

ASSEMBLY BILL

No. 45

Introduced by Assembly Member Dickinson

December 19, 2012

An act to amend Sections 81010, 82013, 82015, 82016, 84101, 84211, 84215, 84605, 85201, 89519, 90003, 90005, and 91003 of, and to add Sections 84215.5 and 86119 to, the Government Code, relating to the Political Reform Act of 1974.

LEGISLATIVE COUNSEL'S DIGEST

AB 45, as introduced, Dickinson. Political Reform Act of 1974.

(1) The Political Reform Act of 1974 imposes various reporting and disclosure requirements for campaign contributions and expenditures. For purposes of the act, a “committee” is defined to include any person or combination of persons who receives contributions or makes independent expenditures totaling \$1,000 or more in a calendar year. The act also defines a “controlled committee” to include a committee that is controlled directly or indirectly by a candidate.

This bill would increase the monetary threshold of contributions or independent expenditures that qualify a person or combination of persons as a committee to \$2,000. The bill would also revise the definition of a “controlled committee” to specify that a committee controlled by a candidate who is elected to office is a controlled committee for the duration of the candidate’s entire term of office, as specified.

(2) The act requires committees to file periodic campaign statements. The act requires that the campaign statements disclose certain information about contributors who have made aggregate contributions, as defined, of \$100 or more.

This bill would increase the monetary contribution threshold for requiring the disclosure of contributor information to \$250.

This bill would revise the definition of “contribution” to include a payment to a multipurpose organization, as defined, made by a person who knows or has reason to know that the payment or portion of the payment will be used to make a contribution or an independent expenditure. The bill imposes a presumption that a donor has reason to know that his or her payment will be used to make a contribution or an independent expenditure if the recipient organization has made aggregate contributions or independent expenditures of \$2,000 or more within the calendar year in which the payment is made or four preceding calendar years or if the donor payment is \$50,000 or more, is made within the 6 months preceding the election, and the multipurpose organization makes a contribution or an independent expenditure of \$50,000 or more within the 6 months prior to the election.

(3) The act defines as “surplus campaign funds” as campaign funds that are under the control of a former candidate or former elected officer as of the date of leaving elective office or the end of the postelection reporting period following the defeat of the candidate for elective office, whichever occurs last. The act restricts the purposes for which surplus campaign funds may be expended.

This bill would increase the time at which campaign funds become surplus campaign funds by 90 days following either the officer leaving elective office or the end of the postelection reporting period following the defeat of a candidate, whichever occurs last.

(4) The act imposes specified duties on a filing officer with respect to reports and statements filed with that filing officer, including supplying the necessary forms and manuals and determining whether required documents have been filed and conform on their face with the requirements of the act.

This bill would additionally require a filing officer to immediately affix a date stamp to each statement of economic interests that the officer receives to reflect the date of receipt. By imposing additional duties on local officials, this bill would impose a state-mandated local program.

(5) The act requires that certain campaign statements be filed with the Secretary of State online or electronically. The act requires that persons filing campaign statements online or electronically also continue to file the statements in a paper format.

This bill would repeal the requirement that a person file a paper copy of a campaign statement that is filed with the Secretary of State online

or electronically, except during such times as the online or electronic system operated by the Secretary of State is malfunctioning, unavailable, or otherwise not capable of receiving online or electronically filed campaign statements.

(6) The act is administered and enforced by the Fair Political Practices Commission. The act authorizes the Commission, as well as the Franchise Tax Board, to perform discretionary investigations and audits with respect to campaign and lobbying reports and statements that are filed with the Secretary of State. The act prohibits members, employees, and agents of the Franchise Tax Board from divulging records, documents, or information received pursuant to audit activities authorized under the act. The act also authorizes any person residing in the jurisdiction to sue for injunctive relief to prevent violations or compel compliance with the act

This bill would require the Secretary of State to make campaign and lobbying statements and reports that are filed with the Secretary of State available to the Commission, upon request by the Commission. This bill would specify that the Commission may perform audits prior to the date of the election and prior to the date that a statement or report is required to be filed. The bill would prohibit the members, employees, and agents of the Commission from divulging records, documents, or information received in the course of the audits, as specified. The bill would authorize a person to challenge an audit by the Commission or any order resulting from an audit by seeking a writ of mandate, which would take priority over all other civil matters. The bill would specify that the Commission is authorized to seek an injunction to prevent a violation of or compel compliance with the act.

(7) The act makes a knowing or willful violation of its provisions a misdemeanor and subjects offenders to criminal penalties.

By expanding the scope of an existing crime, this bill would impose a state-mandated local program.

(8) 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 with regard to certain mandates no reimbursement is required by this act for a specified reason.

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

(9) 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 81010 of the Government Code is
2 amended to read:

3 81010. With respect to reports and statements filed with him
4 or her pursuant to this title, the filing officer shall *do all of the*
5 *following*:

6 (a) Supply the necessary forms and manuals prescribed by the
7 Commission;

8 (b) *Immediately affix a date stamp to each statement of economic*
9 *interests filed pursuant to Chapter 7 (commencing with Section*
10 *87100) to reflect the date of receipt by the filing officer.*

11 ~~(b)~~

12 (c) Determine whether required documents have been filed and,
13 if so, whether they conform on their face with the requirements of
14 this title;

15 ~~(e)~~

16 (d) Notify promptly all persons and known committees who
17 have failed to file a report or statement in the form and at the time
18 required by this title;

19 ~~(d)~~

20 (e) Report apparent violations of this title to the appropriate
21 agencies; ~~and.~~

22 ~~(e)~~

23 (f) Compile and maintain a current list of all reports and
24 statements filed with this office.

25 SEC. 2. Section 82013 of the Government Code is amended
26 to read:

27 82013. “Committee” means any person or combination of
28 persons who directly or indirectly does any of the following:

29 (a) Receives contributions totaling ~~one thousand dollars (\$1,000)~~
30 *two thousand dollars (\$2,000)* or more in a calendar year.

1 (b) Makes independent expenditures totaling ~~one thousand~~
2 ~~dollars (\$1,000)~~ *two thousand dollars (\$2,000)* or more in a
3 calendar year; or

4 (c) Makes contributions totaling ten thousand dollars (\$10,000)
5 or more in a calendar year to or at the behest of candidates or
6 committees.

7 A person or combination of persons that becomes a committee
8 shall retain its status as a committee until such time as that status
9 is terminated pursuant to Section 84214.

10 SEC. 3. Section 82015 of the Government Code is amended
11 to read:

12 82015. (a) "Contribution" means a payment, a forgiveness of
13 a loan, a payment of a loan by a third party, or an enforceable
14 promise to make a payment except to the extent that full and
15 adequate consideration is received, unless it is clear from the
16 surrounding circumstances that it is not made for political purposes.

17 (b) (1) A payment made at the behest of a committee as defined
18 in subdivision (a) of Section 82013 is a contribution to the
19 committee unless full and adequate consideration is received from
20 the committee for making the payment.

21 (2) A payment made at the behest of a candidate is a contribution
22 to the candidate unless the criteria in either subparagraph (A) or
23 (B) are satisfied:

24 (A) Full and adequate consideration is received from the
25 candidate.

26 (B) It is clear from the surrounding circumstances that the
27 payment was made for purposes unrelated to his or her candidacy
28 for elective office. The following types of payments are presumed
29 to be for purposes unrelated to a candidate's candidacy for elective
30 office:

31 (i) A payment made principally for personal purposes, in which
32 case it may be considered a gift under the provisions of Section
33 82028. Payments that are otherwise subject to the limits of Section
34 86203 are presumed to be principally for personal purposes.

35 (ii) A payment made by a state, local, or federal governmental
36 agency or by a nonprofit organization that is exempt from taxation
37 under Section 501(c)(3) of the Internal Revenue Code.

38 (iii) A payment not covered by clause (i), made principally for
39 legislative, governmental, or charitable purposes, in which case it
40 is neither a gift nor a contribution. However, payments of this type

1 that are made at the behest of a candidate who is an elected officer
2 shall be reported within 30 days following the date on which the
3 payment or payments equal or exceed five thousand dollars
4 (\$5,000) in the aggregate from the same source in the same
5 calendar year in which they are made. The report shall be filed by
6 the elected officer with the elected officer's agency and shall be
7 a public record subject to inspection and copying pursuant to
8 subdivision (a) of Section 81008. The report shall contain the
9 following information: name of payor, address of payor, amount
10 of the payment, date or dates the payment or payments were made,
11 the name and address of the payee, a brief description of the goods
12 or services provided or purchased, if any, and a description of the
13 specific purpose or event for which the payment or payments were
14 made. Once the five-thousand-dollar (\$5,000) aggregate threshold
15 from a single source has been reached for a calendar year, all
16 payments for the calendar year made by that source must be
17 disclosed within 30 days after the date the threshold was reached
18 or the payment was made, whichever occurs later. Within 30 days
19 after receipt of the report, state agencies shall forward a copy of
20 these reports to the Fair Political Practices Commission, and local
21 agencies shall forward a copy of these reports to the officer with
22 whom elected officers of that agency file their campaign
23 statements.

24 (C) For purposes of subparagraph (B), a payment is made for
25 purposes related to a candidate's candidacy for elective office if
26 all or a portion of the payment is used for election-related activities.
27 For purposes of this subparagraph, "election-related activities"
28 shall include, but are not limited to, the following:

29 (i) Communications that contain express advocacy of the
30 nomination or election of the candidate or the defeat of his or her
31 opponent.

32 (ii) Communications that contain reference to the candidate's
33 candidacy for elective office, the candidate's election campaign,
34 or the candidate's or his or her opponent's qualifications for
35 elective office.

36 (iii) Solicitation of contributions to the candidate or to third
37 persons for use in support of the candidate or in opposition to his
38 or her opponent.

1 (iv) Arranging, coordinating, developing, writing, distributing,
2 preparing, or planning of any communication or activity described
3 in clause (i), (ii), or (iii).

4 (v) Recruiting or coordinating campaign activities of campaign
5 volunteers on behalf of the candidate.

6 (vi) Preparing campaign budgets.

7 (vii) Preparing campaign finance disclosure statements.

8 (viii) Communications directed to voters or potential voters as
9 part of activities encouraging or assisting persons to vote if the
10 communication contains express advocacy of the nomination or
11 election of the candidate or the defeat of his or her opponent.

12 (D) A contribution made at the behest of a candidate for a
13 different candidate or to a committee not controlled by the
14 behesting candidate is not a contribution to the behesting candidate.

15 (3) A payment made at the behest of a member of the Public
16 Utilities Commission, made principally for legislative,
17 governmental, or charitable purposes, is not a contribution.
18 However, payments of this type shall be reported within 30 days
19 following the date on which the payment or payments equal or
20 exceed five thousand dollars (\$5,000) in the aggregate from the
21 same source in the same calendar year in which they are made.
22 The report shall be filed by the member with the Public Utilities
23 Commission and shall be a public record subject to inspection and
24 copying pursuant to subdivision (a) of Section 81008. The report
25 shall contain the following information: name of payor, address
26 of payor, amount of the payment, date or dates the payment or
27 payments were made, the name and address of the payee, a brief
28 description of the goods or services provided or purchased, if any,
29 and a description of the specific purpose or event for which the
30 payment or payments were made. Once the five-thousand-dollar
31 (\$5,000) aggregate threshold from a single source has been reached
32 for a calendar year, all payments for the calendar year made by
33 that source must be disclosed within 30 days after the date the
34 threshold was reached or the payment was made, whichever occurs
35 later. Within 30 days after receipt of the report, the Public Utilities
36 Commission shall forward a copy of these reports to the Fair
37 Political Practices Commission.

38 (c) "Contribution" includes the purchase of tickets for events
39 such as dinners, luncheons, rallies, and similar fundraising events;
40 the candidate's own money or property used on behalf of his or

1 her candidacy other than personal funds of the candidate used to
2 pay either a filing fee for a declaration of candidacy or a candidate
3 statement prepared pursuant to Section 13307 of the Elections
4 Code; the granting of discounts or rebates not extended to the
5 public generally or the granting of discounts or rebates by television
6 and radio stations and newspapers not extended on an equal basis
7 to all candidates for the same office; the payment of compensation
8 by any person for the personal services or expenses of any other
9 person if the services are rendered or expenses incurred on behalf
10 of a candidate or committee without payment of full and adequate
11 consideration.

12 (d) “Contribution” further includes any transfer of anything of
13 value received by a committee from another committee, unless
14 full and adequate consideration is received.

15 (e) “Contribution” does not include amounts received pursuant
16 to an enforceable promise to the extent those amounts have been
17 previously reported as a contribution. However, the fact that those
18 amounts have been received shall be indicated in the appropriate
19 campaign statement.

20 (f) “Contribution” does not include a payment made by an
21 occupant of a home or office for costs related to any meeting or
22 fundraising event held in the occupant’s home or office if the costs
23 for the meeting or fundraising event are five hundred dollars (\$500)
24 or less.

25 (g) Notwithstanding the foregoing definition of “contribution,”
26 the term does not include volunteer personal services or payments
27 made by any individual for his or her own travel expenses if the
28 payments are made voluntarily without any understanding or
29 agreement that they shall be, directly or indirectly, repaid to him
30 or her.

31 (h) “Contribution” further includes the payment of public
32 moneys by a state or local governmental agency for a
33 communication to the public that satisfies both of the following:

34 (1) The communication expressly advocates the election or
35 defeat of a clearly identified candidate or the qualification, passage,
36 or defeat of a clearly identified measure, or, taken as a whole and
37 in context, unambiguously urges a particular result in an election.

38 (2) The communication is made at the behest of the affected
39 candidate or committee.

1 (i) (1) “Contribution” further includes a payment made to a
2 multipurpose organization if the donor knows or has reason to
3 know that the payment, or part of the payment, will be used to
4 make a contribution or an independent expenditure.

5 (2) For purposes of paragraph (1), a donor knows that a
6 payment to a multipurpose organization will be used to make a
7 contribution or an independent expenditure if the donor specifies
8 that to be the purpose for which the payment must be used or if
9 the donor makes the payment in response to a message or
10 solicitation indicating the multipurpose organization’s intent to
11 make a contribution or an independent expenditure.

12 (3) For purposes of paragraph (1), a donor is presumed to have
13 reason to know that a payment to a multipurpose organization will
14 be used to make a contribution or an independent expenditure if
15 the recipient multipurpose organization has made aggregate
16 contributions or independent expenditures of two thousand dollars
17 (\$2,000) or more during the calendar year in which the payment
18 is made or during any of the four preceding calendar years.

19 (4) For purposes of paragraph (1), a donor who makes an
20 aggregate payment of fifty thousand dollars (\$50,000) or more to
21 a multipurpose organization within the six months prior to an
22 election is presumed to have reason to know that the aggregate
23 payments will be used by the multipurpose organization to make
24 a contribution or an independent expenditure if the multipurpose
25 organization makes an aggregate contribution or independent
26 expenditure of fifty thousand dollars (\$50,000) or more to support
27 or oppose a candidate or ballot measure within the six months
28 prior to that election.

29 (5) A donor who makes a contribution described in paragraph
30 (1) shall be identified and reported by the multipurpose
31 organization receiving the contribution in accordance with
32 regulations adopted by the Commission.

33 (6) For purposes of this subdivision, “multipurpose
34 organization” means a nonprofit organization, a federal or
35 out-of-state political action committee, or a local club focusing
36 on educational or social activities.

37 SEC. 4. Section 82016 of the Government Code is amended
38 to read:

39 82016. (a) “Controlled committee” means a committee that
40 is controlled directly or indirectly by a candidate or state measure

1 proponent or that acts jointly with a candidate, controlled
2 committee, or state measure proponent in connection with the
3 making of expenditures. A candidate or state measure proponent
4 controls a committee if he or she, his or her agent, or any other
5 committee he or she controls has a significant influence on the
6 actions or decisions of the committee. *A committee controlled by*
7 *a candidate elected to office is a controlled committee within the*
8 *meaning of this section for the duration of the candidate's entire*
9 *term of office.*

10 (b) Notwithstanding subdivision (a), a political party committee,
11 as defined in Section 85205, is not a controlled committee.

12 SEC. 5. Section 84101 of the Government Code is amended
13 to read:

14 84101. (a) A committee that is a committee by virtue of
15 subdivision (a) of Section 82013 shall file a statement of
16 organization. The committee shall file the original of the statement
17 of organization with the Secretary of State and shall also file a
18 copy of the statement of organization with the local filing officer,
19 if any, with whom the committee is required to file the originals
20 of its campaign reports pursuant to Section 84215. The original
21 and copy of the statement of organization shall be filed within 10
22 days after the committee has qualified as a committee. The
23 Secretary of State shall assign a number to each committee that
24 files a statement of organization and shall notify the committee of
25 the number. The Secretary of State shall send a copy of statements
26 filed pursuant to this section to the county elections official of each
27 county that he or she deems appropriate. A county elections official
28 who receives a copy of a statement of organization from the
29 Secretary of State pursuant to this section shall send a copy of the
30 statement to the clerk of each city in the county that he or she
31 deems appropriate.

32 (b) In addition to filing the statement of organization as required
33 by subdivision (a), if a committee qualifies as a committee under
34 subdivision (a) of Section 82013 before the date of an election in
35 connection with which the committee is required to file preelection
36 statements, but after the closing date of the last campaign statement
37 required to be filed before the election pursuant to Section 84200.7,
38 84200.8, or 84200.9, the committee shall file, by facsimile
39 transmission, guaranteed overnight delivery, or personal delivery
40 within 24 hours of qualifying as a committee, the information

1 required to be reported in the statement of organization. The
2 information required by this subdivision shall be filed with the
3 filing officer with whom the committee is required to file the
4 originals of its campaign reports pursuant to Section 84215.

5 (c) If an independent expenditure committee qualifies as a
6 committee pursuant to subdivision (a) of Section 82013 during the
7 time period described in Section 82036.5 and makes independent
8 expenditures of one thousand dollars (\$1,000) or more to support
9 or oppose a candidate or candidates for office, the committee shall
10 file, by facsimile transmission, online transmission, guaranteed
11 overnight delivery, or personal delivery within 24 hours of
12 qualifying as a committee, the information required to be reported
13 in the statement of organization. The information required by this
14 section shall be filed with the filing officer with whom the
15 committee is required to file the original of its campaign reports
16 pursuant to Section 84215, and shall be filed at all locations
17 required for the candidate or candidates supported or opposed by
18 the independent expenditures. The filings required by this section
19 are in addition to filings that may be required by Sections 84203.5
20 and 84204.

21 (d) For purposes of this section, in calculating whether ~~one~~
22 ~~thousand dollars (\$1,000)~~ *two thousand dollars (\$2,000)* in
23 contributions has been received, payments for a filing fee or for a
24 statement of qualifications to appear in a sample ballot shall not
25 be included if these payments have been made from the candidate's
26 personal funds.

27 SEC. 6. Section 84211 of the Government Code is amended
28 to read:

29 84211. Each campaign statement required by this article shall
30 contain all of the following information:

31 (a) The total amount of contributions received during the period
32 covered by the campaign statement and the total cumulative amount
33 of contributions received.

34 (b) The total amount of expenditures made during the period
35 covered by the campaign statement and the total cumulative amount
36 of expenditures made.

37 (c) The total amount of contributions received during the period
38 covered by the campaign statement from persons who have given
39 a cumulative amount of ~~one hundred dollars (\$100)~~ *two hundred*
40 *fifty dollars (\$250)* or more.

1 (d) The total amount of contributions received during the period
2 covered by the campaign statement from persons who have given
3 a cumulative amount of less than ~~one hundred dollars (\$100)~~ *two*
4 *hundred fifty dollars (\$250)*.

5 (e) The balance of cash and cash equivalents on hand at the
6 beginning and the end of the period covered by the campaign
7 statement.

8 (f) If the cumulative amount of contributions (including loans)
9 received from a person is ~~one hundred dollars (\$100)~~ *two hundred*
10 *fifty dollars (\$250)* or more and a contribution or loan has been
11 received from that person during the period covered by the
12 campaign statement, all of the following:

13 (1) His or her full name.

14 (2) His or her street address.

15 (3) His or her occupation.

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

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

21 (6) The cumulative amount of contributions.

22 (g) If the cumulative amount of loans received from or made to
23 a person is ~~one hundred dollars (\$100)~~ *two hundred fifty dollars*
24 *(\$250)* or more, and a loan has been received from or made to a
25 person during the period covered by the campaign statement, or
26 is outstanding during the period covered by the campaign
27 statement, all of the following:

28 (1) His or her full name.

29 (2) His or her street address.

30 (3) His or her occupation.

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

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

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

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

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

38 (9) The cumulative amount of contributions.

39 (h) For each person, other than the filer, who is directly,
40 indirectly, or contingently liable for repayment of a loan received

1 or outstanding during the period covered by the campaign
2 statement, all of the following:

- 3 (1) His or her full name.
- 4 (2) His or her street address.
- 5 (3) His or her occupation.
- 6 (4) The name of his or her employer, or if self-employed, the
7 name of the business.
- 8 (5) The amount of his or her maximum liability outstanding.

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

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

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

- 18 (1) His or her full name.
- 19 (2) His or her street address.
- 20 (3) The amount of each expenditure.
- 21 (4) A brief description of the consideration for which each
22 expenditure was made.

23 (5) In the case of an expenditure which is a contribution to a
24 candidate, elected officer, or committee or an independent
25 expenditure to support or oppose a candidate or measure, in
26 addition to the information required in paragraphs (1) to (4) above,
27 the date of the contribution or independent expenditure, the
28 cumulative amount of contributions made to a candidate, elected
29 officer, or committee, or the cumulative amount of independent
30 expenditures made relative to a candidate or measure; the full name
31 of the candidate, and the office and district for which he or she
32 seeks nomination or election, or the number or letter of the
33 measure; and the jurisdiction in which the measure or candidate
34 is voted upon.

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

39 For purposes of subdivisions (i), (j), and (k) only, the terms
40 “expenditure” or “expenditures” mean any individual payment or

1 accrued expense, unless it is clear from surrounding circumstances
2 that a series of payments or accrued expenses are for a single
3 service or product.

4 (l) In the case of a controlled committee, an official committee
5 of a political party, or an organization formed or existing primarily
6 for political purposes, the amount and source of any miscellaneous
7 receipt.

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

12 (n) In a campaign statement filed by a candidate who is a
13 candidate in both a state primary and general election, his or her
14 controlled committee, or a committee primarily formed to support
15 or oppose such a candidate, the total amount of contributions
16 received and the total amount of expenditures made for the period
17 January 1 through June 30 and the total amount of contributions
18 received and expenditures made for the period July 1 through
19 December 31.

20 (o) The full name, residential or business address, and telephone
21 number of the filer, or in the case of a campaign statement filed
22 by a committee defined by subdivision (a) of Section 82013, the
23 name, street address, and telephone number of the committee and
24 of the committee treasurer. In the case of a committee defined by
25 subdivision (b) or (c) of Section 82013, the name that the filer uses
26 on campaign statements shall be the name by which the filer is
27 identified for other legal purposes or any name by which the filer
28 is commonly known to the public.

29 (p) If the campaign statement is filed by a candidate, the name,
30 street address, and treasurer of any committee of which he or she
31 has knowledge which has received contributions or made
32 expenditures on behalf of his or her candidacy and whether the
33 committee is controlled by the candidate.

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

38 (r) If a committee primarily formed for the qualification or
39 support of, or opposition to, an initiative or ballot measure is
40 required to report an expenditure to a business entity pursuant to

1 subdivision (k) and 50 percent or more of the business entity is
2 owned by a candidate or person controlling the committee, by an
3 officer or employee of the committee, or by a spouse of any of
4 these individuals, the committee's campaign statement shall also
5 contain, in addition to the information required by subdivision (k),
6 that person's name, the relationship of that person to the committee,
7 and a description of that person's ownership interest or position
8 with the business entity.

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

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

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

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

29 (3) If the filer is an industry, trade, or professional association,
30 a description of the industry, trade, or profession which it
31 represents, including a specific description of any portion or faction
32 of the industry, trade, or profession which the association
33 exclusively or primarily represents.

34 (4) If the filer is not an individual, business entity, or industry,
35 trade, or professional association, a statement of the person's nature
36 and purposes, including a description of any industry, trade,
37 profession, or other group with a common economic interest which
38 the person principally represents or from which its membership
39 or financial support is principally derived.

1 SEC. 7. Section 84215 of the Government Code is amended
2 to read:

3 84215. All candidates and elected officers and their controlled
4 committees, except as provided in subdivisions (d) and (e), shall
5 file one copy of the campaign statements required by Section 84200
6 with the elections official of the county in which the candidate or
7 elected official is domiciled, as defined in subdivision (b) of
8 Section 349 of the Elections Code. In addition, campaign
9 statements shall be filed at the following places:

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

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

31 (c) County elected officers, candidates for these offices, their
32 controlled committees, committees formed or existing primarily
33 to support or oppose candidates or local measures to be voted upon
34 in any number of jurisdictions within one county, other than those
35 specified in subdivision (d), and county general purpose
36 committees shall file the original and one copy with the elections
37 official of the county.

38 (d) City elected officers, candidates for city office, their
39 controlled committees, committees formed or existing primarily
40 to support or oppose candidates or local measures to be voted upon

1 in one city, and city general purpose committees shall file the
2 original and one copy with the clerk of the city and are not required
3 to file with the local elections official of the county in which they
4 are domiciled.

5 (e) Elected members of the Board of Administration of the
6 Public Employees' Retirement System, elected members of the
7 Teachers' Retirement Board, candidates for these offices, their
8 controlled committees, and committees formed or existing
9 primarily to support or oppose these candidates or elected members
10 shall file the original and one copy with the Secretary of State, and
11 a copy shall be filed at the relevant board's office in Sacramento.
12 These elected officers, candidates, and committees need not file
13 with the elections official of the county in which they are
14 domiciled.

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

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

25 SEC. 8. Section 84215.5 is added to the Government Code, to
26 read:

27 84215.5. A statement or report filed with the Secretary of State
28 pursuant to this chapter shall be made available to the Commission
29 by the Secretary of State, upon request of the Commission.

30 SEC. 9. 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 or late independent expenditure report, as defined

1 by Sections 84203 and 84204, respectively, not covered by
2 paragraph (1), (2), or (3) of subdivision (a) or any other provision
3 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 not be~~
13 ~~required to~~ continue to file required disclosure statements and
14 reports in paper format. ~~The paper copy shall continue to be the~~
15 ~~official filing for audit and other legal purposes until the Secretary~~
16 ~~of State, pursuant to Section 84606, determines the system is~~
17 ~~operating securely and effectively with the Secretary of State.~~
18 *However, an original paper copy shall be filed with the Secretary*
19 *of State during any period of time for which the online or electronic*
20 *system operated by the Secretary of State is malfunctioning,*
21 *unavailable, or otherwise not capable of receiving online or*
22 *electronically filed disclosure statements and reports.*

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

30 (h) Except for statements related to a local elective office or a
31 local ballot measure filed by a candidate for local elective office
32 who is also a candidate for elective state office, a copy of a
33 statement, report, or other document filed by online or electronic
34 means with the Secretary of State shall not be filed with a local
35 filing officer.

36 SEC. 10. Section 85201 of the Government Code is amended
37 to read:

38 85201. (a) Upon the filing of the statement of intention
39 pursuant to Section 85200, the individual shall establish one

1 campaign contribution account at an office of a financial institution
2 located in the state.

3 (b) As required by subdivision (f) of Section 84102, a candidate
4 who raises contributions of ~~one thousand dollars (\$1,000)~~ *two*
5 *thousand dollars (\$2,000)* or more in a calendar year shall set forth
6 the name and address of the financial institution where the
7 candidate has established a campaign contribution account and the
8 account number on the committee statement of organization filed
9 pursuant to Sections 84101 and 84103.

10 (c) All contributions or loans made to the candidate, to a person
11 on behalf of the candidate, or to the candidate's controlled
12 committee shall be deposited in the account.

13 (d) Any personal funds which will be utilized to promote the
14 election of the candidate shall be deposited in the account prior to
15 expenditure.

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

17 (f) Subdivisions (d) and (e) do not apply to a candidate's
18 payment for a filing fee and statement of qualifications from his
19 or her personal funds.

20 (g) This section does not apply to a candidate who will not
21 receive contributions and who makes expenditures from personal
22 funds of less than ~~one thousand dollars (\$1,000)~~ *two thousand*
23 *dollars (\$2,000)* in a calendar year to support his or her candidacy.
24 For purposes of this section, a candidate's payment for a filing fee
25 and statement of qualifications shall not be included in calculating
26 the total expenditures made.

27 (h) An individual who raises contributions from others for his
28 or her campaign, but who raises or spends less than ~~one thousand~~
29 ~~dollars (\$1,000)~~ *two thousand dollars (\$2,000)* in a calendar year,
30 and does not qualify as a committee under Section 82013, shall
31 establish a campaign contribution account pursuant to subdivision
32 (a), but is not required to file a committee statement of organization
33 pursuant to Section 84101 or other statement of bank account
34 information.

35 SEC. 11. Section 86119 is added to the Government Code, to
36 read:

37 86119. A registration or report filed with the Secretary of State
38 pursuant to this chapter shall be made available to the Commission
39 by the Secretary of State, upon request of the Commission.

1 SEC. 12. Section 89519 of the Government Code is amended
2 to read:

3 89519. (a) Upon *the 90th day after* leaving any elected office,
4 ~~or at the 90th day following~~ the end of the postelection reporting
5 period following the defeat of a candidate for elective office,
6 whichever occurs last, campaign funds ~~raised after January 1, 1989,~~
7 under the control of the former candidate or elected officer shall
8 be considered surplus campaign funds and shall be disclosed
9 pursuant to Chapter 4 (commencing with Section 84100).

10 (b) Surplus campaign funds shall be used only for the following
11 purposes:

12 (1) The payment of outstanding campaign debts or elected
13 officer's expenses.

14 (2) The repayment of contributions.

15 (3) Donations to any bona fide charitable, educational, civic,
16 religious, or similar tax-exempt, nonprofit organization, where no
17 substantial part of the proceeds will have a material financial effect
18 on the former candidate or elected officer, any member of his or
19 her immediate family, or his or her campaign treasurer.

20 (4) Contributions to a political party committee, provided the
21 campaign funds are not used to support or oppose candidates for
22 elective office. However, the campaign funds may be used by a
23 political party committee to conduct partisan voter registration,
24 partisan get-out-the-vote activities, and slate mailers as that term
25 is defined in Section 82048.3.

26 (5) Contributions to support or oppose any candidate for federal
27 office, any candidate for elective office in a state other than
28 California, or any ballot measure.

29 (6) The payment for professional services reasonably required
30 by the committee to assist in the performance of its administrative
31 functions, including payment for attorney's fees for litigation which
32 arises directly out of a candidate's or elected officer's activities,
33 duties, or status as a candidate or elected officer, including, but
34 not limited to, an action to enjoin defamation, defense of an action
35 brought of a violation of state or local campaign, disclosure, or
36 election laws, and an action from an election contest or recount.

37 (c) For purposes of this section, the payment for, or the
38 reimbursement to the state of, the costs of installing and monitoring
39 an electronic security system in the home or office, or both, of a
40 candidate or elected officer who has received threats to his or her

1 physical safety shall be deemed an outstanding campaign debt or
2 elected officer's expense, provided that the threats arise from his
3 or her activities, duties, or status as a candidate or elected officer
4 and that the threats have been reported to and verified by an
5 appropriate law enforcement agency. Verification shall be
6 determined solely by the law enforcement agency to which the
7 threat was reported. The candidate or elected officer shall report
8 any expenditure of campaign funds made pursuant to this section
9 to the ~~commission~~ *Commission*. The report to the ~~commission~~
10 *Commission* shall include the date that the candidate or elected
11 officer informed the law enforcement agency of the threat, the
12 name and the telephone number of the law enforcement agency,
13 and a brief description of the threat. No more than five thousand
14 dollars (\$5,000) in surplus campaign funds may be used,
15 cumulatively, by a candidate or elected officer pursuant to this
16 subdivision. Payments made pursuant to this subdivision shall be
17 made during the two years immediately following the date upon
18 which the campaign funds become surplus campaign funds. The
19 candidate or elected officer shall reimburse the surplus fund
20 account for the fair market value of the security system no later
21 than two years immediately following the date upon which the
22 campaign funds became surplus campaign funds. The campaign
23 funds become surplus campaign funds upon sale of the property
24 on which the system is installed, or prior to the closing of the
25 surplus campaign fund account, whichever comes first. The
26 electronic security system shall be the property of the campaign
27 committee of the candidate or elected officer.

28 SEC. 13. Section 90003 of the Government Code is amended
29 to read:

30 90003. ~~In~~ (a) *In* addition to the audits and investigations
31 required by Section 90001, the Franchise Tax Board and the
32 ~~commission~~ *Commission* may make investigations and audits with
33 respect to any reports or statements required by Chapter 4
34 (commencing with Section 84100), Chapter 5 (commencing with
35 Section 85100), or Chapter 6 (commencing with Section 86100).

36 (b) (1) *Nothing in this chapter shall be construed to prohibit*
37 *the Commission from undertaking any audit authorized by this*
38 *section prior to the date of the election or prior to the date upon*
39 *which the report or statement is required to be filed. A candidate*

1 *or committee shall, during the audit, make all relevant records*
2 *available for immediate review by the Commission.*

3 (2) *A person who is subject to an audit authorized by this section*
4 *may contest the performance of the audit or an order issued by*
5 *the Commission as a result of an audit by seeking a writ of*
6 *mandate. Venue for the proceeding shall be exclusively in the*
7 *County of Sacramento. The action shall be given priority over all*
8 *other civil matters.*

9 (3) *In addition to any other remedies available to the*
10 *Commission, including injunctive relief pursuant to Section 91003,*
11 *the Commission may seek an injunction pursuant to Title 7*
12 *(commencing with Section 501) of Part 2 of the Code of Civil*
13 *Procedure to compel a person who is subject to an audit authorized*
14 *by this section to cooperate with the Commission in the*
15 *performance of the audit or to compel compliance with an order*
16 *of the Commission resulting from the audit. Notwithstanding any*
17 *other law, an appeal of an injunction issued in favor of the*
18 *Commission shall not result in a mandatory stay pending the*
19 *resolution of the appeal. A stay of an injunction pending resolution*
20 *of the appeal may be ordered at the discretion of the court issuing*
21 *the injunction.*

22 SEC. 14. Section 90005 of the Government Code is amended
23 to read:

24 90005. No member, employee, or agent of the Franchise Tax
25 Board *or the Commission* shall divulge or make known in any
26 manner any particulars of any record, documents, or information
27 which he receives by virtue of this chapter, except in furtherance
28 of the work of the Franchise Tax Board or in connection with any
29 court proceeding or any lawful investigation of any agency.

30 SEC. 15. Section 91003 of the Government Code is amended
31 to read:

32 91003. (a) Any person residing in the jurisdiction, *including*
33 *the Commission*, may sue for injunctive relief to enjoin violations
34 or to compel compliance with the provisions of this title. The court
35 may in its discretion require any plaintiff other than ~~the commission~~
36 *Commission* to file a complaint with ~~the commission~~ *Commission*
37 prior to seeking injunctive relief. The court may award to a plaintiff
38 or defendant who prevails his costs of litigation, including
39 reasonable attorney's fees.

1 (b) Upon a preliminary showing in an action brought by a person
 2 residing in the jurisdiction that a violation of Article 1
 3 (commencing with Section 87100), Article 4 (commencing with
 4 Section 87400), or Article 4.5 (commencing with Section 87450)
 5 of Chapter 7 of this title or of a disqualification provision of a
 6 Conflict of Interest Code has occurred, the court may restrain the
 7 execution of any official action in relation to which such a violation
 8 occurred, pending final adjudication. If it is ultimately determined
 9 that a violation has occurred and that the official action might not
 10 otherwise have been taken or approved, the court may set the
 11 official action aside as void. The official actions covered by this
 12 subsection include, but are not limited to orders, permits,
 13 resolutions and contracts, but do not include the enactment of any
 14 state legislation. In considering the granting of preliminary or
 15 permanent relief under this subsection, the court shall accord due
 16 weight to any injury that may be suffered by innocent persons
 17 relying on the official action.

18 SEC. 16. No reimbursement is required by this act pursuant to
 19 Section 6 of Article XIII B of the California Constitution for certain
 20 costs that may be incurred by a local agency or school district
 21 because, in that regard, this act creates a new crime or infraction,
 22 eliminates a crime or infraction, or changes the penalty for a crime
 23 or infraction, within the meaning of Section 17556 of the
 24 Government Code, or changes the definition of a crime within the
 25 meaning of Section 6 of Article XIII B of the California
 26 Constitution.

27 However, if the Commission on State Mandates determines that
 28 this act contains other costs mandated by the state, reimbursement
 29 to local agencies and school districts for those costs shall be made
 30 pursuant to Part 7 (commencing with Section 17500) of Division
 31 4 of Title 2 of the Government Code.

32 SEC. 17. The Legislature finds and declares that this bill
 33 furthers the purposes of the Political Reform Act of 1974 within
 34 the meaning of subdivision (a) of Section 81012 of the Government
 35 Code.