct, incompetency, or
2 inefficiency.

3 (c) “Protected disclosure” means a good faith communication,
4 including a communication based on, or when carrying out, job
5 duties, that discloses or demonstrates an intention to disclose
6 information that may evidence (1) an improper governmental
7 activity, or (2) a condition that may significantly threaten the health
8 or safety of employees or the public if the disclosure or intention
9 to disclose was made for the purpose of remedying that condition.
10 Protected disclosure specifically includes a good faith
11 communication to the Fair Political Practices Commission alleging
12 an improper governmental activity and any evidence delivered to
13 the commission in support of the allegation. “Protected disclosure”
14 also includes a complaint made to the Commission on Judicial
15 Performance.

16 9149.53. (a) (1) A Member or employee of either house of
17 the Legislature shall not directly or indirectly use or attempt to use
18 his or her official authority or influence to retaliate, threaten,
19 coerce, or engage in any similar improper act for the purpose of
20 interfering with the right of an employee of either house of the
21 Legislature to make a protected disclosure of improper
22 governmental activity or to refuse an illegal order.

23 (2) For the purposes of this subdivision, the use of “official
24 authority or influence” includes promising to confer, or conferring,
25 any benefit; effecting, or threatening to effect, any reprisal; or
26 taking, or directing others to take, or recommending, processing,
27 or approving, any personnel action, including appointment,
28 promotion, transfer, assignment, performance evaluation,
29 suspension, or other disciplinary action.

30 (b) An employee of either house of the Legislature or applicant
31 for employment with either house of the Legislature may file a
32 written complaint with his or her supervisor, manager, or other
33 officer designated for that purpose by the Senate Committee on
34 Rules or the Assembly Committee on Rules, as applicable, alleging
35 actual or attempted acts of reprisal, retaliation, threats, coercion,
36 or similar improper acts prohibited by subdivision (a), together
37 with a sworn statement that the contents of the complaint are true,
38 or are believed by the affiant to be true, under penalty of perjury.
39 The complaint shall be filed within one year of the most recent
40 improper act complained about. The Senate Committee on Rules

1 and the Assembly Committee on Rules shall each designate an
2 officer to receive complaints pursuant to this subdivision. A former
3 employee of either house of the Legislature may file a complaint
4 pursuant to this subdivision if the alleged acts complained of
5 occurred on or after January 1, 2013.

6 (c) Except to the extent that a Member of the Legislature is
7 immune from liability under the doctrine of legislative immunity,
8 a person who intentionally engages in an act prohibited by
9 subdivision (a) is subject to all of the following:

10 (1) (A) A civil action for damages brought against him or her
11 by the injured party. Punitive damages may be awarded by the
12 court if the acts of the offending party are proven to be malicious.
13 If liability is established, the injured party shall also be entitled to
14 reasonable attorney's fees.

15 (B) In any civil action pursuant to this paragraph, once it has
16 been demonstrated by a preponderance of evidence that an activity
17 protected by this article was a contributing factor in the alleged
18 reprisal, retaliation, threat, coercion, or other similar improper act
19 against a former, current, or prospective employee of the
20 Legislature, the burden of proof shall be on the offending party to
21 demonstrate by clear and convincing evidence that the alleged
22 action would have occurred for legitimate and independent reasons
23 even if the employee had not engaged in a protected disclosure or
24 refused an illegal order.

25 (2) A fine not to exceed ten thousand dollars (\$10,000).

26 (3) Imprisonment in a county jail for a period not to exceed one
27 year.

28 (d) This section does not prevent a Member or employee of
29 either house of the Legislature from taking, directing others to
30 take, recommending, or approving any personnel action or from
31 taking or failing to take a personnel action with respect to any
32 employee of either house of the Legislature or applicant for
33 employment with either house of the Legislature if the Member
34 or employee reasonably believes any action or inaction is justified
35 on the basis of evidence separate and apart from the fact that the
36 person has made a protected disclosure or refused an illegal order.

37 (e) This article does not diminish the rights, privileges, or
38 remedies of any employee under any other federal or state law,
39 nor does it authorize an individual to disclose information
40 otherwise prohibited by or under law.

1 9149.54. (a) The Fair Political Practices Commission shall
2 administer this article. For purposes of this article, the commission
3 does not have any enforcement power.

4 (b) The commission shall establish the means for the submission
5 of allegations of improper governmental activity to the commission
6 by transmission via mail or other carrier to a specified mailing
7 address and by electronic submission through an Internet Web site
8 portal. The commission may request that a person submitting an
9 allegation voluntarily provide his or her name and contact
10 information and the names and contact information for any persons
11 who could substantiate the claim. However, the commission shall
12 not require a person submitting an allegation to provide his or her
13 name or contact information, and shall clearly state on its Internet
14 Web site that this information is not required in order to submit
15 an allegation.

16 (c) Upon receipt of an allegation pursuant to subdivision (b),
17 the commission may investigate the matter. The identity of the
18 person submitting the allegation that initiated the investigation, or
19 of any person providing information in confidence to further an
20 investigation, shall not be disclosed without the express permission
21 of that person, except that the commission may make the disclosure
22 to a law enforcement agency that is conducting a criminal
23 investigation pursuant to subdivision (d) or (e).

24 (d) As an alternative to conducting its own investigation, if the
25 commission determines that there is reasonable cause to believe
26 that a Member or employee of either house of the Legislature may
27 have engaged in an improper governmental activity, the
28 commission may refer the allegation to the Senate Committee on
29 Rules or the Assembly Committee on Rules to conduct an
30 investigation of the allegation. If the commission refers an
31 allegation to the Senate Committee on Rules or the Assembly
32 Committee on Rules, that committee shall investigate the allegation
33 and report the results of the investigation to the commission within
34 60 days of the referral and monthly thereafter until final action has
35 been taken. In addition, whenever the commission determines that
36 there is reasonable cause to believe that a Member or employee
37 of either house of the Legislature may have engaged in an improper
38 governmental activity, the commission may refer the allegation to
39 the Attorney General or the appropriate district attorney.

1 (e) If, after investigating an allegation, the commission finds
2 that a Member or employee of either house of the Legislature may
3 have engaged or participated in an improper governmental activity,
4 the commission shall prepare an investigative report and send a
5 copy of that report to the Senate Committee on Rules or the
6 Assembly Committee on Rules and the office of the Member or
7 employee who is the subject of the allegation. The investigative
8 report may include the commission's recommended actions to
9 prevent the continuation or recurrence of the activity. The
10 commission may, as it deems appropriate, also send a copy of the
11 investigative report to the Attorney General, the appropriate district
12 attorney, the policy committees of the Senate and Assembly having
13 jurisdiction over the subject involved, or to any other entity. The
14 commission may provide to the Senate Committee on Rules or the
15 Assembly Committee on Rules any evidence gathered during the
16 investigation that, in the judgment of the commission, is necessary
17 to support any of the recommendations. Within 60 days of
18 receiving the commission's investigative report, the Senate
19 Committee on Rules or the Assembly Committee on Rules, as
20 applicable, shall report to the commission any actions that it has
21 taken or that it intends to take to implement the recommendations.
22 The committee shall file subsequent reports on a monthly basis
23 until final action has been taken.

24 (f) The commission may request the assistance of any Member
25 or employee of either house of the Legislature, or the Senate
26 Committee on Rules or the Assembly Committee on Rules, in
27 evaluating an allegation or conducting any investigation of an
28 improper governmental activity as authorized by this article. In
29 response to a request for assistance from the commission, the
30 Member or employee, or the Senate Committee on Rules or the
31 Assembly Committee on Rules, as applicable, shall provide the
32 assistance, including providing access to documents or other
33 information in a timely manner. No information obtained from the
34 commission by a Member or employee, or the Senate Committee
35 on Rules or the Assembly Committee on Rules, as a result of the
36 commission's request for assistance, or any information obtained
37 thereafter as a result of further investigation, shall be divulged or
38 made known to any person without the prior approval of the
39 commission.

1 (g) The commission shall keep confidential every investigation,
2 including all investigative files and work product, except that the
3 commission, whenever it determines that it is necessary to serve
4 the interests of the state, may issue a public report of an
5 investigation that has substantiated an improper governmental
6 activity, keeping confidential the identity of the employee or
7 employees involved. In addition, the commission may release any
8 findings or evidence supporting any findings resulting from an
9 investigation conducted pursuant to this article whenever the
10 commission determines it is necessary to serve the interests of the
11 state.

12 SEC. 3. No reimbursement is required by this act pursuant to
13 Section 6 of Article XIII B of the California Constitution because
14 the only costs that may be incurred by a local agency or school
15 district will be incurred because this act creates a new crime or
16 infraction, eliminates a crime or infraction, or changes the penalty
17 for a crime or infraction, within the meaning of Section 17556 of
18 the Government Code, or changes the definition of a crime within
19 the meaning of Section 6 of Article XIII B of the California
20 Constitution.

ASSEMBLY BILL

No. 2452

Introduced by Assembly Member Ammiano

February 24, 2012

An act to add Section 84615 to the Government Code, relating to the Political Reform Act of 1974.

LEGISLATIVE COUNSEL'S DIGEST

AB 2452, as introduced, Ammiano. Political Reform Act of 1974: online disclosure.

The Political Reform Act of 1974 requires specified candidates, committees, slate mailer organizations, and lobbyists, lobbying firms, and lobbyist employers to file campaign statements and reports online or electronically with the Secretary of State, as specified. The act requires certain of these entities to also file campaign statements and reports with local filing officers, as specified.

This bill would authorize a local government agency to require an elected officer, candidate, committee, or other person required to file specified statements, reports, or other documents to file those statements, reports, or other documents online or electronically with a local filing officer. The bill would prescribe criteria that must be satisfied by a local government agency that requires online or electronic filing of statements, reports, or other documents, as specified, including, among others, that the system be available free of charge to filers and to the public for viewing filings, and that the system include a procedure for filers to comply with the requirement that they sign statements and reports under penalty of perjury.

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 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: 2/3. Appropriation: no. Fiscal committee: no.

State-mandated local program: no.

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

1 SECTION 1. Section 84615 is added to the Government Code,
2 to read:

3 84615. A local government agency may require an elected
4 officer, candidate, committee, or other person required to file
5 statements, reports, or other documents required by Chapter 4
6 (commencing with Section 84100) to file those statements, reports,
7 or other documents online or electronically with a local filing
8 officer. A local government agency that requires online or
9 electronic filing pursuant to this section shall comply with all of
10 the following:

11 (a) The legislative body for the local government agency shall
12 adopt an ordinance approving the use of online or electronic filing,
13 which shall include a legislative finding that the online or electronic
14 filing system will operate securely and effectively and would not
15 unduly burden filers. The ordinance adopted by the legislative
16 body for the local government agency may, at the discretion of
17 that legislative body, specify that the electronic or online filing
18 requirements apply only to specifically identified types of filings
19 or are triggered only by identified monetary thresholds.

20 (b) The online or electronic filing system shall only accept a
21 filing in the standardized record format that is developed by the
22 Secretary of State pursuant to paragraph (2) of subdivision (a) of
23 Section 84602 and that is compatible with the Secretary of State's
24 system for receiving an online or electronic filing.

25 (c) The online or electronic filing system shall ensure the
26 integrity of the data transmitted and shall include safeguards against
27 efforts to tamper with, manipulate, alter, or subvert the date.

28 (d) The date of filing for a statement, report, or other document
29 that is filed online or electronically shall be the day that it is
30 received by the local filing officer.

31 (e) The local filing officer shall make all the data filed available
32 on the Internet in an easily understood format that provides the

1 greatest public access. The data shall be made available free of
2 charge and as soon as possible after receipt. The data made
3 available on the Internet shall not contain the street name and
4 building number of the persons or entity representatives listed on
5 the electronically filed forms or any bank account number required
6 to be disclosed by the filer.

7 (f) The online or electronic filing system shall include a
8 procedure for filers to comply with the requirement that they sign
9 statements and reports under penalty of perjury pursuant to Section
10 81004.

11 (g) The local government agency shall enable filers to submit
12 filings free of charge.

13 (h) The local filing officer shall maintain, for a period of 10
14 years commencing from the date filed, a secured, official version
15 of each online or electronic statement, report, or other document
16 filed pursuant to this section, which shall serve as the official
17 version of that record for purpose of audits and any other legal
18 purpose.

19 (i) Notwithstanding any other provision of law, any statement,
20 report, or other document filed online or electronically pursuant
21 to this section shall not be required to be filed with the local filing
22 officer in paper format.

23 SEC. 2. The Legislature finds and declares that this bill furthers
24 the purposes of the Political Reform Act of 1974 within the
25 meaning of subdivision (a) of Section 81012 of the Government
26 Code.

ASSEMBLY BILL

No. 2503

Introduced by Assembly Member Norby

February 24, 2012

An act to amend Sections 82030 and 87100 of the Government Code, relating to the Political Reform Act of 1974.

LEGISLATIVE COUNSEL'S DIGEST

AB 2503, as introduced, Norby. Political Reform Act of 1974.

Existing law, the Political Reform Act of 1974, prohibits a public official at any level of state or local government from making, participating in making, or in any way attempting to use his or her official position to influence a governmental decision in which he or she knows or has reason to know he or she has a financial interest. Existing law states that a public official has a financial interest in a decision if it is reasonably foreseeable that the decision will have a material financial effect on, among other things, any source of income, as defined, of the official aggregating \$500 or more received by the official within 12 months prior to the time the decision is made.

This bill would make nonsubstantive changes to those provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

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

- 1 SECTION 1. Section 82030 of the Government Code is
- 2 amended to read:
- 3 82030. (a) "Income" means, except as provided in subdivision
- 4 (b), a payment received, including, but not limited to, any salary,

1 wage, advance, dividend, interest, rent, proceeds from any sale,
2 gift, including any gift of food or beverage, loan, forgiveness or
3 payment of indebtedness received by the filer, reimbursement for
4 expenses, per diem, or contribution to an insurance or pension
5 program paid by any person other than an employer, and including
6 any community property interest in the income of a spouse. Income
7 also includes an outstanding loan. Income of an individual also
8 includes a pro rata share of any income of any business entity or
9 trust in which the individual or spouse owns, directly, indirectly,
10 or beneficially, a 10-percent interest or greater. "Income," other
11 than a gift, does not include income received from any source
12 outside the jurisdiction and not doing business within the
13 jurisdiction, not planning to do business within the jurisdiction,
14 or not having done business within the jurisdiction during the two
15 years prior to the time any statement or other action is required
16 under this title.

17 (b) "Income" also does not include:

18 (1) Campaign contributions required to be reported under
19 Chapter 4 (commencing with Section 84100).

20 (2) Salary and reimbursement for expenses or per diem, and
21 social security, disability, or other similar benefit payments
22 received from a state, local, or federal government agency and
23 reimbursement for travel expenses and per diem received from a
24 bona fide nonprofit entity exempt from taxation under Section
25 501(c)(3) of the Internal Revenue Code.

26 (3) Any devise or inheritance.

27 (4) Interest, dividends, or premiums on a time or demand deposit
28 in a financial institution, shares in a credit union or any insurance
29 policy, payments received under any insurance policy, or any bond
30 or other debt instrument issued by any government or government
31 agency.

32 (5) Dividends, interest, or any other return on a security ~~which~~
33 *that* is registered with the Securities and Exchange Commission
34 of the United States government or a commodity future registered
35 with the Commodity Futures Trading Commission of the United
36 States government, except proceeds from the sale of these securities
37 and commodities futures.

38 (6) Redemption of a mutual fund.

39 (7) Alimony or child support payments.

1 (8) Any loan or loans from a commercial lending institution
2 ~~which~~ *that* are made in the lender's regular course of business on
3 terms available to members of the public without regard to official
4 status.

5 (9) Any loan from or payments received on a loan made to an
6 individual's spouse, child, parent, grandparent, grandchild, brother,
7 sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece,
8 uncle, aunt, or first cousin, or the spouse of any such person,
9 provided that a loan or loan payment received from any such person
10 shall be considered income if he or she is acting as an agent or
11 intermediary for any person not covered by this paragraph.

12 (10) Any indebtedness created as part of a retail installment or
13 credit card transaction if made in the lender's regular course of
14 business on terms available to members of the public without
15 regard to official status.

16 (11) Payments received under a defined benefit pension plan
17 qualified under ~~Internal Revenue Code~~ Section 401(a) *of the*
18 *Internal Revenue Code*.

19 (12) Proceeds from the sale of securities registered with the
20 Securities and Exchange Commission of the United States
21 government or from the sale of commodities futures registered
22 with the Commodity Futures Trading Commission of the United
23 States government if the filer sells the securities or the commodities
24 futures on a stock or commodities exchange and does not know
25 or have reason to know the identity of the purchaser.

26 SEC. 2. Section 87100 of the Government Code is amended
27 to read:

28 87100. No public official at any level of state or local
29 government shall make, participate in making, or in any way
30 attempt to use his *or her* official position to influence a
31 governmental decision in which he *or she* knows or has reason to
32 know he *or she* has a financial interest.