

1 Amend 2 Cal. Code Regs., Section 18361.1 to read:

2 **§18361.1. Administrative Subpoenas.**

3 (a) The staff, under the direction of the Executive Director, shall seek to assure voluntary
4 compliance with the Political Reform Act and shall investigate possible violations of the Act.
5 The staff shall make reasonable efforts to obtain information on a voluntary basis prior to the
6 issuance of an administrative subpoena. The Executive Director, in the exercise of his or her
7 discretion, may forego this procedure with respect to an investigation in progress. The staff shall
8 periodically report to the members of the Commission on the status of all investigations,
9 including the reasons for the issuance of any administrative subpoena without first making
10 reasonable efforts to obtain the information voluntarily. Failure to report to the Commission
11 concerning the issuance of subpoenas shall not affect the validity of any administrative
12 subpoena.

13 (b) When staff issues an administrative subpoena as provided in subdivision (a), the
14 subject of the subpoena must provide all records in their possession responsive to the subpoena.
15 Any record(s) withheld based on objection must be accompanied by a privilege log or other
16 detailed description of the withheld record(s), which shall identify each withheld record (e.g.,
17 letter, email, instant message, etc.) and include the following information:

- 18 (i) the date of the record;
- 19 (ii) the identity of the author(s);
- 20 (iii) the identity of the recipient(s);
- 21 (iv) the specific ground for which the objection to produce the record is made; and
- 22 (v) the current location of the record.

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- 1 Note: Authority cited: Sections 83112, Government Code. Reference: Sections 83115, 83115.5
- 2 and 83116, Government Code.