

Appendix I-1

**Appendix I**

Uncodified Sections of  
Proposition 34

## Appendix I-2

### **SEC. 83.**

This act shall become operative on January 1, 2001. However, Article 3 (commencing with Section 85300), except subdivisions (a) and (c) of Section 85309, Section 85319, Article 4 (commencing with Section 85400), and Article 6 (commencing with Section 85600), of Chapter 5 of Title 9 of the Government Code shall apply to candidates for statewide elective office beginning on and after November 6, 2002.

(Amended by Stats. 2001, Ch. 241, effective September 4, 2001.)

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18531.6  
2 Cal. Code of Regs. Section 18531.61

### **SEC. 84.**

The provisions of this act are severable. If any provision of this act or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

### **SEC. 85.**

(a) A special election is hereby called to be held throughout the state on November 7, 2000. The election shall be consolidated with the statewide general election to be held on that date. The consolidated election shall be held and conducted in all respects as if there were only one election and only one form of ballot shall be used.

(b) Notwithstanding Section 9040 of the Elections Code or any other provision of law, the Secretary of State, pursuant to subdivision (b) of Section 81012 of the Government Code shall submit this act for approval to the voters at the November 7, 2000, statewide general election.

### **SEC. 86.**

This is an act calling an election pursuant to paragraph (3) of subdivision (c) of Section 8 of Article IV of the California Constitution, and shall take effect immediately.

**Appendix II**

Summary of Opinions

## Appendix II-2

Adams, Janet, California Coastal Alliance, Inc.  
(1976) 2 FPPC Ops. 127 75-173

A lobbyist may perform volunteer personal services on behalf of an elected state officer who is campaigning for election to local office so long as, while doing so, the lobbyist does not engage in any of the activities prohibited by Section 86202. The definition of contribution excludes volunteer personal services and this exclusion is applicable to lobbyists.

Alperin, Anthony Saul, Deputy City Attorney, Los Angeles  
(1977) 3 FPPC Ops. 77 76-084

Section 87309(c) prohibits code reviewing bodies from exceeding the requirements of Section 87302 by approving conflict of interest codes which designate positions that do not entail the “making or participating in the making of governmental decisions,” or which require disclosure of financial interests that may not foreseeably be affected materially by the decisions made or participated in by employees holding any designated position.

Atlantic-Richfield Co.  
(1975) 1 FPPC Ops. 147 75-078-A

The first lobbyist reports required to be filed under the Act must cover all of the activities of the lobbyist for the month in which the lobbyist first qualified or registered as a lobbyist.

Augustine, John H., Union Oil Co.  
(1975) 1 FPPC Ops. 69 75-064

A committee is required to have a treasurer. However, there is no requirement that the person designated “committee treasurer” of a corporation who qualifies as a committee be the same person who for corporate purposes holds the title “treasurer.” Any responsible person may be named for verifying and signing campaign reports.

Baty, David R., Municipal Court Judge, Marin County  
(1979) 5 FPPC Ops. 10 77-011

The corporations in question are headquartered outside the state but have manufacturing or distribution facilities in the state and sell products throughout the state on a regular basis. Their duties qualify them as doing business in the jurisdiction and thus make investments of \$1,000 or more in those corporations reportable.

Bell, Charles H., California Political Attorneys Assn.  
(1988) 11 FPPC Ops. 1 88-002

Proposition 73, enacted by a greater number of affirmative votes, prevails over Proposition 68 where the two

measures conflict. Contribution limits of Proposition 68 do not survive passage of Proposition 73.

Note: The Court of Appeal in Taxpayers to Limit Campaign Spending v. FPPC (Case No. B039177) ruled that numerous provisions of Proposition 68 are not in irreconcilable conflict with Proposition 73, and therefore survive passage of Proposition 73. The California Supreme Court in Taxpayers to Limit Campaign Spending v. FPPC, 51 Cal.3d 744 (1990), reversed the court of appeal and held that only the provisions of the measure receiving the highest affirmative vote became operative upon adoption; thus Proposition 68 was inoperative in its entirety.

Biondo, Vincent F. Carlsbad  
(1975) 1 FPPC Ops. 54 75-036

A mayor who owns stock in a gas and electric company may not participate in decisions relating to the company. The mayor is prohibited from participating in decisions and from chairing meetings during consideration of such matters. Chairing the meeting would constitute participation pursuant to Section 87100 and would be prohibited.

Blenkle, Joe, Western Fairs Assn.  
(1975) 1 FPPC Ops. 37 75-023

A nonprofit organization which promotes fairs may continue to give gifts of lifetime fair credentials to public officials so long as the gifts are made by a board acting completely independently of the manager and executive secretary, who are registered as lobbyists for another organization. The lobbyists may not participate in the making of the gifts.

Board of Directors, Marin Municipal Water District  
(1975) 1 FPPC Ops. 198 75-089

Directors of a municipal water district who hold significant interests in business entities which may be affected by the district’s decisions on requests for variances and the lifting of a moratorium on new water connections must disqualify themselves when the decisions will have a foreseeable material financial effect, distinguishable from their effect on the public generally, on the directors’ interests.

Bonfa, Don, City Attorney, Huntington Beach  
(1976) 2 FPPC Ops. 146 76-033

A project area committee is not a “local government agency” since it can neither initiate nor veto governmental action, but rather only makes nonbinding studies and recommendations; it does not have decision-making authority within the meaning of 2 Cal. Code of Regs. Section 18700(a)(1).

## Appendix II-3

**OVERRULED** by Rotman, Doreet  
(10 FPPC 1 (No. 86-001, May 12, 1987))

Boreman, Gilbert H., Registrar of Voters, San Francisco  
(1975) 1 FPPC Ops. 101 75-056

A registrar of voters should accept a declaration of candidacy which is filed without the required financial disclosure statement, but should notify the candidate of the requirement to file a disclosure statement and of the penalties for filing late.

Brown, F. MacKenzie, City Attorney, San Clemente  
(1978) 4 FPPC Ops. 19 77-024

Although ownership of land in a municipal improvement district may not result in disqualification in every case, under the facts of this case it is reasonably foreseeable that decisions concerning the formation of and assessment for the municipal improvement district will have a material financial effect, distinguishable from its effect on the public generally, on the financial interests of the council members who own property in the district. Therefore, the council members may not participate in any decisions concerning formation of or assessments for the district.

Downtown commercial property owners do not constitute a significant segment of the public generally in a situation in which approximately 50 percent of the commercial property in the city is located outside the proposed downtown assessment district and in which downtown commercial property owners will reap direct benefits and incur direct costs that will not be shared by other commercial property owners in the city.

Brown, Willie, Assemblyman  
(1975) 1 FPPC Ops. 67 75-055

Payments made to a legislator for transportation or attendance at various meetings connected with his political activities are not reportable on the candidate's campaign statements so long as they are made for bona fide political expenses and are reported by the campaign committee. Such payments are neither gifts nor income within the meaning of Section 87207.

Buchanan, Douglas, Attorney  
(1979) 5 FPPC Ops. 14 78-013

When a candidate uses his personal funds to pay expenses for litigation aimed at maintaining his status as a candidate, the payments should be reported by the candidate as a contribution to himself.

Bunyan, S. Wyanne, Secretary of State's Office  
(1976) 2 FPPC Ops. 10 76-003

If each voter receives a copy of the English language state ballot pamphlet, the minority language translations need not comply with the content and format requirements of the Political Reform Act; if the minority language translations are part of the ballot pamphlet, the requirements of Section 88005 must be observed. The purpose of providing a clear and understandable ballot pamphlet to the average voter would be frustrated if English, Spanish and Chinese provisions were intermingled.

Burciaga, Donald C. The Friends of Alex V. Garcia  
(1976) 2 FPPC Ops. 17 75-161

A merchant who permits a candidate to distribute to the voters a coupon which provides price discounts when it is presented to the merchant in connection with the purchase of specific goods or services has not made a contribution because the merchant received full and adequate consideration in the form of free advertising, the prospect of volume sales and the possibility that customers will purchase other goods and services when redeeming their coupons.

All expenditures incurred in connection with the publication and distribution of the newsletter and accompanying coupons must be reported by the candidate on his campaign statement.

California Labor Federation, AFL-CIO  
(1975) 1 FPPC Ops. 28 75-004

Organizations like the California Labor Federation are not lobbyists and, as employers of lobbyists, are not prohibited from making political campaign contributions. Officers of the Federation who are lobbyists may not participate in the making of Federation endorsements of candidates because the endorsement process is so closely related to the ultimate contributions as to constitute arranging contributions. A lobbyist may not serve as the chairman or director of an organization whose chief activities include the making of political contributions.

Note: The California Supreme Court in FPPC v. Superior Court (IGA), 25 Cal. 3d 33 (1979), ruled that Section 86202 which prohibited lobbyists from making political contributions is unconstitutional.

California Republican Party  
(1999) 13 FPPC Ops. 1 0-99-047

Funds raised for a political party from an agreement with a credit card issuer may not be a "contribution" under the

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Political Reform Act if full and adequate “consideration” exists. Under these facts, consideration exists because as part of its agreement with the party, the credit card issuer receives mailing lists, a free booth at party conventions, and advertising space in party publications, and in exchange the party receives a licensing fee for each new account and a small percentage of each new customer’s monthly credit card bill. This conclusion assumes that no party literature is sent with the credit card solicitations and the party does not receive terms more favorable than those received by other fund-raising sponsors involved in similar arrangements. There is no presumption that full and adequate consideration exists in business transactions such as the one between a political party and a credit card issuer.

Callanan, Sands and Hill  
(1978) 4 FPPC Ops. 33 77-036

Industry members of the Funeral Board are not required to disqualify themselves from consideration of a motion to require consent of next of kin before embalming because the funeral industry constitutes a significant segment of the public and, consequently, the effect of the decision will not be distinguishable from its effect on the public generally.

Cannon, W. Dean, Jr., Committee for Support of ACA31  
(1976) 2 FPPC Ops. 133 76-001

Certain payments made in connection with the mailing of political advertisements by savings and loan associations to their customers are expenditures and, therefore, are includable for the purpose of determining whether a member association is a committee. Certain payments made in connection with displaying counter signs are expenditures and, therefore, are includable for the purpose of determining whether a member association is a committee.

Carey, Scott T., Councilmember, Palo Alto  
(1977) 3 FPPC Ops. 99 76-087

To determine the pro rata share of income from a real estate brokerage firm in order to determine whether the fee paid by any one client meets the \$1,000 reporting threshold: (1) the percentage the firm pays to the salesperson who produced the commission may first be deducted; (2) overhead expenses incurred by the firm may not be deducted; and (3) the ownership interest percentage should be used.

Note: The California Supreme Court in Hays v. Wood, 25 Cal. 3d 772 (1979), ruled that Section 87207(b)(2) which required attorneys and brokers to disclose certain clients at the \$1,000 threshold is unconstitutional.

Carothers, Wayne T., California Teachers Assn.  
(1975) 1 FPPC Ops. 122 75-123

A lobbyist who runs for state office does not create any legal liabilities for his employer but may impose additional reporting requirements on the employer. The salary paid to the lobbyist is an exchange with a state candidate and must be reported. Thus, if the lobbyist continues to work as a lobbyist during the time he is running for elective state office, his employer must report salary payments to him both as exchanges with a state candidate and as a lobbyist’s salary.

The unlawful gift prohibitions do not apply when a lobbyist running for elective state office makes, acts as an agent or intermediary in the making, or arranges for the making of a contribution to himself or his controlled committees.

Carson, John M., Attorney  
(1975) 1 FPPC Ops. 46 75-031

The process of trademark registration is “quasi-judicial” rather than “quasi-legislative.” Thus, an attorney’s activities in registering clients’ trademarks do not constitute attempting to influence administrative action and the attorney need not register as a lobbyist.

Christiansen, James R., Goleta Valley Today  
(1975) 1 FPPC Ops. 170 75-082

A newspaper editorial is neither a contribution nor an expenditure. Therefore, a newspaper publisher is not required to file campaign statements by reason of publishing editorials. However, the costs of reproducing an editorial in an advertising circular, flyer or handbill which does not routinely contain news of a general character and of general interest may be reportable as an expenditure.

Cline, Robert C., Assemblyman  
(1975) 1 FPPC Ops. 150 75-093

An exchange between a lobbyist and an official involving the breeding of their dogs does not need to be reported because the contract was entered into before the effective date of the Act.

Cohen, Les H., Advocation, Inc.  
(1975) 1 FPPC Ops. 10 75-006

The selection of a contractor for the mailing of a legislator’s newsletter does not constitute legislative action. Therefore, employees of the contract mailing firm are not required to register as lobbyists.

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Cory, Kenneth, State Controller  
(1975) 1 FPPC Ops. 99 75-047

The receipt of a parking pass from the California State University for use while on official business at any university or campus is a reportable gift and is valued at the fair market value of the item.

OVERRULED by Thomas  
(1977) 3 FPPC Ops. 30

Cory, Kenneth, State Controller  
(1976) 2 FPPC Ops. 48 75-094-A

Gifts received by the spouse of an elected state officer are the separate property of the spouse and do not have to be disclosed. Gifts to the children are not income to the state officer and do not have to be disclosed. However, a gift ostensibly made to the spouse or dependent child of an elected official will be considered a gift to the official if the nature of the gift is such that (1) the official is likely to enjoy direct benefit or use of the gift to at least the same extent as the donee; (2) the official in fact enjoys such direct benefits or use; and (3) there are no additional circumstances negating an intent to make an indirect gift to the official.

Cory, Ken, State Controller  
(1975) 1 FPPC Ops. 153 75-094-B

A public official may determine the value of a unique gift by making a reasonable estimate based on a good faith effort; there is no need to retain the services of an outside appraiser.

Volunteer assistance received by a public official from a neighbor in repairing a fence or structure is not considered a gift.

Cory, Kenneth, State Controller  
(1975) 1 FPPC Ops. 137 75-094-C

A public official has no reporting obligations by virtue of attending a political fund raising dinner at the invitation of the sponsors without purchasing a ticket. This conclusion is not altered by the fact that the public official attends the dinner for the specified purpose of making a speech.

In determining the value of unique items received as gifts by a public official, a reasonable estimate based on a good faith effort to ascertain the value of the gifts will suffice. There is no need to retain the services of an outside appraiser.

Curriel, Robert D., Humboldt County Counsel  
(1983) 8 FPPC Ops. 1 83-003

An agency, other than a “legislative body” as defined in 2 Cal. Code of Regs. Section 18438.1(a), is a “quasi-judicial board or commission” within the meaning of Government Code Section 84308 when it engages in “quasi-judicial” proceedings, as that term has been defined by the courts.

Dennis-Strathmeyer, Jeffrey A.  
(1976) 2 FPPC Ops. 61 75-117

Candidates for federal office are required to file copies of campaign statements only with those persons specified by federal law.

Dixon, Elliott J.  
(1976) 2 FPPC Ops. 70 75-187

A lobbyist may perform volunteer personal services on behalf of an elected state officer who is campaigning for election to local office so long as, while doing so, the lobbyist does not engage in any of the activities prohibited by Section 86202. The definition of “contribution” excludes volunteer personal services and this exclusion is applicable to lobbyists.

Note: The California Supreme Court in FPPC v. Superior Court (IGA), 25 Cal. 3d 33 (1979), ruled that Section 86202 which prohibited lobbyists from making political contributions is unconstitutional.

Elmore, Gilbert E., Administrative Law Judge  
(1978) 4 FPPC Ops. 8 77-021

Earnings of sums withheld from salary by the state pursuant to the retirement system and the various deferred compensation plan options held for ultimate distribution after retirement are not income.

Sums withheld by the state pursuant to the Public Employees Retirement System are not investments.

Evans, James L., United Transportation Union  
(1978) 4 FPPC Ops. 54 78-008-A

(1) In determining whether an employee of an entity has become a lobbyist pursuant to 2 Cal. Code of Regs. Section 18239 or determining whether an employee has spent 10 percent of his compensated time in lobbying activity pursuant to 2 Cal. Code of Regs. Section 18620, all the time spent attending an administrative hearing should be counted. (2) Pursuant to 2 Cal. Code of Regs. Section 18239(e)(3)(B), a person becomes a lobbyist by spending a total of 40 hours in administrative testimony before one or more agencies and a total of one hour in

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direct contact with the officials of the agency or agencies to which the administrative testimony was directed.

In determining whether an employee of an entity has become a lobbyist, the time spent by an agent or other employee of that entity should be attributed to the employee only if the agent or other employee acts under the direct supervision or direct orders of the employee in order to aid or promote the employee's lobbying activity.

A state agency should be listed on a lobbyist's registration statement if it is foreseeable that the lobbyist will attempt to influence that agency.

A lobbyist employer must report lobbying activity and expenses of an employee in connection with attempts to influence an agency not listed on the registration statement of the employer's lobbyist if the lobbyist employer also qualifies as a \$250 filer.

Note: Legislation has changed the Act so that only persons who spend \$5,000 in a quarter (rather than \$250 a month) need file.

### Evans, J. L., United Transportation Union

(1978) 4 FPPC Ops. 84 78-008-B

Proceedings before the PUC involving Southern Pacific and Airporttransit passenger service are not administrative action. However, under the circumstances presented here, the PUC proceedings pursuant to an Order Instituting Investigation and examining Southern Pacific commuter services are administrative actions. Because the Southern Pacific discontinuance proceedings are combined with proceedings pursuant to the Order Instituting Investigation, the discontinuance proceeding must be considered administrative action.

### Ferraro, John, Councilmember, Los Angeles

(1978) 4 FPPC Ops. 62 78-009

The interests of owners of three or fewer rental units will not be affected by a rent control ordinance in a manner distinguishable from the effect upon a significant segment of the public generally, and therefore the councilmembers are not disqualified from participating in decisions regarding the rent control ordinance. Since each councilmember in this case owns only one rental unit, each may participate in and vote on the rent control ordinance.

### Fontana, Mark, Isla Vista Community Council

(1976) 2 FPPC Ops. 25 75-162

A reorganization proposal which is not placed on the ballot until approved by the local agency formation commission and board of supervisors does not become a measure until the supervisors order it placed on the ballot.

Consequently, expenditures in support of the proposal made prior to that time do not have to be reported. This conclusion would be the same whether or not the proposal ultimately is placed on the ballot.

### Galligan, Joe, City Councilmember, Burlingame

(2000) 14 FPPC Ops. 1 0-00-045

On the facts presented, it was not reasonably foreseeable that a decision whether to certify an environmental impact report would have a material financial effect on a city council member's economic interest in the bank that held the mortgage on the subject property. Additionally, the Commission decided not to interpret Regulation 18706, which requires that the material financial effect occur *as a result* of the governmental decision, to require that the effect be one that would not occur but for the decision. Instead, the only causation required is that enunciated in *In re Thorner*: that a material financial effect be substantially likely. ((1975) FPPC Ops. 198.)

### Gilchrist, John P.

(1975) 1 FPPC Ops. 82 75-014

No reporting requirements apply to the spouse of a lobbyist who is engaged in a business which provides a reception attended by legislators and state officials so long as the spouse does not act as the lobbyist's agent and does not arrange for gifts to the officials.

### Gillies, Dugald, Calif. Assn. of Realtors

(1975) 1 FPPC Ops. 110 75-062

The California Association of Realtors is sponsoring a luncheon which will be attended by approximately 700 persons, including about 70 legislators. The legislators will be invited as guests of the association. The other attendees will pay for the cost of their luncheon tickets. The cost of the tickets will be set at an amount to offset the cost of the guests and other overhead. In reporting the cost of the luncheon, the association must report the name of each legislator who attended as a guest and the total amount paid for their benefit. The Act does not require an individual listing of the value accruing to each beneficiary. It is not necessary for the name of every person attending and participating to be listed as a beneficiary.

Note: The California Supreme Court in *FPPC v. Superior Court* (IGA), 25 Cal. 3d 33 (1979), ruled that former Section 86107(d) and (e) and former Section 86109(d) and (e), which required the reporting of exchanges, are unconstitutional.

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### Gillies, Dugald, Calif. Assn. of Realtors

(1975) 1 FPPC Ops. 165 75-063

A payment of \$250 or more during a month made by a local board of realtors to reimburse individuals for expenses incurred in attending Legislation Day and an association board of directors meeting is a payment to influence legislative or administrative action. This conclusion is not altered by the fact that the legislator pays the cost of his own dinner.

Local real estate boards which spend \$250 or more during a month to reimburse their members for expenses incurred in attending a Legislative Day sponsored by the California Association of Realtors and an association board of directors meeting would not become employers of lobbyists but would be required to file reports pursuant to former Section 86108(b) (now Section 86115(b)).

Note: Legislation has changed the Act so that only persons who spend \$5,000 in a quarter (rather than \$250 a month) need file.

### Gillmor, Gary G., Mayor, Santa Clara

(1977) 3 FPPC Ops. 38 76-089

Redevelopment zones are created for the precise purpose of upgrading portions of a community and creating a positive financial impact on investments and property values in the zone. Thus it is intended and anticipated that redevelopment will have a financial impact on real property and businesses located in and near the redevelopment zone and such positive financial effects are therefore reasonably foreseeable.

### Goddard, Merle J., Institute of Governmental Advocates

(1978) 4 FPPC Ops. 1 77-004

Luncheons sponsored by a lobbying organization do not constitute arrangement for gifts in excess of \$10 per month. This is based on the fact that attendance at the luncheons by legislators was a random and infrequent occurrence. However, if the facts indicated an explicit or implicit agreement or understanding among the members to make gifts to an official totaling more than \$10 per month, it would be a prohibited arrangement.

### Goodwin, Robert E., Goleta County Water District

(1975) 1 FPPC Ops. 24 75-032

The words "compensation" and "salary" are equivalent. Elected officers are exempt from filing reports only if their actual average income for the previous six-month filing period is less than \$100 per month.

### Green, Donald C.

(1975) 1 FPPC Ops. 86 75-098

A lobbyist who advises his employer concerning the making of political campaign contributions has not "arranged" for the making of a contribution unless (1) the lobbyist communicates with the employer with the intent of influencing the employer's decisions to make contributions and a contribution is made by the employer, and (2) the communication was an element in the making of the contribution. This test does not apply to factual material readily available to members of the public, such as voting and legislative records of public officials. Dissemination of factual information concerning a public official's voting record is not prohibited.

### Grunsky, Donald L., Senator

(1975) 1 FPPC Ops. 158 75-115

A lobbyist employer must report exchanges with a business entity in which an elected official is a partner when the total value of such exchanges is \$1,000 or more for that part of the calendar year that a lobbyist is employed.

### Gutierrez, Annie M., Agricultural Labor Relations Board

(1977) 3 FPPC Ops. 44 76-081

By attending a reception given by a group of friends to celebrate his appointment to the bench, a judge received a gift which was equal to the per capita cost of giving the reception. In this case, the gift is not reportable because the per capita cost was less than \$25 per person.

### Hanko, Terilyn, Member, Mills Peninsula Healthcare District Board of Directors

(2002) 16 FPPC Ops. 1 O-02-088

Incentive compensation payments received by a member of a healthcare district board from her employer were attributed to the purchaser of the employer's products where: (1) the board member was employed to purposefully direct sales or marketing activity toward the purchaser; (2) the board member had direct contact with the purchaser intended by the board member to generate sales or business; and (3) there was a direct relationship between the purchasing activity of the purchaser and the amount of the incentive compensation received by the board member. Because these requirements were met under the facts of this opinion, both the purchaser and the employer were found to be sources of income to the board member, and the board member was not permitted to participate in decisions that might have a reasonably foreseeable material financial effect on the purchaser.

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### Hardie, George G., Golden State Greyhound Assn. (1975) 1 FPPC Ops. 140 75-003

A person who receives no economic consideration, other than reimbursement for reasonable travel expenses, does not come under the definition of a lobbyist.

### Hayes, Mayor Janet Gray, Dinner Committee (1975) 1 FPPC Ops. 210 75-145

The proceeds from fundraising dinners retain their classification solely as campaign contributions and expenditures and are not gifts so long as they are used to support those activities related to the officeholder's responsibilities as an elected official and a future candidate.

### Herr, Robert C., Del Monte Corporation (1977) 3 FPPC Ops. 11 75-208

When salary payments to board members are reportable they are reportable as exchanges and not as payments to influence legislative or administrative action. Salary paid to an employee who serves on a board is an exchange if the board is a state agency because the member is an agency official. The exchange is reportable if the amount of salary paid to the employee exceeds \$1,000 in a calendar year. The employer must report exchanges with other business entities which are represented on boards by their proprietors, partners, directors, officers, managers or persons having more than a 50 percent interest if the board is one which the employer attempts to influence within the meaning of 2 Cal. Code of Regs. Section 18600 and if the value of an exchange or exchanges with any such business entity exceeds \$1,000 in a calendar year.

Public officials who are employees of Del Monte Corp. serving on agricultural boards and commissions are exempt, to the extent they are acting within the scope of their official duties, from the lobbyist reporting requirements. This exemption does not alter Del Monte's responsibility to report salary payments to such officials as exchanges.

Note: The California Supreme Court in FPPC v. Superior Court (IGA), 25 Cal. 3d. 33 (1979), ruled that former Section 86107(d) and (e), and Section 86109(d) and (e), which required reporting of exchanges, are unconstitutional.

### Hicks, Joyce M., Assistant City Attorney, Oakland (1999) 13 FPPC Ops. 11 0-99-314

The "rule of legally required participation" in Section 87101 does not apply to certain decisions made by the Mayor of Oakland pursuant to the City's Charter.

WITHDRAWN on November 3, 2000, in accordance with the writ of mandate issued by the First District Court of Appeal in the matter *Jerry Brown v. Fair Political Practices Commission*, (2000) 84 Cal.App.4<sup>th</sup> 137.

### Hollinger, Dana, CalPERS Board Member (2014) 21 FPPC Ops. 1 14-001

Ms. Hollinger, a board member of the California Public Employees' Retirement System (CalPERS) demonstrated sufficient cause for a limited exemption from the Act's general requirement that a CalPERS board member disclose every source of income on her Statement of Economic Interests, Form 700. The Commission considered the existence of federal privacy mandates regarding financial institutions and release of consumers' personal financial information under the Gramm-Leach-Bliley Act. The Commission concluded that limited nondisclosure in this case was justified and created no risk that undisclosed conflicts of interest might threaten the integrity of governmental decisionmaking.

### Hopkins, William P., City Attorney, Anaheim (1977) 3 FPPC Ops. 107 77-022

Free tickets and passes which are customarily sent to city councilmembers and other city officials must be disclosed if they are worth \$25 or more, unless they are not used at all and are returned to the donor within 30 days. This rule applies even if they are never used, used only occasionally or are given to some other person. The value of the tickets and passes is the fair market value; the Commission set forth factors to be considered in determining fair market value. The donor of a complimentary ticket which has a fair market value of \$250 or more is a source of income and, accordingly, the disqualification provisions would be applicable. The rule of necessity set forth in Section 87101 does not apply to a conflict of interest that arises because of gifts an official has accepted if it was reasonably foreseeable at the time the gift was received that the official would be asked to make or participate in a decision affecting the donor. The need for disqualification in these situations should be assessed under the standards set forth in Sections 87100 and 87103.

### Horn, Rolf H., Del Monte Corp. (1975) 1 FPPC Ops. 126 75-029

The pro rata share of a lobbyist's registration fee for a seminar which is used for honoraria for legislators and agency officials is not a gift or contribution because the seminar represented equal consideration for the registration fee. Furthermore, the registration/ honoraria payments would not be reportable exchanges because they were independent transactions with the sponsors of the

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seminar. However, if the registration fee is paid through the lobbyist account it must be reported.

Hudson, Matthew, City Attorney, Anaheim  
(1978) 4 FPPC Ops. 13 77-007

If a board cannot, as a result of board member disqualification, obtain a quorum in order to make decisions it is legally required to make, the board may bring back as many disqualified members as is necessary to establish a quorum. The preferred means of selecting which disqualified member should participate is by lot or other means of random selection. However, nothing in the Act prevents the use of other impartial and equitable means of selection.

Institute for Governmental Advocates  
(1982) 7 FPPC Ops. 1 81-003

A lobbyist is acting as an agent in, or arranging for, the making of a gift by another when he or she: (1) takes any action involving contact with a third party which facilitates the making of the gift; (2) has any contact with the public official who is to be the recipient of the gift which facilitates the making of the gift.

Johnson, Ross  
(1989) 12 FPPC Ops. 1 89-001

An Assembly member, who is a defendant in a civil lawsuit challenging the outcome of an election, will incur considerable legal expenses. Contributions raised to finance his legal defense are contributions subject to the limits of Proposition 73.

Juvinall, Ralph, Republican Consultants  
(1976) 2 FPPC Ops. 110 75-018-A

Once a person is a candidate, the mass mailing sender identification provisions apply regardless of whether the person has officially made a declaration of candidacy. Nothing in the Act prevents a candidate from delaying the declaration of candidacy to the 83rd day prior to the primary election, the last possible day on which a declaration must be filed.

The official newsletter of the Republican Central Committee of Orange County does not fall within the definition of "mass mailing" because it is sent only to subscribers who have requested it.

Kahn, Harry H., American Building, Maintenance Industries  
(1976) 2 FPPC Ops. 151 75-185

When contributions are made by a parent corporation and its wholly owned subsidiaries, it is assumed that they are a "combination of persons." Accordingly, a parent

corporation and its subsidiaries ordinarily must file campaign statements as a major donor committee if their combined contributions total \$5,000 or more in a calendar year. A contrary conclusion can be reached only when it is clear from the surrounding circumstances that the parent corporation and its subsidiaries acted completely independently of each other. If the parent corporation made no contributions, the conclusion would be the same.

Kaufman, Stephen and Winuk, Gary, Attorneys  
(2018) FPPC Ops. No. O-18-001

Under the Act, legitimate polls are not considered communications intended to influence the electorate, but are tools used to gather information to guide a campaign's future activities and resource expenditures. Accordingly, the use of e-mail to conduct legitimate polls, which are not intended to influence voters, is not subject to the Act's electronic mass mailing disclosure requirements.

Kavanagh, Dennis, A-K Associates, Inc.  
(1975) 1 FPPC Ops. 42 75-028

It is prohibited for four lobbyists to host one dinner per month for legislators, even though no lobbyist spends more than \$10 per legislator per month because the dinners are arranged by the lobbyists jointly and the lobbyists would therefore be arranging for the making of a gift by other persons aggregating more than \$10 per month per person.

Kelly, Carl A., County Clerk, El Dorado  
(1975) 1 FPPC Ops. 162 75-134

The deposit of money with the clerk's office is an advance payment for services to be rendered and must be reported pursuant to Sections 84200, et seq., unless the refund is received by the candidate prior to the closing date for filing the first campaign statement.

A person seeking elective office under the uniform District Election Law who is subsequently appointed to office need not file campaign statements unless funds are received or expended by that person or on his or her behalf with a view toward bringing about the person's nomination or election to office.

Kovall, Gary, Los Angeles County Bar Assn.  
(1978) 4 FPPC Ops. 95 78-012

Expenses incurred by a county bar association in connection with direct communication with elective state or legislative officials concerning drafting or proposing legislation are reportable as payments to influence once there is direct communication with elective state or legislative officials concerning the legislation.

## Appendix II-10

An employer's reimbursements for food, lodging and travel expenses of an employee who communicates directly with legislative officials as a member of a bar association's committee on legislation will not incur a reporting obligation if the employee's attempts to influence legislative action are not related to the work of the employer or if the employer has a uniform policy of allowing employees to engage in outside activities during normal working hours.

### Layton, Rex E., City Clerk, Los Angeles

(1975) 1 FPPC Ops. 113 75-072

Late filing fees should not be assessed if a campaign statement is submitted on an incorrect form so long as all required information is included and the correct form is filed promptly. However, late filing fees should be assessed if unsigned forms are filed.

### Leach, Charles F., Assistant City Attorney, Bakersfield

(1978) 4 FPPC Ops. 48 76-092

Neither the downtown business association nor the chamber of commerce is a local government agency. Therefore, neither organization need adopt a conflict of interest code. The employees and board members of these organizations are not consultants and need not be included in the city's conflict of interest code.

### League of California Milk Producers

(1975) 1 FPPC Ops. 13 75-015

The employer of a lobbyist has not engaged in an exchange when its insurance company settles a claim arising from an auto accident between one of its employees and a legislator so long as the employee took no part in the settlement negotiations.

### Legan, Thomas L., County Supervisor, Santa Clara County

(1985) 9 FPPC Ops. 1 85-001

An official's employer, which was a major landowner in the hillside zone, would be affected in a manner distinguishable from the effect upon the general public with respect to a pending decision to double the permissible density on hillside property. The effect upon the value of the employer's property was sufficiently large so as to be considered material.

### Leonard, Carl A., Bay Area Rapid Transit

(1976) 2 FPPC Ops. 54 75-042

Persons engaged in representing Bay Area Rapid Transit in quasi-legislative proceedings before the Public Utilities Commission are attempting to influence administrative action. The safety director of BART is not a lobbyist as a result of communicating with the PUC staff in compliance with a PUC order.

### Lucas, Steven S.

(2000) 14 FPPC Ops. 14 0-00-157

For purposes of the permanent ban on certain types of post-government employment, a former Deputy Director of the Board of Equalization has "participated" in a decision when the official has taken part "personally and substantially" in it through various enumerated means. Where the official was responsible primarily for creation and implementation of general policies and had no personal involvement in the individual audits conducted by subordinate agency employees, the official will not be deemed to have "participated" in those audits for purposes of the permanent ban.

### Lui, Elwood, Associate Justice, Court of Appeal

(1987) 10 FPPC Ops. 10 87-001

A judge who, in 1985 or thereafter, makes any contributions from personal funds must file campaign statements for the year in which the contributions were made. Contributions made by the judge's spouse from community property funds are considered to be contributions made by the judge. The judge's campaign filing obligation exists regardless of whether the judge was running for office or whether the contributions were related to the judge's own candidacy.

### Lumsdon, Thomas G., Attorney

(1976) 2 FPPC Ops. 140 75-205

When an individual and a closely held corporation in which the individual is the majority shareholder make contributions of the type described in Section 82013(c), it is assumed that they are a "combination of persons" which is attempting to influence the voters for or against the nomination or election of a candidate or the passage or defeat of a measure.

Accordingly, the individual and the corporation ordinarily must file campaign statements as a major donor committee if their combined contributions total \$5,000 or more. A corporation and an individual who is both the corporation president and a trustee in a foundation which owns the stock of the corporation need not cumulate contributions for the purpose of determining whether the corporation and the individual are a major donor committee unless there is an agreement or mutual understanding, expressed or implied, that corporate and personal funds will be contributed toward the accomplishment of a common goal.

## Appendix II-11

### Lunardi, Paul J.

(1975) 1 FPPC Ops. 97 75-046

A golf tournament held by a lobbyist and attended by public officials who pay their own entry fees does not constitute a gift so long as the entry fees paid by the officials cover the costs of the tournament.

### Maloney, R. J., District Attorney, Glenn County

(1977) 3 FPPC Ops. 69 76-082

In performing engineering and survey work for the county on a contract basis, the county surveyor-engineer is not acting in the capacity of a “member, officer, employee or consultant of a state or local government agency,” and therefore is not a “public official” subject to the conflict of interest provisions.

### Masini, H. L., County Clerk, Fresno

(1976) 2 FPPC Ops. 38 75-171-B

The governing board of a district which pays or offers to pay for the cost of candidate qualification statements would not become a committee. The district would not become a committee by virtue of purchasing space in a voters’ pamphlet for the purpose of presenting arguments on both sides of a ballot measure. Therefore, the district would not be required to file a statement of organization or campaign statements.

### McCarthy, P. H., State Building and Construction Trades Council

(1975) 1 FPPC Ops. 50 75-035

The State Building and Construction Trades Council is a state body of affiliated local building and construction trade councils, craft councils and local unions which employs a lobbyist and participates in political activities and makes contributions. The council may continue its political activities. No restrictions are imposed on the elected officers of the council so long as they are not lobbyists. An employee who spends 40 hours lobbying in a two-month period is required to register as a lobbyist regardless of the amount of his compensation. The \$1,000 test is an additional one applied to a person not spending 40 hours in lobbying activities.

### McCormick, W. A., Los Angeles County Almanac

(1976) 2 FPPC Ops. 42 75-140

Donations received for the purpose of printing and distributing a political almanac are not contributions and, therefore, income from the sale of the almanacs should be reported by the committee as miscellaneous receipts.

### Meyers, John, Republican Central Committee of Orange County

(1976) 2 FPPC Ops. 110 75-018

Once a person is a candidate, he is subject to the mass mailing sender identification provisions of the Act regardless of whether he has officially declared his candidacy.

The official newsletter of the Republican Central Committee of Orange County does not fall within the definition of “mass mailing” because it is sent only to subscribers who have requested it.

### Miller, Anthony L., Secretary of State’s Office

(1978) 4 FPPC Ops. 26 77-032

The Secretary of State is not prohibited from including signed arguments and rebuttals in the ballot pamphlet by virtue of the fact that she has filed a declaration of candidacy. With respect to materials bearing her name, the Secretary of State may include her own name on the “certificate of correctness” required to be inscribed in the pamphlet, but after she has filed a declaration of candidacy she is prohibited from including a signed letter to the voters in the pamphlet. A majority of the Commission was unable to reach agreement with respect to inclusion of the Secretary of State’s name on the cover of the pamphlet and therefore the Commission gave no advice with respect to this question.

### Miller, Edwin L., District Attorney, San Diego

(1976) 2 FPPC Ops. 91 75-125

A chartered city does not have the authority to enact an ordinance which differs from and supersedes the campaign finance disclosure provisions of the Political Reform Act. A chartered city may, however, enact an ordinance which imposes additional disclosure requirements if such additional requirements do not prevent compliance with the Act.

### Montoya, Joseph, Senator

(1989) 12 FPPC Ops. 7 89-006

Funds received by an elected officer to defend against a criminal indictment, where the criminal charges alleged in the indictment concern the elected officer’s conduct in his capacity as an officeholder, are contributions, and subject to the limits of Proposition 73.

### Moore, Richard J., County Counsel, Alameda

(1977) 3 FPPC Ops. 33 76-074

Pension benefits are salary from a local government agency and therefore are not income. Thus, the agency providing the pension benefits is not a source of income to the retired member.

## Appendix II-12

A retired member of a county retirement board would not be prohibited from voting on various specified issues because the pension benefits are “salary” from a local government agency and therefore are not “income.” Thus, the agency providing the pension benefits is not a source of income to the retired member and the retired member does not have a “financial interest” in the decisions.

### Morgan, Claude D., Church State Council, Pacific Union Conference of Seventh-Day Adventists

(1975) 1 FPPC Ops. 177 75-005

The tenets of the Seventh-Day Adventist Church forbid members from joining labor unions. Thus, lobbying activities undertaken for the purpose of opposing the union shop are exempted from the reporting requirements of Chapter 6 because such activities protect the right of church members to practice the tenets of their religion. Lobbying activities or payments to influence legislative action directed at reducing penalties for marijuana possession are not within the exemption of Section 86300 because the law in question does not affect the right of church members to practice the tenets of their religion.

### Morrissey, John C., Pacific Gas & Electric Co.

(1975) 1 FPPC Ops. 104 75-065-C

A lobbyist is required to report the expense of a meal for another lobbyist if the expense is incurred in connection with his activities as a lobbyist.

### Morrissey, John C., Pacific Gas and Electric Co.

(1975) 1 FPPC Ops. 130 75-066

Salary payments made by PG&E to its employees, some of whom may be legislative officials, agency officials, state candidates, or members of their immediate families, are not payments to influence legislative or administrative action.

Salary payments to company employees who are also legislative officials, agency officials, state candidates or members of the immediate families of such officials are reportable exchanges if the total salary paid exceeds \$1,000 in a calendar year. Routine fringe benefits are not included in determining whether the employee has received in excess of \$1,000, although benefits in lieu of wages are included. Salary payments are not payments to influence legislative and administrative action. The employer has no affirmative obligation to determine which employees are specified persons but must report on the basis of information in possession of the employer at the time of filing.

### Morrissey, John C., Pacific Gas & Electric Co.

(1976) 2 FPPC Ops. 84 75-099

A member of the Bay Conservation and Development Commission’s citizens advisory committee is not an agency official; therefore, salary payments to a member of the committee are not payments to influence legislative or administrative action. An employee who serves as a member of the committee is not a lobbyist in this case because the employee’s duties are solely advisory.

### Morrissey, John C., Pacific Gas & Electric Co.

(1976) 2 FPPC Ops. 120 75-120

The term “consultant” as used in the definitions of “legislative official” and “agency official” includes any natural person who, under contract, provides information, advice, recommendation or counsel to the Legislature or a state agency, but does not include a person who (a) conducts research and arrives at conclusions with respect to his or her rendition of information, advice, recommendation or counsel independent of the control and direction of the agency or of any agency official, other than normal contract monitoring; and (b) beyond the rendition of information, advice, recommendation or counsel. Accordingly, independent contractors may be “consultants” if they are not excluded by the foregoing exceptions.

### Naylor, Robert, Standard Oil Company of California

(1976) 2 FPPC Ops. 65 75-172

Salary payments and reimbursed expenses paid to an employee who participates on an engineers’ advisory committee are not payments to influence legislative or administrative action because the employee’s participation in the committee is not direct communication with an agency official carried out for the purpose of influencing administrative or legislative action.

### Nejedly, John A., Senator

(1976) 2 FPPC Ops. 46 75-190

A state legislator is not prohibited from soliciting contributions of food, money or services for nonprofit organizations nor obligated to report such activities. A lobbyist may not, however, make a gift to the organization in order to obtain influence with the legislator.

### Nida, Robert H., Automobile Club of Southern California

(1976) 2 FPPC Ops. 1 75-075-A

(1) Reporting hazardous traffic locations by an automobile club to state agencies and recommending corrective action does not constitute an attempt to influence administrative action; (2) the furnishing of data or factual materials will be reportable under certain

## Appendix II-13

circumstances; (3) commenting on proposed regulations constitutes an attempt to influence administrative action regardless of whether the comment is in response to a request from the agency; (4) discussion of enforcement policies with Highway Patrol personnel may constitute an attempt to influence administrative action.

Collection of an insurance premium is not a reportable exchange. Payments of claims may be reportable exchanges when made to specified persons in amounts of \$1,000 or more.

Note: The California Supreme Court in FPPC v. Superior Court (IGA), 25 Cal. 3d 33 (1979), ruled that former Section 86107(d) and (e), and former Section 86109(d) and (e), which required the reporting of exchanges are unconstitutional.

Nida, Robert H., Automobile Club of Southern California  
(1977) 3 FPPC Ops. 1 75-075-B

The occasional giving of publications and maps to legislators and agency officials does not constitute a gift because the materials are informational. Under some circumstances, however, the material could involve a reportable payment to influence legislative or administrative action.

The occasional giving of publications and maps to legislators and agency officials would involve a payment to influence under the following circumstances: providing the materials to support or assist the club's lobbyist when he is attempting to influence a matter pending before the Legislature or a state agency; providing the material to a state agency (including the Legislature) or to an agency official at the request or suggestion of the lobbyist when it is related to an attempt to influence; providing the materials as part of an effort to influence some specific legislative or administrative action pending, regardless of whether the club's lobbyist is involved in the effort; providing the materials directly to an official for his or her personal benefit; or providing the materials to the official for distribution to the public.

Nielsen, Vigo G., Dobbs & Nielsen  
(1979) 5 FPPC Ops. 18 79-002

A major donor committee that makes in-kind contributions to a recipient committee is not required to report the names, addresses and salaries of the employees whose services constituted the in-kind contribution. The contribution must be reported as a payment to the recipient.

Nord, Steven F., Merced City Attorney  
(1983) 8 FPPC Ops. 6 83-004

A limited partner has an investment in the controlling general partner of the limited partnership, if the limited partnership is "closely held." This can require disqualification both as to decisions affecting the general partner personally and as to decisions affecting "otherwise related business entities," which includes businesses also controlled by the controlling general partner.

Oglesby, Thomas W., City Manager, Antioch  
(1975) 1 FPPC Ops. 71 75-083

A councilmember would be disqualified from participating in a decision regarding adoption of a redevelopment plan based on his ownership of property within the redevelopment plan combined with ownership of property near the plan and a financial interest in a real estate firm which may be involved in selling property within the plan.

Olson, Lance H., Esq., Counsel for the California Democratic Party  
(2001) 15 FPPC Ops. 13 O-01-112

Local Los Angeles ordinances requiring the political parties to disclose "member communications" prior to an election are preempted by the Political Reform Act because they impose "additional or different" filing requirements on the state party committees in areas of statewide concern.

Olson, Thomas F., California Farm Bureau Federation  
(1975) 1 FPPC Ops. 107 75-067

Lobbyists may attend a dinner given for elected officers and legislative and agency officials, but may not participate in making arrangements for the dinner. Lobbyists may participate in delivering gift packs of agricultural products to invitees who did not attend so long as the value of the gift packs does not exceed \$10.

Overstreet, Martin, Berkeley Rent Stabilization Board  
(1981) 6 FPPC Ops. 12 80-010

A Rent Control Board Member should not make, participate in making or use his official position to influence decisions which have a material financial effect on rental properties he owns distinguishable from their effects on a significant segment of the public generally. However, the rental property industry constitutes a significant segment of the public generally. The Commission also found that another board member should not make, participate in making or use her official position to influence decisions which would have a material financial effect on property she leases, distinguishable from the effect the decisions will have on

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a significant segment of the public generally. Tenants also, however, constitute a significant segment of the public with respect to decisions implementing the rent control measure.

### Owen, William L., City Attorney, Davis

(1976) 2 FPPC Ops. 77 76-005

Effect of downtown “core area” redevelopment on residential property owners is speculative and may be spread among residential properties throughout the city as well as those near the “core area.” Consequently, the effects of decisions concerning the “core area” on owners of residential property in or near the “core area” cannot be said to be distinguishable from the effects such decisions will have on a significant segment of the public generally. However, as the number of people owning buildings leased for commercial purposes is much smaller and as the effects on such persons and their interests will be much more direct and particular, the effects on such persons and their property are distinguishable from the effects on the public generally. Retail merchants lie somewhere between these two, but under the facts of this case, the official with such an interest may participate unless a particular aspect of the core area plan would have a singular effect on his business.

A planning commissioner who is a partner in a partnership which owns a vacant lot within the existing commercial zone of a core area and is in the process of constructing a commercial building thereon is disqualified from participating in decisions concerning the core area. A planning commissioner who owns a home which he uses as a residence across the street from one boundary of the core area in a neighborhood which is viewed as inextricably tied to the area in terms of planning considerations is not disqualified; and (3) a councilmember in a limited partnership in a retail business which leases space within an existing commercial building in the core area is not disqualified.

### Pelham, LeeAnn, Executive Director, Los Angeles City Ethics Commission

(2001) 15 FPPC Ops. 1 O-00-274

1. A Los Angeles campaign ordinance prohibiting the deposit of campaign contributions until all donor information has been obtained does not conflict with Section 85700 ordering recipients of contributions to return the contribution within 60 days if all donor information has not been obtained. The Los Angeles ordinance does not conflict with the Act because it does not impede compliance with the Act.

2. An elected state officer or candidate for elective state office may establish a legal defense fund under Section 85304 regardless of the individual’s status as a local candidate or officeholder. However, if the individual establishes a legal defense fund created under the Los Angeles ordinance, that particular defense fund will be subject to the rules of that ordinance.

3. Under certain circumstances, the presumption that contributions received from minors are actually from the child’s parents under Section 85308 may be overcome and a minor may be a contributor in his or her own right.

4. The City of Los Angeles may deposit laundered funds into its general fund when the action is brought under its local campaign finance law. The City of Los Angeles’ ordinances are not preempted by state laws concerning the distribution of laundered funds because the state law only applies to violations of the state statutes.

### Petris, Nicholas C., Senator

(1975) 1 FPPC Ops. 20 75-039

A candidate’s controlled committee need not amend its statement of organization if it makes contributions to other candidates or propositions if the contributions are incidental to the general purposes of the controlled committee. The phrase “supports or opposes” in Section 84102(d) does not mean “incidental” support or opposition.

### Pirayou, Ash

(2006) 19 FPPC Ops. 1, O-06-016

Under the extraordinary facts of this case, including the gross negligence of the candidate’s treasurer, a candidate for elective state office was allowed to transfer funds from her Assembly committee account, which had already been deemed “surplus campaign funds” under section 89519 of the Act, to her Senate committee account with attribution.

### Presley, Robert, Senator

(1975) 1 FPPC Ops. 39 75-027

No conflict of interest arises because of an investment in a realty company unless at some time in the future the public official votes on a matter affecting his financial interest.

### Rawlings, Katherine, Sacramento County Democratic Central Committee

(1975) 1 FPPC Ops. 62 75-053

It is unlawful for a registered lobbyist to contribute to or participate in a check-debiting plan which involves contributions to a political committee, and it is unlawful for the committee to knowingly receive such a contribution.

## Appendix II-15

Reinhardt, Stephen, Winner/Wagner Assoc.  
(1977) 3 FPPC Ops. 83 76-091

A consulting and campaign management firm which employs a lobbyist and has a lobbyist as a principal shareholder may manage a campaign of an elected state official seeking state office, and no prohibition exists so long as the firm and its employees adhere to the following conditions: (1) the firm must receive full and adequate consideration for any services it renders to the campaign; (2) the firm, acting through its employees, must not engage in any activities which would violate the prohibitions contained in Sections 86202, 86203 and 86205. This conclusion is applicable regardless of whether the candidate involved presently holds an elective office.

Note: The California Supreme Court in FPPC v. Superior Court (IGA), 25 Cal. 3d 33 (1979), ruled that Section 86202 which prohibited lobbyists from making political contributions is unconstitutional.

Riemer, Davis  
(2013) 21 FPPC Ops. 1 13-001

Mr. Riemer, a member of the Board of the Alameda-Contra Costa Transit District Retirement Plan (AC Transit) demonstrated sufficient cause for a limited exemption from the Act's general requirement that a member of AC Transit disclose every source of income on his Statement of Economic Interests, Form 700. The Commission considered the existence of federal privilege and privacy mandates regarding the investment practices of private individuals. The Commission concluded that limited nondisclosure in this case was justified and created no risk that undisclosed conflicts of interest might threaten the integrity of governmental decisionmaking.

Rios, Richard R., Esq., Counsel for Senate Democratic Caucus  
(2017) FPPC Ops. No. O-17-001

The limitation on inter-candidate contributions of campaign funds in Section 85305 does not apply to contributions to a committee controlled by an elected state officer opposing a recall measure as described in Section 85315.

Roberts, David W.  
(2004) 17 FPPC Ops. 9 04-093

Mr. Roberts requested an opinion as to whether his registered domestic partner would be considered a "spouse" for purposes of the Act's reporting and disqualification provisions. The Commission determined that since it had applied family law concepts when

analyzing when a public official has a community property interest in his or her spouse's income, consideration was given to Assembly Bill 205, which extended the rights and obligations of spouses to registered domestic partners as of January 1, 2005. Therefore, the Commission concluded that, if elected, as of January 1, 2005, Mr. Roberts would have an economic interest arising from his registered domestic partnership as a result of his domestic partner's investments and real property, and resulting from any personal financial effects on his domestic partner. The Commission also stated that its conclusion is limited to the provisions of the Act, and that the issuance of this opinion did not create a marriage nor confer the status of being married upon any person.

Rosenstiel, Paul  
(2012) 20 FPPC Ops. 1 12-001

Mr. Rosenstiel, a member of the California State Teachers' Retirement System (CalSTRS), demonstrated sufficient cause for a limited exemption from the Act's general requirement that a member of CalSTRS disclose every source of income on his Statement of Economic Interests, Form 700. The Commission considered the existence of federal privilege and privacy mandates regarding the investment practices of private individuals. The Commission concluded that limited nondisclosure in this case was justified and created no risk that undisclosed conflicts of interest might threaten the integrity of governmental decisionmaking.

Rotman, Doreet  
(1987) 10 FPPC Ops. 1 86-001

Members of redevelopment project area committees are "public officials" of a local governmental agency and are subject to the Act's disclosure and disqualification provisions. A statutory change requiring a two-thirds vote by legislative bodies to overrule recommendations by a project area committee makes the individuals who sit on project area committees "members" of local government agencies.

Rundstrom, Robert, Deputy County Counsel, Yolo County  
(1975) 1 FPPC Ops. 188 75-084

Filing officers have discretionary authority in assessing late fines so long as their discretion is exercised on an impartial basis. However, once the filing officer provides written notice to the tardy filer he must, beginning five days after the mailing of the notice, assess a fine of \$10 per day from the filing deadline to the date the statement is filed.

## Appendix II-16

Russel, Blanche, Holiday Inn of Hollywood  
(1975) 1 FPPC Ops. 191 75-135

There are no restrictions or reporting requirements imposed on those who offer discounts to all state employees or on public officials who take advantage of such discounts if the discounts are uniformly offered to all state employees. The state government rate offered in this case has not been offered on a uniform basis and is, therefore, income to the elected officers who receive it.

Russell, Newton, Senator  
(1975) 1 FPPC Ops. 135 75-085

A legislator may not keep a contribution which was arranged by a lobbyist prior to the effective date of the Act but which was not delivered until after the effective date of the Act. By analogy to the California Gift Law, "delivery" of the contribution is required to complete the gift. Because the contribution remained in the association's office until after the effective date of the Act, the gift was not properly completed prior to the effective date of the Act.

Sampson, Patrick J., City Attorney, Pomona  
(1975) 1 FPPC Ops. 183 75-058

When a special, general or runoff election is held less than 60 days following the primary election, candidates for an office contested in the primary election whose names do not appear on the ballot in the special, general or runoff election are not required to file a campaign statement seven days before the special, general or runoff election. They must file campaign statements not later than 33 days before the primary election, seven days before the primary election, and 65 days after the general or runoff election. If the special, general or runoff election for an office is not held, candidates for that office who were required to file for the primary election must file a post election campaign statement not later than 65 days after the primary election.

The anniversary statement of economic interests filed in 1975 by a city councilmember who was elected to office before the effective date of the Political Reform Act should cover only the period from January 7, 1975 (the effective date of the Act) to the officeholder's anniversary date of assuming office.

Sankey, Iris, State Board of Equalization  
(1976) 2 FPPC Ops. 157 76-071

A public official who has a 50 percent equity interest in a parcel of property which is leased to a utility company must disqualify herself from participating in the assessment of the parcel of property in which she has the interest, and she must also disqualify herself from

participating in the assessment of other property owned by the company.

Schabarum, Peter F., Los Angeles County Supervisor  
(1975) 1 FPPC Ops. 95 75-041

The disclosure of the book and page number of a deed is not an acceptable method of designating the location of a principal place of residence which is required to be reported on a statement of economic interests. In order to comply with the Act, the street address or lot number or precise location of the principal place of residence must be disclosed.

Note: The requirement of reporting the location of the principal place of residence on a statement of economic interests has been repealed by legislative amendment to Section 87206.

Sherwood, Richard E., Los Angeles County Museum of Art  
(1976) 2 FPPC Ops. 168 76-038

The receipt of salary supplements and other monies from a non-profit museum corporation by employees of a county museum of art will not preclude those employees from making, participating in making or using their official position to influence most of the decisions related to the management and operation of the museum.

Siegel, Samuel, City Attorney, Pico Rivera  
(1977) 3 FPPC Ops. 62 76-054

Members of a water development corporation, a non-profit corporation formed for the purpose of providing a financing mechanism for acquiring portions of the water system serving a city, are public officials because the water development corporation is a local government agency. The following criteria have been developed for determining whether a non-profit corporation is a local government agency: (1) whether the impetus for formation of the corporation originated with a government agency; (2) whether it is substantially funded by, or its primary source of funds is, a government agency; (3) whether one of the principal purposes for which it is formed is to provide services or undertake obligations which public agencies are legally authorized to perform and which, in fact, they traditionally have performed; and (4) whether the corporation is treated as a public entity by other statutory provisions.

Sloan, Edwin F., California Hotel and Motel Assn.  
(1976) 2 FPPC Ops. 105 75-169

The fire safety coalition of California is not an industry, trade or professional organization within the meaning of Section 86109(b)(3), but rather a group of organizations

## Appendix II-17

with a common economic interest within the meaning of Section 86109(b)(4) and is therefore not required to list the names of its members on lobbyist employer reports. Dues or similar payments for membership in a bona fide association, some portion of which is used to influence administrative or legislative action, need not be included in determining whether a person must file reports pursuant to Section 86108(b). In this case, however, because the coalition is not a bona fide association, payments to it are not “dues or similar payments for membership in a bona fide association,” and these payments, therefore, must be counted in determining whether the coalition member is required to file reports pursuant to Section 86108(b). Any organization already filing reports pursuant to Section 86108 must report the pro rata share of payments that the coalition utilizes to influence legislative or administrative action if that pro rata share is \$25 or more.

### Smithers, Charles L., San Diego Gas & Electric Co.

(1975) 1 FPPC Ops. 42 75-028

It is prohibited for four lobbyists to host one dinner per month for legislators, even though no lobbyist spends more than \$10 per legislator per month because the dinners are arranged by the lobbyists jointly and the lobbyists would therefore be arranging for the making of a gift by other persons aggregating more than \$10 per month per person.

### Sobieski, Ken, Long Beach Voter Registration Committee

(1976) 2 FPPC Ops. 73 75-204

The costs of distributing a voter registration mass mailing are expenditures when the materials are distributed by an official committee of a political party.

If 200 or more of voter registration materials are sent in a calendar month, the mailing is a “mass mailing.” Moreover, the costs of distributing the mailing are expenditures because the materials are distributed by an official committee of a political party. Accordingly, the mass mailing must be identified and mailed as required by Section 84305. However, the mass mailing is not “in support of or in opposition to a state candidate,” and a copy need not be mailed to the Commission.

Note: The requirement of sending copies of mass mailings to the Fair Political Practices Commission has been repealed by legislative amendment to Section 84305. A mass mailing is now over 200 pieces.

### Solis, Hilda, L., State Senator

(2000) 14 FPPC Ops. 7 O-00-104

An elected state officer may accept a silver lantern worth from \$8,000 - \$10,000 as the recipient of the Profile in

Courage Award from the John F. Kennedy Library Foundation, a nonprofit organization. The award meets the exception to the restrictions on gifts under FPPC Regulation 18946.5, because the award was won in a bona fide nationwide competition among statesmen unrelated to the recipient’s status as a California official.

### Spellman, John Stephen

(1975) 1 FPPC Ops. 16 75-026

A legislative official’s participation in a tour of a nuclear power plant, arranged at the official’s request, falls under the “informational material” exception of “gift,” because informational materials include both tangible materials and intangible services which supply information in a useful form.

The entertainment of a lobbyist by a public official is not reportable.

### Spero, Robert K., Addresses Unlimited

(1975) 1 FPPC Ops. 64 75-054

No filing requirements would be imposed on a company which provides mailing services to the Legislature by virtue of the fact that the company employs a sales representative who is also a registered lobbyist.

### St. Croix, John, Ethics Commission City and County of San Francisco

(2005) 18 FPPC Ops. 1 04-226

For elections in San Francisco using the Ranked-Choice Voting system, mailings funded and sent by a candidate (or multiple, coordinating candidates) urging voters to rank one candidate in the first-choice position and two other candidates as the second and third choices in an election where there is only one winner are not prohibited by section 85501. They are not independent expenditures to support or oppose other candidates if the mailings are sent for the purpose of promoting the mailing candidate’s own candidacy in a single-seat election and not the candidacy of another. The applicability of section 85501 is dependent on whether the mailing candidate is using the mailing as a strategy to promote his or her own candidacy. Where the purpose of the expenditure was to support or oppose the other candidates in the mailing, section 85501 would apply and the mailing would be prohibited.

### Stern, Ralph, The Big Five Association of Public School Districts

(1975) 1 FPPC Ops. 59 75-040

An association of five large school districts which is composed of members of their boards of education and their superintendents is not a lobbyist but is engaged in lobbying activity and must report under Section 86108(b).

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### Stone, Peter G., City Attorney, San Jose (1977) 3 FPPC Ops. 52 77-003

Free air transportation provided to a public official may be a gift to the official's agency, rather than to the official if the agency accepts the gift in accordance with specified procedures. To determine the value of a gift of free air transportation provided to an official, the official should attempt to estimate the fair market value of the trip. Depending on the circumstances, the official may utilize the commercial air rate or the charter rate divided by the number of passengers as guideposts in estimating the value of the flight. If the filer believes that this amount standing alone is misleading, he may attach an explanation to his statement of economic interests. Providing free transportation to an official may be a gesture of neighborliness or friendliness, but will be a "gift" within the meaning of the Act if the costs of the trip are deductible as a business expense, if the donor has or will have business before the official, or if the transportation is normally the subject of an economic transaction.

### Stull, John, State Senator (1976) 2 FPPC Ops. 110 75-049

Once a person is a candidate, the mass mailing sender identification provisions apply regardless of whether the person has officially made a declaration of candidacy. Nothing in the Act prevents a candidate from delaying the declaration of candidacy to the 83rd day prior to the primary election, the last possible day on which a declaration must be filed.

### Taylor, A. Lavar (2004) 17 FPPC Ops. 1 04-103

A. Lavar Taylor, an unsuccessful candidate for Governor in the October, 2003 statewide special election, sought exemption from the requirement that he identify on his Statement of Economic Interests (Form 700) certain clients of his wholly owned law firm. His request was based on the unusually sensitive nature of his law practice, which specialized in "tax controversies," a circumstance under which public identification of certain clients might expose them to an enhanced risk of investigation and prosecution by state and federal taxing authorities. Regulation 18740 provides that an official need not disclose under Government Code section 87207(b) the name of a person who paid fees or made payments to a business entity, if disclosure of the person's name would violate a legally recognized privilege under California law. The Commission concluded that, under the peculiar circumstances of this case, the identification of some of these clients would violate the statutory lawyer-client

privilege, and that Mr. Taylor was entitled to the disclosure exemption provided under Regulation 18740.

### Thomas, William, Assemblyman (1977) 3 FPPC Ops. 30 76-085

A parking pass received by an official for use while on official business would be a gift if it is used for personal purposes unrelated to the official's duties.

The value of the gift will be determined by the value derived from the use of the pass for personal purposes and the gift will be reportable if its value is \$25 or more.

If used only in connection with official business a parking pass given by a state agency to a legislator would not constitute a gift. If used for personal purposes, however, it would be a gift and would be reportable if its value is \$25 or more.

NOTE: The threshold for reporting gifts was increased by legislation from \$25 or more to \$50 or more.

### Thorner, Tom, Marin Municipal Water District (1975) 1 FPPC Ops. 198 75-089

Directors of a municipal water district who hold significant interests in business entities which may be affected by the district's decisions on requests for variances and the lifting of a moratorium on new water connections must disqualify themselves when the decisions will have a foreseeable material financial effect, distinguishable from their effect on the public generally, on the directors' interests.

Toskr

### Tobias, Kathryn J., California Integrated Waste Management Board (1999) 13 FPPC Ops. 5 0-99-156

The spouse of a member of the California Integrated Waste Management Board owns stock in companies that may be subject to a board program that sets recycling rates. Under the Public Resources Code, the board is the only agency authorized to set the recycling rates, and must do so annually. At the time the recycling rates were to be set, the six-member board had two vacancies. Out of caution, the potentially disqualified member abstained from the decision to set the recycling rates. By abstaining, the board lacked the quorum necessary to set the recycling rates.

Under the "Rule of Legally Required Participation," which is a narrow exception to the Political Reform Act's conflict of interest rules, the member of the board may

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participate in the decision when there is no alternative source of decision. Here, there is no alternative source of decision because the decision cannot be delayed; the board is the only body authorized to make the decision; there is no indication when the vacancies will be filled; and the board has no authority to fill the vacant positions. This opinion is limited to the facts described therein.

### Torres, Art, Assemblyman

(1976) 2 FPPC Ops. 31 75-163

Wedding gifts should be considered the property of both spouses unless they are peculiarly adaptable to the personal use of one spouse or specifically and unequivocally intended for use by one spouse. Therefore, wedding gifts may be reportable by the official even if they were received by the spouse prior to the wedding. The official must disclose only those gifts in which his interest exceeds the \$25 threshold for reporting gifts. Therefore, only gifts, the total value of which is \$50 or more will be reportable. When a single gift worth \$50 or more is given by many donors, it is sufficient to describe in general terms those who gave it. The official must only report the name of each donor who contributed \$50 or more.

### Tuteur, John, Supervisor, Napa County

(1976) 2 FPPC Ops. 110 75-071

Payments made from personal funds by a public official for a newsletter to his or her constituents do not constitute an expenditure so long as the newsletter makes no reference to an upcoming election or to the official as a candidate.

### Valdez, Joyce, Golden Circle of California

(1976) 2 FPPC Ops. 21 75-167

A copy of a mass mailing soliciting membership dues or campaign contributions, which money will be used in support of state candidates, must be sent to the Commission.

Note: The requirement of sending copies of mass mailings to the Fair Political Practices Commission has been repealed by legislative amendment to Section 84305.

### Vonk, James J., State Compensation Insurance Fund

(1981) 6 FPPC Ops. 1 80-008

The State Compensation Insurance Fund is an agency within the meaning of Section 87300 and it makes governmental decisions within the meaning of Sections 87100 and 87302(a).

### Wallace, L. T., Director of the Department of Food and Agriculture

(1975) 1 FPPC Ops. 118 75-087

Payments made by Del Monte Corp. to an employee of the Department of Food and Agriculture as compensation for research conducted on the employee's personal time and not directly related to his work for the agency are not reportable by Del Monte because the employee is not an agency official.

Salary payments by a lobbyist employer to a state employee retained on a part-time basis are not reportable because the employee is not an agency official since he does not participate in any administrative action.

### Welsh, Melinda, Valley Oak Institute for Voter Registration

(1978) 4 FPPC Ops. 78 78-011

Organizations do not incur reporting obligations under the Political Reform Act by reason of nonpartisan voter registration activities.

### Willmarth, Francis, California Democratic Council

(1976) 2 FPPC Ops. 130 75-188

Dues received by political clubs whose primary purpose is other than supporting candidates and/or ballot measures are not contributions unless the dues are "earmarked" for the making of contributions or expenditures. A payment is "earmarked" when the donor knows or has reason to know that the payment will be used to make contributions or expenditures.

### Witt, John W., City Attorney, San Diego

(1975) 1 FPPC Ops. 1 75-044

Local government agencies are "persons" within the meaning of Section 86108, and local government agencies which employ lobbyists or which make payments to influence legislative or administrative action of \$250 or more in value in any month, unless all of the payments are of the type described in Section 82045(c), are required to file statements under Section 86109.

Note: Legislation has amended the Act so that only persons who spend \$5,000 in a quarter (rather than \$250 a month) need file.

### Witt, John W., City Attorney, San Diego

(1975) 1 FPPC Ops. 145 75-057

A gift of food and beverages to another lobbyist is reportable if it is made in connection with influencing legislative or administrative action. The lobbyist's employer must report the total amount of the payment to

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the lobbyist but need not duplicate the lobbyist's itemization of expenses.

Wood, William P., Chief Counsel, Secretary of State  
(1999) 13 FPPC Ops. 21 O-99-315

For purposes of imposing penalties for late filing of a statement or report under Section 91013 of the Act, the paper version and the electronic version of a statement or report are each considered to be an original. The deadlines set out in Section 91013(a) apply to both the original electronic filing and the original paper filing submitted by a file.

Zenz, Robert L., California State Employees Assn.  
(1975) 1 FPPC Ops. 195 75-156

An employee of a legislative advocate who is supervised by a lobbyist may not make or arrange a contribution or gift which the lobbyist would be prohibited from making

unless it is clear that the contribution or gift is not intended to further the goals of the lobbyist and is outside the scope of the agency relationship.

Note: The California Supreme Court in FPPC v. Superior Court (IGA), 25 Cal. 3d 33 (1979), ruled that Section 86202 which prohibited lobbyists from making political contributions is unconstitutional.

**Appendix III**

Government Code Sections 1090 – 1097.5,  
following the passage of AB 1090 (Stats.  
2013, Chapter 650; effective Jan. 1, 2014)

**SEC. 1090.**

(a) Members of the Legislature, state, county, district, judicial district, and city officers or employees shall not be financially interested in any contract made by them in their official capacity, or by any body or board of which they are members. Nor shall state, county, district, judicial district, and city officers or employees be purchasers at any sale or vendors at any purchase made by them in their official capacity.

(b) An individual shall not aid or abet a Member of the Legislature or a state, county, district, judicial district, or city officer or employee in violating subdivision (a).

(c) As used in this article, "district" means any agency of the state formed pursuant to general law or special act, for the local performance of governmental or proprietary functions within limited boundaries.

**SEC. 1090.1.**

No officer or employee of the State nor any Member of the Legislature shall accept any commission for the placement of insurance on behalf of the State.

**SEC. 1091.**

(a) An officer shall not be deemed to be interested in a contract entered into by a body or board of which the officer is a member within the meaning of this article if the officer has only a remote interest in the contract and if the fact of that interest is disclosed to the body or board of which the officer is a member and noted in its official records, and thereafter the body or board authorizes, approves, or ratifies the contract in good faith by a vote of its membership sufficient for the purpose without counting the vote or votes of the officer or member with the remote interest.

(b) As used in this article, "remote interest" means any of the following:

(1) That of an officer or employee of a nonprofit entity exempt from taxation pursuant to Section 501(c)(3) of the Internal Revenue Code (26 U.S.C. Sec. 501(c)(3)), pursuant to Section 501(c)(5) of the Internal Revenue Code (26 U.S.C. Sec. 501(c)(5)), or a nonprofit corporation, except as provided in paragraph (8) of subdivision (a) of Section 1091.5.

(2) That of an employee or agent of the contracting party, if the contracting party has 10 or more other employees and if the officer was an employee or agent of that contracting party for at least three years prior to the officer initially accepting his or her office and the officer owns less than 3 percent of the shares of stock of the contracting party; and the employee or agent is not an officer or director of the contracting party and did not directly participate in formulating the bid of the contracting party.

For purposes of this paragraph, time of employment with the contracting party by the officer shall be counted in

computing the three-year period specified in this paragraph even though the contracting party has been converted from one form of business organization to a different form of business organization within three years of the initial taking of office by the officer. Time of employment in that case shall be counted only if, after the transfer or change in organization, the real or ultimate ownership of the contracting party is the same or substantially similar to that which existed before the transfer or change in organization. For purposes of this paragraph, stockholders, bondholders, partners, or other persons holding an interest in the contracting party are regarded as having the "real or ultimate ownership" of the contracting party.

(3) That of an employee or agent of the contracting party, if all of the following conditions are met:

(A) The agency of which the person is an officer is a local public agency located in a county with a population of less than 4,000,000.

(B) The contract is competitively bid and is not for personal services.

(C) The employee or agent is not in a primary management capacity with the contracting party, is not an officer or director of the contracting party, and holds no ownership interest in the contracting party.

(D) The contracting party has 10 or more other employees.

(E) The employee or agent did not directly participate in formulating the bid of the contracting party.

(F) The contracting party is the lowest responsible bidder.

(4) That of a parent in the earnings of his or her minor child for personal services.

(5) That of a landlord or tenant of the contracting party.

(6) That of an attorney of the contracting party or that of an owner, officer, employee, or agent of a firm that renders, or has rendered, service to the contracting party in the capacity of stockbroker, insurance agent, insurance broker, real estate agent, or real estate broker, if these individuals have not received and will not receive remuneration, consideration, or a commission as a result of the contract and if these individuals have an ownership interest of 10 percent or more in the law practice or firm, stock brokerage firm, insurance firm, or real estate firm.

(7) That of a member of a nonprofit corporation formed under the Food and Agricultural Code or a nonprofit corporation formed under the Corporations Code for the sole purpose of engaging in the merchandising of agricultural products or the supplying of water.

(8) That of a supplier of goods or services when those goods or services have been supplied to the contracting party by the officer for at least five years prior to his or her election or appointment to office.

(9) That of a person subject to the provisions of Section 1090 in any contract or agreement entered into pursuant to

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the provisions of the California Land Conservation Act of 1965.

(10) Except as provided in subdivision (b) of Section 1091.5, that of a director of, or a person having an ownership interest of, 10 percent or more in a bank, bank holding company, or savings and loan association with which a party to the contract has a relationship of borrower or depositor, debtor or creditor.

(11) That of an engineer, geologist, architect, or planner employed by a consulting engineering, architectural, or planning firm. This paragraph applies only to an employee of a consulting firm who does not serve in a primary management capacity, and does not apply to an officer or director of a consulting firm.

(12) That of an elected officer otherwise subject to Section 1090, in any housing assistance payment contract entered into pursuant to Section 8 of the United States Housing Act of 1937 (42 U.S.C. Sec. 1437f) as amended, provided that the housing assistance payment contract was in existence before Section 1090 became applicable to the officer and will be renewed or extended only as to the existing tenant, or, in a jurisdiction in which the rental vacancy rate is less than 5 percent, as to new tenants in a unit previously under a Section 8 contract. This section applies to any person who became a public official on or after November 1, 1986.

(13) That of a person receiving salary, per diem, or reimbursement for expenses from a government entity.

(14) That of a person owning less than 3 percent of the shares of a contracting party that is a for-profit corporation, provided that the ownership of the shares derived from the person's employment with that corporation.

(15) That of a party to litigation involving the body or board of which the officer is a member in connection with an agreement in which all of the following apply:

(A) The agreement is entered into as part of a settlement of litigation in which the body or board is represented by legal counsel.

(B) After a review of the merits of the agreement and other relevant facts and circumstances, a court of competent jurisdiction finds that the agreement serves the public interest.

(C) The interested member has recused himself or herself from all participation, direct or indirect, in the making of the agreement on behalf of the body or board.

(16) That of a person who is an officer or employee of an investor-owned utility that is regulated by the Public Utilities Commission with respect to a contract between the investor-owned utility and a state, county, district, judicial district, or city body or board of which the person is a member, if the contract requires the investor-owned utility to provide energy efficiency rebates or other type of program to encourage energy efficiency that benefits the public when all of the following apply:

(A) The contract is funded by utility consumers pursuant to regulations of the Public Utilities Commission.

(B) The contract provides no individual benefit to the person that is not also provided to the public, and the investor-owned utility receives no direct financial profit from the contract.

(C) The person has recused himself or herself from all participation in making the contract on behalf of the state, county, district, judicial district, or city body or board of which he or she is a member.

(D) The contract implements a program authorized by the Public Utilities Commission.

(17) That of an owner or partner of a firm serving as an appointed member of an unelected board or commission of the contracting agency if the owner or partner recuses himself or herself from providing any advice to the contracting agency regarding the contract between the firm and the contracting agency and from all participation in reviewing a project that results from that contract.

(c) This section is not applicable to any officer interested in a contract who influences or attempts to influence another member of the body or board of which he or she is a member to enter into the contract.

(d) The willful failure of an officer to disclose the fact of his or her interest in a contract pursuant to this section is punishable as provided in Section 1097. That violation does not void the contract unless the contracting party had knowledge of the fact of the remote interest of the officer at the time the contract was executed.

#### **SEC. 1091.1.**

The prohibition against an interest in contracts provided by this article or any other provision of law shall not be deemed to prohibit any public officer or member of any public board or commission from subdividing lands owned by him or in which he has an interest and which subdivision of lands is effected under the provisions of Division 2 (commencing with Section 66410) of Title 7 of the Government Code or any local ordinance concerning subdivisions; provided, that (a) said officer or member of such board or commission shall first fully disclose the nature of his interest in any such lands to the legislative body having jurisdiction over the subdivision thereof, and (b) said officer or member of such board or commission shall not cast his vote upon any matter or contract concerning said subdivision in any manner whatever.

**SEC. 1091.2.**

Section 1090 shall not apply to any contract or grant made by local workforce investment boards created pursuant to the federal Workforce Investment Act of 1998 except where both of the following conditions are met:

(a) The contract or grant directly relates to services to be provided by any member of a local workforce investment board or the entity the member represents or financially benefits the member or the entity he or she represents.

(b) The member fails to recuse himself or herself from making, participating in making, or in any way attempting to use his or her official position to influence a decision on the grant or grants.

**SEC. 1091.3**

Section 1090 shall not apply to any contract or grant made by a county children and families commission created pursuant to the California Children and Families Act of 1998 (Division 108 (commencing with Section 130100) of the Health and Safety Code), except where both of the following conditions are met:

(a) The contract or grant directly relates to services to be provided by any member of a county children and families commission or the entity the member represents or financially benefits the member or the entity he or she represents.

(b) The member fails to recuse himself or herself from making, participating in making, or in any way attempting to use his or her official position to influence a decision on the grant or grants.

**SEC. 1091.4.**

(a) As used in Section 1091, "remote interest" also includes a person who has a financial interest in a contract, if all

of the following conditions are met:

(1) The agency of which the person is a board member is a special district serving a population of less than 5,000 that is a landowner voter district, as defined in Section 56050, that does not distribute water for any domestic use.

(2) The contract is for either of the following:

(A) The maintenance or repair of the district's property or facilities provided that the need for maintenance or repair services has been widely advertised. The contract will result in materially less expense to the district than the expense that would have resulted under reasonably available alternatives and review of those alternatives is documented in records available for public inspection.

(B) The acquisition of property that the governing board of the district has determined is necessary for the district to carry out its functions at a price not exceeding the value of the property, as determined in a record available for public

inspection by an appraiser who is a member of a recognized organization of appraisers.

(3) The person did not participate in the formulation of the contract on behalf of the district.

(4) At a public meeting, the governing body of the district, after review of written documentation, determines that the property acquisition or maintenance and repair services cannot otherwise be obtained at a reasonable price and that the contract is in the best interests of the district, and adopts a resolution stating why the contract is necessary and in the best interests of the district.

(b) If a party to any proceeding challenges any fact or matter required by paragraph (2), (3), or (4) of subdivision (a) to qualify as a remote interest under subdivision (a), the district shall bear the burden of proving this fact or matter.

**SEC. 1091.5.**

(a) An officer or employee shall not be deemed to be interested in a contract if his or her interest is any of the following:

(1) The ownership of less than 3 percent of the shares of a corporation for profit, provided that the total annual income to him or her from dividends, including the value of stock dividends, from the corporation does not exceed 5 percent of his or her total annual income, and any other payments made to him or her by the corporation do not exceed 5 percent of his or her total annual income.

(2) That of an officer in being reimbursed for his or her actual and necessary expenses incurred in the performance of official duties.

(3) That of a recipient of public services generally provided by the public body or board of which he or she is a member, on the same terms and conditions as if he or she were not a member of the body or board.

(4) That of a landlord or tenant of the contracting party if the contracting party is the federal government or any federal department or agency, this state or an adjoining state, any department or agency of this state or an adjoining state, any county or city of this state or an adjoining state, or any public corporation or special, judicial, or other public district of this state or an adjoining state unless the subject matter of the contract is the property in which the officer or employee has the interest as landlord or tenant in which event his or her interest shall be deemed a remote interest within the meaning of, and subject to, the provisions of Section 1091.

(5) That of a tenant in a public housing authority created pursuant to Part 2 (commencing with Section 34200) of Division 24 of the Health and Safety Code in which he or she serves as a member of the board of commissioners of the authority or of a community development commission created pursuant to Part 1.7 (commencing with Section 34100) of Division 24 of the Health and Safety Code.

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(6) That of a spouse of an officer or employee of a public agency in his or her spouse's employment or officeholding if his or her spouse's employment or officeholding has existed for at least one year prior to his or her election or appointment.

(7) That of a nonsalaried member of a nonprofit corporation, provided that this interest is disclosed to the body or board at the time of the first consideration of the contract, and provided further that this interest is noted in its official records.

(8) That of a noncompensated officer of a nonprofit, tax-exempt corporation, which, as one of its primary purposes, supports the functions of the body or board or to which the body or board has a legal obligation to give particular consideration, and provided further that this interest is noted in its official records.

For purposes of this paragraph, an officer is "noncompensated" even though he or she receives reimbursement from the nonprofit, tax-exempt corporation for necessary travel and other actual expenses incurred in performing the duties of his or her office.

(9) That of a person receiving salary, per diem, or reimbursement for expenses from a government entity, unless the contract directly involves the department of the government entity that employs the officer or employee, provided that the interest is disclosed to the body or board at the time of consideration of the contract, and provided further that the interest is noted in its official record.

(10) That of an attorney of the contracting party or that of an owner, officer, employee, or agent of a firm which renders, or has rendered, service to the contracting party in the capacity of stockbroker, insurance agent, insurance broker, real estate agent, or real estate broker, if these individuals have not received and will not receive remuneration, consideration, or a commission as a result of the contract and if these individuals have an ownership interest of less than 10 percent in the law practice or firm, stock brokerage firm, insurance firm, or real estate firm.

(11) Except as provided in subdivision (b), that of an officer or employee of, or a person having less than a 10-percent ownership interest in, a bank, bank holding company, or savings and loan association with which a party to the contract has a relationship of borrower, depositor, debtor, or creditor.

(12) That of (A) a bona fide nonprofit, tax-exempt corporation having among its primary purposes the conservation, preservation, or restoration of park and natural lands or historical resources for public benefit, which corporation enters into an agreement with a public agency to provide services related to park and natural lands or historical resources and which services are found by the public agency, prior to entering into the agreement or as part of the agreement, to be necessary to the public interest to

plan for, acquire, protect, conserve, improve, or restore park and natural lands or historical resources for public purposes and (B) any officer, director, or employee acting pursuant to the agreement on behalf of the nonprofit corporation. For purposes of this paragraph, "agreement" includes contracts and grants, and "park," "natural lands," and "historical resources" shall have the meanings set forth in subdivisions (d), (g), and (i) of Section 5902 of the Public Resources Code. Services to be provided to the public agency may include those studies and related services, acquisitions of property and property interests, and any activities related to those studies and acquisitions necessary for the conservation, preservation, improvement, or restoration of park and natural lands or historical resources.

(13) That of an officer, employee, or member of the Board of Directors of the California Housing Finance Agency with respect to a loan product or programs if the officer, employee, or member participated in the planning, discussions, development, or approval of the loan product or program and both of the following two conditions exist:

(A) The loan product or program is or may be originated by any lender approved by the agency.

(B) The loan product or program is generally available to qualifying borrowers on terms and conditions that are substantially the same for all qualifying borrowers at the time the loan is made.

(14) That of a party to a contract for public services entered into by a special district that requires a person to be a landowner or a representative of a landowner to serve on the board of which the officer or employee is a member, on the same terms and conditions as if he or she were not a member of the body or board. For purposes of this paragraph, "public services" includes the powers and purposes generally provided pursuant to provisions of the Water Code relating to irrigation districts, California water districts, water storage districts, or reclamation districts.

(b) An officer or employee shall not be deemed to be interested in a contract made pursuant to competitive bidding under a procedure established by law if his or her sole interest is that of an officer, director, or employee of a bank or savings and loan association with which a party to the contract has the relationship of borrower or depositor, debtor or creditor.

### **SEC. 1091.6.**

An officer who is also a member of the governing body of an organization that has an interest in, or to which the public agency may transfer an interest in, property that the public agency may acquire by eminent domain shall not vote on any matter affecting that organization.

**SEC. 1092.**

(a) Every contract made in violation of any of the provisions of Section 1090 may be avoided at the instance of any party except the officer interested therein. No such contract may be avoided because of the interest of an officer therein unless the contract is made in the official capacity of the officer, or by a board or body of which he or she is a member.

(b) An action under this section shall be commenced within four years after the plaintiff has discovered, or in the exercise of reasonable care should have discovered, a violation described in subdivision (a).

**SEC. 1092.5.**

Notwithstanding Section 1092, no lease or purchase of, or encumbrance on, real property may be avoided, under the terms of Section 1092, in derogation of the interest of a good faith lessee, purchaser, or encumbrancer where the lessee, purchaser, or encumbrancer paid value and acquired the interest without actual knowledge of a violation of any of the provisions of Section 1090.

**SEC. 1093.**

(a) The Treasurer and Controller, county and city officers, and their deputies and clerks shall not purchase or sell, or in any manner receive for their own or any other person's use or benefit any state, county or city warrants, scrip, orders, demands, claims, or other evidences of indebtedness against the state, or any county or city thereof.

(b) An individual shall not aid or abet the Treasurer, Controller, a county or city officer, or their deputy or clerk in violating subdivision (a).

(c) This section shall not apply to evidences of indebtedness issued to or held by an officer, deputy, or clerk for services rendered by them, nor to evidences of the funded indebtedness of the state, county, or city.

**SEC. 1094.**

Every officer whose duty it is to audit and allow the accounts of other state, county, or city officers shall, before allowing such accounts, require each of such officers to make and file with him an affidavit or certificate under penalty of perjury that he has not violated any of the provisions of this article, and any individual who willfully makes and subscribes such certificate to an account which he knows to be false as to any material matter shall be guilty of a felony and upon conviction thereof shall be subject to the penalties prescribed for perjury by the Penal Code of this State.

**SEC. 1095.**

Officers charged with the disbursement of public moneys shall not pay any warrant or other evidence of indebtedness against the State, county, or city when it has been purchased, sold, received, or transferred contrary to any of the provisions of this article.

**SEC. 1096.**

Upon the officer charged with the disbursement of public moneys being informed by affidavit that any officer, whose account is about to be settled, audited, or paid by him, has violated any of the provisions of this article, the disbursing officer shall suspend such settlement or payment, and cause the district attorney to prosecute the officer for such violation. If judgment is rendered for the defendant upon such prosecution, the disbursing officer may proceed to settle, audit, or pay the account as if no affidavit had been filed.

**SEC. 1097.**

(a) Every officer or person prohibited by the laws of this state from making or being interested in contracts, or from becoming a vendor or purchaser at sales, or from purchasing scrip, or other evidences of indebtedness, including any member of the governing board of a school district, who willfully violates any of the provisions of those laws, is punishable by a fine of not more than one thousand dollars (\$1,000), or by imprisonment in the state prison, and is forever disqualified from holding any office in this state.

(b) An individual who willfully aids or abets an officer or person in violating a prohibition by the laws of this state from making or being interested in contracts, or from becoming a vendor or purchaser at sales, or from purchasing scrip, or other evidences of indebtedness, including any member of the governing board of a school district, is punishable by a fine of not more than one thousand dollars (\$1,000), or by imprisonment in the state prison, and is forever disqualified from holding any office in this state.

**SEC. 1097.1.**

(a) The Commission shall have the jurisdiction to commence an administrative action, or a civil action, as set forth within the limitations of this section and Sections 1097.2, 1097.3, 1097.4, and 1097.5, against an officer or person prohibited by Section 1090 from making or being interested in contracts, or from becoming a vendor or purchaser at sales, or from purchasing scrip, or other evidences of indebtedness, including any member of the governing board of a school district, who violates any provision of those laws or who causes any other person to violate any provision of those laws.

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(b) The Commission shall not have jurisdiction to commence an administrative or civil action or an investigation that might lead to an administrative or civil action pursuant to subdivision (a) against a person except upon written authorization from the district attorney of the county in which the alleged violation occurred. A civil action alleging a violation of Section 1090 shall not be filed against a person pursuant to this section if the Attorney General or a district attorney is pursuing a criminal prosecution of that person pursuant to Section 1097.

(c) (1) The Commission's duties and authority under the Political Reform Act of 1974 (Title 9 (commencing with Section 81000)) to issue opinions or advice shall not be applicable to Sections 1090, 1091, 1091.1, 1091.2, 1091.3, 1091.4, 1091.5, 1091.6, or 1097, except as provided in this subdivision.

(2) A person subject to Section 1090 may request the Commission to issue an opinion or advice with respect to his or her duties under Section 1090, 1091, 1091.1, 1091.2, 1091.3, 1091.4, 1091.5, and 1091.6. The Commission shall decline to issue an opinion or advice relating to past conduct.

(3) The Commission shall forward a copy of the request for an opinion or advice to the Attorney General's office and the local district attorney prior to proceeding with the advice or opinion.

(4) When issuing the advice or opinion, the Commission shall either provide to the person who made the request a copy of any written communications submitted by the Attorney General or a local district attorney regarding the opinion or advice, or shall advise the person that no written communications were submitted. The failure of the Attorney General or a local district attorney to submit a written communication pursuant to this paragraph shall not give rise to an inference that the Attorney General or local district attorney agrees with the opinion or advice.

(5) The opinion or advice, when issued, may be offered as evidence of good faith conduct by the requester in an enforcement proceeding, if the requester truthfully disclosed all material facts and committed the acts complained of in reliance on the opinion or advice. Any opinion or advice of the Commission issued pursuant to this subdivision shall not be admissible by any person other than the requester in any proceeding other than a proceeding brought by the Commission pursuant to this section. The Commission shall include in any opinion or advice that it issues pursuant to this subdivision a statement that the opinion or advice is not admissible in a criminal proceeding against any individual other than the requester.

(d) Any decision issued by the Commission pursuant to an administrative action commenced pursuant to the jurisdiction established in subdivision (a) shall not be admissible in any proceeding other than a proceeding brought by the Commission pursuant to this section. The

Commission shall include in any decision it issues pursuant to an administrative action commenced pursuant to the jurisdiction established in subdivision (a) a statement that the decision applies only to proceedings brought by the Commission.

(e) The Commission may adopt, amend, and rescind regulations to govern the procedures of the Commission consistent with the requirements of this section and Sections 1097.2, 1097.3, 1097.4 and 1097.5. These regulations shall be adopted in accordance with the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2).

(f) For purposes of this section and Sections 1097.2, 1097.3, 1097.4, and 1097.5, "Commission" means the Fair Political Practices Commission.

### **SEC. 1097.2.**

(a) Upon the sworn complaint of a person or on its own initiative, the Commission shall investigate possible violations of Section 1090, as provided in Section 1097.1. After complying with subdivision (b) of Section 1097.1, the Commission shall provide a written notification to the person filing a complaint in the manner described in Section 83115.

(b) The Commission shall not make a finding of probable cause to believe Section 1090 has been violated unless the Commission has notified the person who is alleged to have violated Section 1090 in the manner described in Section 83115.5.

(c) If the Commission determines there is probable cause to believe Section 1090 has been violated, it may hold a hearing to determine if a violation has occurred, subject to the requirements of subdivision (b) of Section 1097.1 and in the manner described in Section 83116.

(d) If the Commission rejects the decision of an administrative law judge made pursuant to Section 11517, the Commission shall state the reasons in writing for rejecting the decision, as required by Section 83116.3.

(e) The Commission shall have all of the subpoena powers provided in Section 83118 to assist in the performance of the Commission's duties under this section.

(f) The Commission may refuse to excuse any person from testifying, or from producing books, records, correspondence, documents, or other evidence in obedience to the subpoena of the Commission notwithstanding an objection that the testimony or evidence required of the person may tend to incriminate the person. A person who is compelled, after having claimed the privilege against self-incrimination, to testify or produce testimonial evidence, shall not have that testimony or the testimonial evidence the person produced used against that person in a separate and subsequent prosecution. However, the individual so testifying shall not be exempt from prosecution and

punishment for perjury committed in so testifying. The Commission shall not compel any person to testify or produce testimonial evidence after the person has claimed the privilege against self-incrimination unless the Commission has obtained written authorization from the Attorney General and the district attorney of the county in which the alleged violation occurred.

(g) The Commission shall not commence an administrative action pursuant to this section against a person who is subject to Section 1090 alleging a violation of that section if the Commission has commenced a civil action pursuant to Section 1097.3 against that person for the same violation. For purposes of this subdivision, the commencement of the administrative action shall be the date of the service of the probable cause hearing notice, as required by subdivision (b), upon the person alleged to have violated Section 1090.

(h) An administrative action brought pursuant to this section shall be subject to the requirements of Section 91000.5.

### **SEC. 1097.3.**

(a) Subject to the requirements of Section 1097.1, the Commission may file a civil action for an alleged violation of Section 1090. A person held liable for such a violation shall be subject to a civil fine payable to the Commission for deposit in the General Fund of the state in an amount not to exceed the greater of ten thousand dollars (\$10,000) or three times the value of the financial benefit received by the defendant for each violation.

(b) The Commission shall not commence a civil action pursuant to this section alleging a violation of Section 1090 if the Commission has commenced an administrative action pursuant to Section 1097.1 against the person for the same violation.

(c) A civil action brought by the Commission pursuant to this section shall not be filed more than four years after the date the violation occurred.

### **SEC. 1097.4.**

In addition to any other remedies available, the Commission may obtain a judgment in superior court for the purpose of collecting any unpaid monetary penalties, fees, or civil penalties imposed pursuant to Section 1097.1, 1097.2, or 1097.3. Penalties shall be collected in accordance with Section 91013.5.

### **SEC. 1097.5.**

(a) If the time for judicial review of a final Commission order or decision issued pursuant to Section 1097.2 has lapsed, or if all means of judicial review of the order or decision have been exhausted, the Commission may apply to the clerk of the superior court for a judgment to collect the

penalties imposed by the order or decision, or the order as modified in accordance with a decision on judicial review.

(1) The application, which shall include a certified copy of the order or decision, or the order as modified in accordance with a decision on judicial review, and proof of service of the order or decision, constitutes a sufficient showing to warrant issuance of the judgment to collect the penalties. The clerk of the court shall enter the judgment immediately in conformity with the application.

(2) An application made pursuant to this section shall be made to the clerk of the superior court in the county where the monetary penalties, fees, or civil penalties were imposed by the Commission.

(3) A judgment entered in accordance with this section has the same force and effect as, and is subject to all the provisions of law relating to, a judgment in a civil action and may be enforced in the same manner as any other judgment of the court in which it is entered.

(4) The Commission may bring an application pursuant to this section only within four years after the date on which the monetary penalty, fee, or civil penalty was imposed.

(b) The remedy available under this section is in addition to those available under Section 1097.4 or any other law.

**Appendix IV**

Repealed Sections of the  
Political Reform Act

**§ 81005. Campaign Reports and Statements; Where to File. [Repealed]**

History: Amended by Stats. 1975, Ch. 915, effective September 20, 1975, operative January 7, 1975; amended by Stats. 1976, Ch. 415, effective July 10, 1976; amended by Stats. 1977, Ch. 1193; repealed by Stats. 1980, Ch. 289. (Reenacted as amended and renumbered Section 84215.)

**§ 81005.1. Lobbying Reports and Statements; Where to File. [Repealed]**

History: Added by Stats. 1977, Ch. 1193; repealed by Stats. 1979, Ch. 592. (Reenacted as amended and renumbered Section 86111.)

**§ 81005.2. Statements of Economic Interests; Where to File. [Repealed]**

History: Added by Stats. 1977, Ch. 1193; repealed by Stats. 1979, Ch. 674. (Reenacted as amended and renumbered Section 87500.)

**§ 81011. Valuation of Goods, Services and Facilities; Fair Market Value. [Repealed]**

History: Repealed by Stats. 1985, Ch. 775.

**§ 81016. Effective Date. [Repealed]**

History: Repealed by Stats. 2019, Ch. 315.

**§ 82009. Civil Service Employee. [Repealed]**

History: Repealed by Stats. 2019, Ch. 315.

**§ 82031.5. Independent Expenditure. [Repealed]**

History: Added by Stats. 1979, Ch. 779; repealed by Stats. 1980, Ch. 289. (Reenacted as amended and renumbered Section 82031.)

**§ 82040. Lobbyist's Account. [Repealed]**

History: Repealed by Stats. 1985, Ch. 1183, effective September 29, 1985.

**§ 82055. Voting Age Population. [Repealed]**

History: Repealed by Stats. 1979, Ch. 779.

**§ 83117.6. Financial Disclosure Statement: First Filing by Commission Members. [Repealed]**

History: Added by Stats. 1975, Ch. 797, effective September 16, 1975; repealed by Stats. 1978, Ch. 566.

**§ 83123. Local Enforcement. [Repealed]**

History: Added by Stats. 1984, Ch. 1681, effective September 30, 1984; repealed by Stats. 2019, Ch. 315.

**§ 83123.7. Enforcement of City of Sacramento Campaign Ordinance. [Repealed]**

History: Added by Stats. 2017, Ch. 622; repealed by Stats. 2018, Ch. 394.

**§ 84200.3. Odd-Year Reports in Connection with a Statewide Direct Primary Election Held in March of an Even-Numbered Year. [Repealed]**

History: Added by Stats. 1999, Ch. 158, effective July 23, 1999; amended by Stats. 1999, Ch. 433, effective September 16, 1999; repealed by Stats. 2005, Ch. 200.

**§ 84200.4. Time for Filing Reports Required Pursuant to § 84200.3. [Repealed]**

History: Added and repealed by Stats. 1995, Ch. 470. (Formerly titled "Campaign Statements. (March 26, 1996.);" added by Stats. 1999, Ch. 158, effective July 23, 1999; repealed by Stats. 2005, Ch.200.

**§ 84200.6. Special Campaign Statements and Reports.**

History: Added by Stats. 1985, Ch. 1456; amended by Stats. 2015, Ch. 364, effective January 1, 2016; repealed by Stats. 2019, Ch. 315.

**§ 84200.7. Time for Filing Preelection Statements for Elections Held in June or November of an Even-Numbered Year. [Repealed]**

History: Added by Stats. 1985, Ch. 1456; amended by Stats. 1986, Ch. 984; amended by Stats. 1994, Ch. 923; repealed by Stats. 2015, Ch. 364, effective January 1, 2016.

**§ 84201. Combination of Statements. [Repealed]**

History: Added by Stats. 1977, Ch. 1193; repealed and reenacted as amended by Stats. 1980, Ch. 289. (Formerly titled "Time for Filing Campaign Statements in Connection with Elections Held on the State Direct Primary or State General Election Dates"); repealed by Stats. 1985, Ch. 1456. Added by Proposition 208 of the November 1996 Statewide General Election. (Formerly titled "Contents of Campaign Statements; Reporting Threshold"); repealed by Stats. 2000, Ch. 102 [Proposition 34 of the November Statewide General Election].

**§ 84202. Closing Dates. [Repealed]**

History: Added by Stats. 1975, Ch. 915, effective September 20, 1975, operative January 7, 1975; amended by Stats. 1976, Ch. 1106; amended and renumbered by Stats. 1977, Ch. 1193. (Formerly Section 84200.5.) Repealed and reenacted as amended by Stats. 1980, Ch. 289. (Formerly titled "Time for Filing Central Committee Candidate Campaign Statements"); Repealed by Stats. 1985, Ch. 1456.

**§ 84202.5. Supplemental Preelection Statement. [Repealed]**

History: Added by Stats. 1985, Ch. 1456; amended by Stats. 1986, Ch. 984; amended by Stats. 1992, Ch. 89; amended by Stats. 2000, Ch. 130; amended by Stats. 2004, Ch. 484; repealed by Stats. 2015, Ch. 364, effective January 1, 2016.

**§ 84203.5. Supplemental Independent Expenditure Report. [Repealed]**

History: Added by Stats. 1985, Ch. 1456; amended by Stats. 2000, Ch. 130; amended by Stats. 2004, Ch. 483; repealed by Stats. 2015, Ch. 364, effective January 1, 2016.

**§ 84204.1. Election Statements; Exemption from Filing; Abbreviated Statements. [Repealed]**

History: Added by Stats. 1976, Ch. 1106; repealed by Stats. 1980, Ch. 289.

**§ 84204.2. Preelection Statements; Final. [Repealed]**

History: Added by Stats. 1976, Ch. 1105; amended by Stats. 1978, Ch. 1408, effective October 1, 1978; repealed by Stats. 1980, Ch. 289.

**§ 84207.5. Appointments to Office; Filing Requirements. [Repealed]**

History: Added by Stats. 1976, Ch. 1106; repealed by Stats. 1980, Ch. 289.

**§ 84208. Independent Expenditures; Reports. [Repealed]**

History: Added by Stats. 1980, Ch. 289; repealed by Stats. 1985, Ch. 1456

**§84210. Special Election Reports. [Repealed]**

History: Amended by Stats. 1978, Ch. 650; repealed and reenacted as amended by Stats. 1980, Ch. 289; (Formerly titled "Contents of Campaign Statement."); repealed by Stats. 1985, Ch. 1456.

**§ 84305.6. Slate Mailer Disclosure Requirements; Official Political Party Position. [Repealed]**

History: Added by Stats. 2000, Ch. 102 [Proposition 34 of the November Statewide General Election]; On September 20, 2002, the Federal District Court for the Eastern District of California issued a preliminary injunction prohibiting the FPPC from enforcing this provision against the slate mail organizations which had sought the injunction; repealed by Stats. 2004, Ch. 478, effective September 10, 2004.

**§ 84506. Disclaimer; Independent Expenditure Ads [Repealed]**

History: Added by Proposition 208 of the November 1996 Statewide General Election; repealed and new section added by Stats. 2004, Ch. 478, effective September 10, 2004; amended by Stats. 2012, Ch. 496; repealed by Stats. 2017, Ch. 546.

**§ 84507. Disclaimer; Legible and Audible. [Repealed]**

History: Added by Proposition 208 of the November 1996 Statewide General Election; amended by Stats. 2015, Ch. 747, effective October 10, 2015; repealed by Stats. 2017, Ch. 546.

**§ 84508. Disclaimer; Small Ad. [Repealed]**

History: Added by Proposition 208 of the November 1996 Statewide General Election; repealed by Stats. 2017, Ch. 546.

**§ 84602.1. Secretary of State's Duties; Online Lobbying Registration; Reports to the Legislature.**

History: Added by Stats. 2006, Ch. 69, set to be effective July 12, 2006, but void due to lack of compliance with section 81012.

**§ 84604. Online Disclosure Program. [Repealed]**

History: Added by Stats. 1997, Ch. 866, effective October 11, 1997; amended by Stats. 1999, Ch. 433, effective September 16, 1999; repealed by Stats. 2012, Ch. 503.

**§ 84609. Candidate and Ballot Measure Committees. [Repealed]**

History: Added by Stats. 1997, Ch. 866, effective October 11, 1997; repealed by Stats. 2012, Ch. 503.

**§ 84610. Appropriation. [Repealed]**

History: Added by Stats. 1997, Ch. 866, effective October 11, 1997; amended by Stats. 1999, Ch. 433, effective September 16, 1999; repealed by Stats. 2012, Ch. 503.

**§ 85101. Effect on Local Ordinances. [Repealed]**

History: Added by Proposition 73 of the June 1988 Statewide Primary Election; repealed and added by Proposition 208 of the November 1996 Statewide General Election. (Formerly titled "Findings and Declarations"); repealed by Stats. 2000, Ch. 102 [Proposition 34 of the November Statewide General Election].

**§ 85102. Terms Used in Chapter 5. [Repealed]**

History: Added by Proposition 73 of the June 1988 Statewide Primary Election; amended by Stats. 1994, Ch. 1010; repealed and added by Proposition 208 of the November 1996 Statewide General Election. (Formerly titled "Purpose of This Law"); repealed by Stats. 2000, Ch. 102 [Proposition 34 of the November Statewide General Election].

**§ 85103. Amendment or Repeal of Chapter. [Repealed]**

History: Added by Proposition 73 of the June 1988 Statewide Primary Election; repealed by Stats. 2000, Ch. 102 [Proposition 34 of the November Statewide General Election].

**§ 85104. Operative Date. [Repealed]**

History: Added by Proposition 73 of the June 1988 Statewide Primary Election; repealed by Stats. 2000, Ch. 102 [Proposition 34 of the November Statewide General Election].

**§ 85311. Affiliated Entities; Aggregation of Contributions to State Candidates. [Repealed]**

History: Added by Proposition 208 of the November 1996 Statewide General Election. (Formerly titled "Aggregation of Financial Activity"); repealed and added by Stats. 2000, Ch. 102 [Proposition 34 of the November Statewide General Election]; amended by Stats. 2001, Ch. 241, effective September 4, 2001; repealed by Stats. 2019, Ch. 312.

**§ 85313. Officeholder Account. [Repealed]**

History: Added by Proposition 208 of the November 1996 Statewide General Election; repealed by Stats. 2000, Ch. 102 [Proposition 34 of the November Statewide General Election].

**§ 85404. Expenditure Ceiling Lifted. [Repealed]**

History: Added by Proposition 208 of the November 1996 Statewide General Election. (Formerly titled "Time Periods for Expenditures"); repealed and added by Stats. 2000, Ch. 102 [Proposition 34 of the November Statewide General Election].

**§ 85602. Notification to Voters. [Repealed]**

History: Added by Proposition 208 of the November 1996 Statewide General Election; repealed by Stats. 2000, Ch. 102 [Proposition 34 of the November Statewide General Election].

**§ 85705. Contributions from Governmental Employees. [Repealed]**

History: Added by Proposition 208 of the November 1996 Statewide General Election; repealed by Stats. 2000, Ch. 102 [Proposition 34 of the November Statewide General Election].

**§ 85706. Local Jurisdictions. [Repealed]**

History: Added by Proposition 208 of the November 1996 Statewide General Election; repealed by Stats. 2000, Ch. 102 [Proposition 34 of the November Statewide General Election].

**§ 86200. Contribution. [Repealed]**

History: Repealed by Stats. 1984, Ch. 161.

**§ 86202. Unlawful Contribution. [Repealed]**

History: Repealed by Stats. 1984, Ch. 161.

**§ 87206.5. Interest in Real Property; Exclusion of Principal Residence. [Repealed]**

History: Added by Stats. 1976, Ch. 1161; repealed by Stats. 1980, Ch. 1000. (Now contained in Section 87206.)

**§ 87500.1. Statements of Economic Interests – Electronic Filing; Pilot Program. [Repealed]**

History: Added by Stats. 2008, Ch. 498; amended by Stats. 2009, Ch. 139; amended by Stats. 2010, Ch. 58; amended by Stats. 2011, Ch. 96; Repealed by Stats. 2011, Ch.96

**§ 89501. Statements of Economic Interests - Where to File; Regulatory or Licensing Boards, Bureaus or Commissions.**

History: Added by Stats. 1991, Ch. 857; repealed and renumbered § 87500(n), Stats. 1992, Ch. 405.

**§ 89503.5. Operation of Article. [Repealed]**

History: Added by Stats. 1990, Ch. 84; repealed by Stats. 1991, Ch. 857.

**§ 89504. Gifts; Limitations. [Repealed]**

History: Added by Stats. 1990, Ch. 84; amended by Stats. 1994, Ch. 1105; repealed by Stats. 1995, Ch. 690.

**§ 89505. Gifts; Prohibitions. [Repealed]**

History: Added by Stats. 1990, Ch. 84; repealed by Stats. 1995, Ch. 690.

**§ 89505.5. Operation of Article. [Repealed]**

History: Added by Stats. 1990, Ch. 84; repealed by Stats. 1991, Ch. 857.

**§ 89507. Operation of Article. [Repealed]**

History: Added by Stats. 1990, Ch. 84; Repealed by Stats. 1991, Ch. 1271.

**§ 91015. Liability for Violations; Criminal and Civil. [Repealed]**

History: Added by Stats. 1984, Ch. 670; repealed by Proposition 208 of the November 1996 Statewide General Election.

**Appendix V**

Newly Chaptered Laws with Future  
Operative Dates

SENATE BILL 1239, CHAPTER 662, STATUTES OF 2018.

**This act shall not become operative until the Secretary of State certifies an online filing and disclosure system pursuant to paragraph (7) of subdivision (b) of Section 84602 of the Government Code.**

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**§ 81004. Reports and Statements; Perjury; Verification.**

(a) All reports and statements filed under this title shall be signed under penalty of perjury and verified by the ~~filer~~ *filer in compliance with this section and Section 84213, as applicable*. The verification shall state that the filer has used all reasonable diligence in its preparation, and that to the best of ~~his~~ *the filer's* knowledge it is true and complete.

(b) A report or statement filed by a committee which qualifies under subdivision (a) of Section 82013 shall be signed and verified by the treasurer, and a report or statement filed by any other person shall be signed and verified by the filer. If the filer is an entity other than an individual, the report or statement shall be signed and verified by a responsible officer of the entity or by an attorney or a certified public accountant acting as agent for the entity. Every person who signs and verifies any report or statement required to be filed under this title which contains material matter which he *or she* knows to be false is guilty of perjury.

*(c) A report or statement filed online or electronically shall include a secure electronic signature that is submitted under penalty of perjury and that conforms to subdivision (a) of this section and subdivision (b) of Section 1633.11 of the Civil Code.*

*(d) A filing made on behalf of a filer by a vendor or service provider authorized by the filer to make such filings is presumed filed under penalty of perjury by the filer.*

**§ 81007. Mailing of Report or Statement.**

When a report or statement or copies thereof required to be filed *in paper format* with any officer under this title ~~have~~ *has* been sent by first-class mail or by any other guaranteed overnight delivery service addressed to the officer, it shall for purposes of any deadline be deemed to have been received by ~~him or her~~ *the officer* on the date of the deposit in the mail or of receipt by that delivery service. It shall be presumed until the contrary is established that any date stamped by the post office on the envelope or contained on the delivery service receipt containing the report or statement is the date it was deposited in the mail or received by the delivery service.

Mail ~~which that~~ is not received by the filing officer shall be presumed not to have been sent unless the filer possesses a post office or delivery service receipt establishing the date of deposit and the name and address of the addressee.

**§ 81007.5. Faxing of Report or Statement.**

(a) Any report or statement or copies thereof required to be filed with any official under Chapter 4 (commencing with Section 84100) or Chapter 7 (commencing with Section ~~87100~~ *may be 87100*), *other than a report or statement that is required to be filed online or electronically with the Secretary of State in accordance with this title or with a local government agency in accordance with an ordinance adopted by the agency pursuant to Section 84615, may be emailed or* faxed by the applicable deadline, provided that the required originals or paper copies are sent by first-class mail or by any other personal delivery or guaranteed overnight delivery service within 24 hours of the applicable deadline and provided that the total number of pages of each report or statement *emailed or* faxed is no more than 30 pages.

~~(b) A~~ *An emailed or* faxed report or statement shall not be ~~deemed considered~~ filed if the *emailed or* faxed report or statement is not a true and correct copy of the ~~original or copy of the report or statement personally delivered or sent by first class mail or guaranteed overnight delivery service pursuant to subdivision (a).~~ *original.*

(c) A filing officer who receives ~~a~~ *an emailed or* faxed report or statement shall make the report or statement available to the public in the same manner as provided in Section 81008. ~~If the faxed report or statement is requested prior to the receipt of the original or copy of the report or statement by the filing officer, the filing officer shall inform the requester that the faxed report or statement will not be considered a filed report or statement if the requirements of subdivision (b) have not been met by the filer.~~

**§ 81008. Public Records; Inspection; Reproduction; Time; Charges.**

~~Every~~ *A* report ~~and or~~ statement filed pursuant

to this title is a public record open for public inspection and reproduction during *the filing officer's* regular business hours, commencing as soon as practicable, ~~but in any event not and no~~ later than the second business day ~~following after~~ the day ~~on which~~ it was received. ~~No conditions whatsoever shall~~ *A filing officer shall make electronically filed data publicly available on the Internet as soon as possible after it is received in compliance with Sections 84602 and 84615. Conditions shall not* be imposed upon persons ~~desiring asking~~ to inspect or reproduce reports and statements filed under this title, ~~nor shall any and~~ information or identification *shall not* be required from these persons. Copies shall be provided at a charge not to exceed ten cents (\$.10) per page. In addition, the filing officer may charge a retrieval fee not to exceed five dollars (\$5) per request for copies of reports and statements which are five or more years old. A request for more than one report or statement or report and statement at the same time shall be considered a single request.

#### **§ 81009. Preservation of Reports and Statements.**

(a) Statements of organization, registration statements, and original campaign statements of persons holding elective state office, candidates for any such office, committees supporting any such officeholder or candidate, and committees supporting or opposing statewide measures, shall be retained by filing officers indefinitely.

(b) Original campaign statements of mayors, city council members, county supervisors, candidates for any of these offices, and committees supporting any officeholder or candidate shall be retained indefinitely, except that original campaign statements of candidates not elected to these offices and of committees supporting candidates not elected to these offices shall be retained by filing officers for a period of ~~not less than~~ *at least* five years.

(c) Original campaign statements of all other persons shall be retained by filing officers for ~~a period of not less than~~ *at least* seven years.

(d) Original statements of economic interests of persons holding statewide elective office shall be retained by filing officers indefinitely.

(e) Original reports and statements not specified above in this section shall be retained by filing officers for ~~a period of not less than~~ *at least* seven years.

(f) Copies of reports or statements shall be retained by the officer with whom they are filed for ~~a period of not less than~~ *at least* four years, provided, however, that a filing officer is not required to retain more than one copy of a report or statement.

(g) After an original report or statement or a

copy *filed in a paper format* has been on file for at least two years, the officer with whom it is filed may comply with this section by retaining ~~a copy on microfilm or other space saving materials an~~ *electronic copy* available for public inspection instead of the original report or statement or copy. Upon request, the officer shall provide copies of such statements pursuant to Section 81008. *Reports and statements filed online or electronically under this title shall be retained and archived pursuant to this section and Section 84602 or 84615.*

#### **§ 81010. Duties of the Filing Officer.**

~~With respect to~~ *For* reports and statements filed with ~~him~~ *a filing officer* pursuant to this title, the filing officer ~~shall~~ *shall do all of the following:*

(a) Supply the necessary forms and manuals prescribed by the ~~Commission;~~ *Commission.*

(b) Determine whether required documents have been filed and, if so, whether they conform on their face with the requirements of this ~~title;~~ *title.*

(c) Notify promptly all persons and known committees who have failed to file a report or statement in the form and at the time required by this ~~title;~~ *title.*

(d) Report apparent violations of this title to the appropriate ~~agencies; and~~ *agencies.*

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

#### **§ 82006. Campaign Statement.**

"Campaign statement" means an itemized report ~~which that~~ is prepared on a form *or in a manner* prescribed by the Commission and ~~which that~~ provides the information required by ~~Chapter~~ *Chapters* 4 and 5 of this title.

#### **§ 84101. Statement of Organization; Filing.**

(a) A committee that is a committee by virtue of subdivision (a) of Section 82013 shall file a statement of organization. The committee shall file the original of the statement of organization *online or electronically* with the Secretary of State and shall also file a copy of the statement of organization with the local filing officer, if any, with whom the committee is required to file the originals of its campaign reports pursuant to Section 84215. The original and copy of the statement of organization shall be filed within 10 days after the committee has qualified as a committee. The Secretary of State shall assign a number to each committee that files a statement of organization and shall notify the committee of the number. The Secretary of State shall *email or* send a copy of statements filed pursuant to this section to the county elections official of each county that he or she deems appropriate. A

county elections official who receives a copy of a statement of organization from the Secretary of State pursuant to this section shall *email or* send a copy of the statement to the clerk of each city in the county that he or she deems appropriate.

(b) In addition to filing the statement of organization as required by subdivision (a), if a committee qualifies as a committee under subdivision (a) of Section 82013 *within 16 days* before the date of an election in connection with which the committee is required to file preelection statements, ~~but after the closing date of the last campaign statement required to be filed before the election pursuant to Section 84200.8 or 84200.9, the~~ committee shall file, ~~by facsimile transmission, online transmission, guaranteed overnight delivery, or personal delivery~~ within 24 hours of qualifying as a committee, ~~the information required to be reported in the statement of organization. The information required by this subdivision shall be filed with the filing officer~~ *original of its statement of organization online or electronically with the Secretary of State, and a copy with the local filing officer, if any,* with whom the committee is required to file the originals of its campaign reports pursuant to Section ~~84215. 84215~~ *by email, fax, online transmission, guaranteed overnight delivery, or personal delivery.*

(c) If an independent expenditure committee qualifies as a committee pursuant to subdivision (a) of Section 82013 during the time period described in Section 82036.5 and makes independent expenditures of one thousand dollars (\$1,000) or more to support or oppose a candidate or candidates for office, the committee shall file, ~~by facsimile transmission, online transmission, guaranteed overnight delivery, or personal delivery~~ within 24 hours of qualifying as a committee, ~~the information required to be reported in the statement of organization. The information required by this section shall be filed~~ *original of its statement of organization online or electronically with the Secretary of State. The committee shall also file a copy of its statement* with the filing officer with whom the committee is required to file the original of its campaign reports pursuant to Section 84215, and ~~shall be filed~~ at all locations required for the candidate or candidates supported or opposed by the independent ~~expenditures~~ *expenditures, by email, facsimile transmission, guaranteed overnight delivery, or personal delivery.* The filings required by this section are in addition to filings that may be required by Section 84204.

(d) For purposes of this section, in calculating whether two thousand dollars (\$2,000) in contributions has been received, payments for a filing fee or for a statement of qualifications to appear in a sample ballot shall not be included if these payments

have been made from the candidate's personal funds.

#### **§ 84101.5. Annual Fees.**

(a) Notwithstanding Section 81006, the Secretary of State shall charge each committee that is required to file a statement of organization pursuant to subdivision (a) of Section 84101, and each committee that is required to file a statement of organization pursuant to subdivision (a) of Section 84101 shall pay, a fee of fifty dollars (\$50) per year until the committee is terminated pursuant to Section 84214.

(b) A committee shall pay the fee prescribed in subdivision (a) no later than 15 days after filing its statement of organization.

(c) (1) A committee annually shall pay the fee prescribed in subdivision (a) no later than ~~January 15~~ *April 30* of each year.

(2) A committee that is created and pays the initial fee pursuant to subdivision (b) in ~~the final three months~~ *October, November, or December* of a calendar year is not subject to the annual fee pursuant to paragraph (1) for the following calendar year.

~~(3) A committee that existed prior to January 1, 2013, shall pay the fee prescribed in subdivision (a) no later than February 15, 2013, and in accordance with paragraph (1) in each year thereafter. A committee that terminates pursuant to Section 84214 prior to January 31, 2013, is not required to pay a fee pursuant to this paragraph.~~

(d) (1) A committee that fails to timely pay a fee required by this section is subject to a penalty equal to three times the amount of the fee.

(2) The Commission shall enforce the requirements of this section.

#### **§ 84102. Statement of Organization; Contents.**

The statement of organization required by Section 84101 shall include all of the following:

(a) The name, street address, *email address*, and telephone number, if any, of the committee. In the case of a sponsored committee, the name of the committee shall include the name of its sponsor. If a committee has more than one sponsor, and the sponsors are members of an industry or other identifiable group, a term identifying that industry or group shall be included in the name of the committee.

(b) In the case of a sponsored committee, the name, street address, and telephone number of each sponsor.

(c) The full name, street address, *email address*, and telephone number, ~~if any~~, of the treasurer and any other principal officers.

(1) A committee with more than one principal officer shall identify its principal officers as follows:

(A) A committee with three or fewer principal

officers shall identify all principal officers.

(B) A committee with more than three principal officers shall identify no fewer than three principal officers.

(2) If no individual other than the treasurer is a principal officer, the treasurer shall be identified as both the treasurer and the principal officer.

(d) The full name and office sought by a candidate, and the title and ballot number, if any, of any measure, that the committee supports or opposes as its primary activity. A committee that does not support or oppose one or more candidates or ballot measures as its primary activity shall provide a brief description of its political activities, including whether it supports or opposes candidates or measures and whether such candidates or measures have common characteristics, such as a political party preference.

(e) A statement whether the committee is independent or controlled and, if it is controlled, the name of each candidate or state measure proponent by which it is controlled, or the name of any controlled committee with which it acts jointly. If a committee is controlled by a candidate for partisan or voter-nominated office, the controlled committee shall indicate the political party, if any, for which the candidate has disclosed a preference.

(f) For a committee that is a committee by virtue of subdivision (a) or (b) of Section 82013, the name and address of the financial institution in which the committee has established an account and the account number.

(g) Other information as shall be required by the rules or regulations of the Commission consistent with the purposes and provisions of this chapter.

#### **§ 84103. Statement of Organization; Amendment.**

(a) If there is a change in any of the information contained in a statement of organization, an amendment shall be filed within 10 days to reflect the change. The committee shall file the original of the amendment *online or electronically* with the Secretary of State and shall also file a copy of the amendment with the local filing officer, if any, with whom the committee is required to file the originals of its campaign reports pursuant to Section 84215.

(b) In addition to filing an amendment to a statement of organization as required by subdivision (a), a committee as defined in subdivision (a) of Section 82013 ~~shall, by facsimile transmission, online transmission, guaranteed overnight delivery, or personal delivery within 24 hours, notify the filing officer with whom it is required to file the originals of its campaign reports pursuant to Section 84215 shall file an amendment to its statement of organization within 24 hours~~ if the change requiring the

amendment occurs *within 16 days* before the date of the election in connection with which the committee is required to file a preelection statement, ~~but after the closing date of the last preelection statement required to be filed for the election pursuant to Section 84200.8, and~~ if any of the following information is changed:

(1) The name of the committee.

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

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

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

*A The committee may file a notification online only if the appropriate filing officer is capable of receiving the notification in that manner. shall file the original of the amendment online or electronically with the Secretary of State and a copy with the local filing officer, if any, with whom the committee is required to file the original of its campaign reports, by email, fax, online transmission, guaranteed overnight delivery, or personal delivery.*

#### **§ 84108. Slate Mailer Organization; Statement of Organization.**

(a) Every slate mailer organization shall comply with the requirements of Sections 84100, 84101, 84103, and 84104.

(b) The statement of organization of a slate mailer organization shall include:

(1) The name, street address, *email address*, and telephone number of the organization. In the case of an individual or business entity that qualifies as a slate mailer organization, the name of the slate mailer organization shall include the name by which the individual or entity is identified for legal purposes. Whenever identification of a slate mailer organization is required by this title, the identification shall include the full name of the slate mailer organization as contained in its statement of organization.

(2) The full name, street address, *email address*, and telephone number of the treasurer and other principal officers.

(3) The full name, street address, *email address*, and telephone number of each person with final decisionmaking authority as to which candidates or measures will be supported or opposed in the organization's slate mailers.

(c) The statement of organization shall be filed *online or electronically* with the Secretary of State within 10 days after the slate mailer organization receives or is promised five hundred dollars (\$500) or

more for producing one or more slate mailers. However, if an entity qualifies as a slate mailer organization *within 16 days* before the date of an election in which it is required to file preelection statements, ~~but after the closing date of the last campaign statement required to be filed before the election pursuant to Section 84218, the~~ slate mailer organization shall file *with the Secretary of State, by facsimile transmission, guaranteed overnight delivery, or personal delivery the statement of organization online or electronically with the Secretary of State* within 24 hours of qualifying as a slate mailer ~~organization, the information required to be reported in the statement of~~ organization.

**§ 84200.8. Timing for Filing Preelection Statements.**

Preelection statements shall be filed under this section as follows:

(a) For the period ending 45 days before the election, the statement shall be filed no later than 40 days before the election.

(b) For the period ending 17 days before the election, the statement shall be filed no later than 12 days before the election. ~~All candidates being voted upon in the election in connection with which the statement is filed, their controlled committees, and committees formed primarily to support or oppose a candidate or measure being voted upon in that election shall file this statement by guaranteed overnight delivery service or by personal delivery.~~

(c) For runoff elections held within 60 days of the qualifying election, an additional preelection statement for the period ending 17 days before the runoff election shall be filed no later than 12 days before the election.

~~(c) (d) For runoff elections held within 60 days of the qualifying election, an additional preelection statement for the period ending 17 days before the runoff election shall be filed no later than 12 days before the election.~~ All candidates being voted ~~upon on~~ in the election in connection with which the statement is filed, their controlled committees, and committees formed primarily to support or oppose a candidate or measure being voted ~~upon on~~ in that election shall file ~~this statement~~ *the statement due 12 days before the election in subdivisions (b) and (c) online or electronically, if required or, for a city or county committee filing in paper format, by guaranteed overnight delivery service or personal delivery.*

**§ 84203. Late Contribution; Reports.**

(a) *Each candidate or committee that makes or receives a late contribution, as defined in Section 82036, shall report the late contribution to each office*

*with which the candidate or committee is required to file its next campaign statement pursuant to Section 84215.*

~~(a) (1) Each candidate or committee that makes or receives a late contribution, as defined in Section 82036, shall report the late contribution to each office with which the candidate or committee is required to file its next campaign statement pursuant to Section 84215.~~ The candidate or committee that makes the late contribution shall report his or her full name and street address and the full name and street address of the person to whom the late contribution has been made, the office sought if the recipient is a candidate, or the ballot measure number or letter if the recipient is a committee primarily formed to support or oppose a ballot measure, and the date and amount of the late contribution. ~~The recipient of the late contribution shall report his or her full name and street address, the date and amount of the late contribution, and whether the contribution was made in the form of a loan. The recipient shall also report the full name of the contributor, his or her street address, occupation, and the name of his or her employer, or if self-employed, the name of the business.~~

*(2) The recipient of the late contribution shall report his or her full name and street address, the date and amount of the late contribution, whether the contribution was a monetary contribution, in-kind contribution of goods or services, or a loan, the cumulative amount of contributions, and whether the contribution was for the primary, general, or other election, if required. The recipient shall also report the full name of the contributor, his or her street address, occupation, and the name of his or her employer, or if self-employed, the name of the business.*

(b) A late contribution shall be reported ~~by facsimile transmission, guaranteed overnight delivery, or personal delivery~~ within 24 hours of the time it is made in the case of the candidate or committee that makes the contribution and within 24 hours of the time it is received in the case of the recipient. *A late contribution shall be reported online or electronically, if required, or for a city or county committee filing in paper format, by email, fax, guaranteed overnight delivery, or personal delivery.* If a late contribution is required to be reported to the Secretary of State, the report to the Secretary of State shall be by online or electronic transmission only. A late contribution shall be reported on subsequent campaign statements without regard to reports filed pursuant to this section.

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

(d) A report filed pursuant to this section shall be in addition to any other campaign statement required

to be filed by this chapter.

(e) The report required pursuant to this section is not required to be filed by a candidate or committee that has disclosed the late contribution pursuant to subdivision (a) or (b) of Section 85309.

**§ 84204. Late Independent Expenditures; Reports.**

(a) A committee that makes a late independent expenditure, as defined in Section 82036.5, shall report the late independent expenditure ~~by facsimile transmission, guaranteed overnight delivery, or personal delivery~~ within 24 hours of the time it is made. *A late independent expenditure shall be reported online or electronically, if required, or if filing in a paper format, by email, fax, guaranteed overnight delivery, or personal delivery.* If a late independent expenditure is required to be reported to the Secretary of State, the report to the Secretary of State shall be by online or electronic transmission only. A late independent expenditure shall be reported on subsequent campaign statements without regard to reports filed pursuant to this section.

(b) A committee that makes a late independent expenditure shall report its full name and street address, as well as the name, office, and district of the candidate if the report is related to a candidate, or if the report is related to a measure, the number or letter of the measure, ~~the~~ *whether the expenditure was made to support or oppose the candidate or ballot measure, the* jurisdiction in which the measure is to be voted upon, and the amount and the date, as well as a description of goods or services for which the late independent expenditure was made. In addition to the information required by this subdivision, a committee that makes a late independent expenditure shall include with its late independent expenditure report the information required by paragraphs (1) to (5), inclusive, of subdivision (f) of Section 84211, covering the period from the day after the closing date of the last campaign report filed to the date of the late independent expenditure, or if the committee has not previously filed a campaign statement, covering the period from the previous January 1 to the date of the late independent expenditure. ~~No~~ *Information* required by paragraphs (1) to (5), inclusive, of subdivision (f) of Section 84211 that is required to be reported with a late independent expenditure report by this subdivision is *not* required to be reported on more than one late independent expenditure report.

(c) A committee that makes a late independent expenditure shall file a late independent expenditure report in the places where it would be required to file campaign statements under this article as if it were formed or existing primarily to support or oppose the

candidate or measure for or against which it is making the late independent expenditure.

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

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

**§ 84204.5. Ballot Measure Contributions and Expenditures; Reports.**

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

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

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

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

(4) In the case of an independent expenditure, the date, amount, and a description of the goods or services for which the expenditure was made. In addition, the report shall include the information required by paragraphs (1) to (5), inclusive, of subdivision (f) of Section 84211 regarding contributions or loans received from a person described in that subdivision, covering the period from the day after the closing date of the last campaign report filed to the date of the expenditure, or if the committee has not previously filed a campaign statement, covering the period from the previous January 1 to the date of the expenditure. ~~No~~ *The* information described in paragraphs (1) to (5), inclusive, of subdivision (f) of Section 84211 that is required to be reported pursuant to this subdivision is *not* required to be reported in more than one report provided for in this subdivision for each contribution or loan received from a person described in subdivision (f) of Section 84211.

(b) In addition to any other report required by this title, a committee pursuant to subdivision (a) of Section 82013 shall file a report each time it makes contributions totaling five thousand dollars (\$5,000) or more or independent expenditures aggregating five thousand dollars (\$5,000) or more to support or oppose the qualification of a single local initiative or referendum ballot measure. A committee that is required to file a report under this subdivision shall file the report in the places where it would be required to file campaign statements under this article as if it were formed or existing primarily to support or oppose the local initiative or referendum ballot measure. The report shall be filed within 10 business days of reaching the aggregate dollar threshold and shall contain all of the following:

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

(2) The name or subject of the measure.

(3) In the case of an independent expenditure, the date, amount, and a description of the goods or services for which the expenditure was made. In the case of a contribution, the date and amount of the contribution and the name, address, and identification number of the committee to which the contribution was made. In addition, the report shall include the information required by paragraphs (1) to (5), inclusive, of subdivision (f) of Section 84211 regarding contributions or loans received from a person described in that subdivision, covering the period from the day after the closing date of the last campaign report filed to the date of the contribution or expenditure, or if the committee has not previously filed a campaign statement, covering the period from the previous January 1 to the date of the contribution or expenditure. The information described in

paragraphs (1) to (5), inclusive, of subdivision (f) of Section 84211 that is required to be reported pursuant to this subdivision is not required to be reported in more than one report provided for in this subdivision for each contribution or loan received from a person described in subdivision (f) of Section 84211.

(c) Reports required by this section are not required to be filed by a committee primarily formed to support or oppose the qualification or passage of a state ballot measure or the qualification of a local initiative or referendum ballot measure for expenditures made on behalf of the ballot measure or measures for which it is formed.

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

#### **§ 84211. Contents of Campaign Statement.**

Each campaign statement required by this article shall contain all of the following information:

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

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

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

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

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

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

(1) His or her full name.

(2) His or her street address.

(3) His or her occupation.

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

(5) The date and amount received for each contribution received during the period covered by the campaign statement and ~~if whether the contribution is a loan, the interest rate for the loan, was made in the form of a monetary contribution, in-kind contribution of goods or services, or a loan.~~

(6) The cumulative amount of contributions.

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

- (1) His or her full name.
- (2) His or her street address.
- (3) His or her occupation.
- (4) The name of his or her employer, or if self-employed, the name of the business.
- (5) The original date and amount of each loan.
- (6) The due date and interest rate of the loan.
- (7) The cumulative payment made or received to date at the end of the reporting period.

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

(9) The cumulative amount of contributions.

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

- (1) His or her full name.
- (2) His or her street address.
- (3) His or her occupation.
- (4) The name of his or her employer, or if self-employed, the name of the business.

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

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

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

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

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

(5) In the case of an expenditure which is a contribution to a candidate, elected officer, or committee or an independent expenditure to support or oppose a candidate or measure, in addition to the information required in paragraphs (1) to ~~(4)~~ *above*, (4), *inclusive*, the date of the contribution or independent expenditure, the cumulative amount of contributions made to a candidate, elected officer, or

committee, or the cumulative amount of independent expenditures made relative to a candidate or measure; the full name of the candidate, and the office and district for which he or she seeks nomination or election, or the number or letter of the measure; and the jurisdiction in which the measure or candidate is voted upon.

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

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

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

(m) If a committee is listed pursuant to subdivision (f), (g), (h), (k), (l), or ~~(p)~~ *(p)*, the number assigned to the committee by the Secretary of State shall be listed, or if ~~no~~ *a* number has *not* been assigned, the full name and street address of the treasurer of the committee.

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

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

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

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

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

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

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

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

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

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

(4) If the filer is not an individual, business entity, or industry, trade, or professional association, a statement of the person's nature and purposes, including a description of any industry, trade, profession, or other group with a common economic interest which the person principally represents or

from which its membership or financial support is principally derived.

**§ 84213. Verification.**

(a) A candidate and state measure proponent shall verify his or her campaign statement and the campaign statement of each committee subject to his or her control. The verification shall be in accordance with the provisions of Section 81004 except that it shall state that to the best of his or her knowledge the treasurer of each controlled committee used all reasonable diligence in the preparation of the committee's statement. This section does not relieve the treasurer of any committee from the obligation to verify each campaign statement filed by the committee pursuant to Section 81004.

(b) If a committee is required to file a campaign statement or report disclosing an independent expenditure pursuant to this title, a principal officer of the committee or, in the case of a controlled committee, the candidate or state measure proponent or opponent who controls the committee shall sign a verification on ~~a report prescribed by the Commission. Notwithstanding any other provision of this title, the report containing the verification required by this subdivision shall be filed only with the Commission. The verification shall read~~ *the campaign statement or report that reads* as follows:

**I** "I have not received any unreported contributions or reimbursements to make these independent expenditures. I have not coordinated any expenditure made during this reporting period with the candidate or the opponent of the candidate who is the subject of the expenditure, with the proponent or the opponent of the state measure that is the subject of the expenditure, or with the agents of the candidate or the opponent of the candidate or the state measure proponent or ~~opponent~~ *opponent.*"

**§ 84215. Campaign Reports and Statements; Where to File.**

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

(a) Statewide elected officers, including members of the State Board of Equalization; Members of the Legislature; Supreme Court justices, court of appeal justices, and superior court judges; candidates for those offices and their controlled committees;

committees formed or existing primarily to support or oppose these candidates, elected officers, justices and judges, or statewide measures, or the qualification of state ballot measures; and all state general purpose committees and filers not specified in subdivisions (b) to (e), inclusive, shall file a campaign statement *with the Secretary of State* by online or electronic means, as specified in Section 84605.

(b) Elected officers in jurisdictions other than legislative districts, State Board of Equalization districts, or appellate court districts that contain parts of two or more counties, candidates for these offices, their controlled committees, and committees formed or existing primarily to support or oppose candidates or local measures to be voted upon in one of these jurisdictions shall file the original ~~and~~ *and, if the filing is in paper format*, one copy with the elections official of the county with the largest number of registered voters in the jurisdiction. *Elected officers, candidates for these offices, and their controlled committees shall also file a copy of their campaign statements with the elections official of the county in which the elected officer or candidate is domiciled, as defined in subdivision (b) of Section 349 of the Elections Code.*

(c) County elected officers, candidates for these offices, their controlled committees, committees formed or existing primarily to support or oppose candidates or local measures to be voted upon in any number of jurisdictions within one county, other than those specified in subdivision (d), and county general purpose committees shall file the original ~~and~~ *and, if the filing is in paper format*, one copy with the elections official of the county.

(d) 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 shall file the original ~~and~~ *and, if the filing is in paper format*, one copy with the clerk of the ~~city and are not required to file with the local elections official of the county in which they are domiciled.~~ *city.*

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

(f) Notwithstanding any other provision of this

section, a committee, candidate, or elected officer is not required to file more than the original and one copy, or one copy, of a campaign statement with any one county elections official or city clerk or with the Secretary of State.

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

#### **§ 84217. Federal Office Candidates; Places Filed.**

~~When the Secretary of State receives any campaign statement filed pursuant to the federal Election Campaign Act, (2 U.S.C.A. Section 431 et seq.) the Secretary of State shall send a copy of the statement to the following officers:~~

~~(a) Statements of candidates for President, Vice President or United States Senator and committees supporting such candidates one copy with the Registrar Recorder of Los Angeles County and one copy with the Registrar of Voters of the City and County of San Francisco;~~

~~(b) Statements of candidates for United States Representative in Congress and committees supporting such candidates one copy with the clerk of the county which contains the largest percentage of the registered voters in the election district which the candidate or any of the candidates seek nomination or election and one copy with the clerk of the county within which the candidate resides or in which the committee is domiciled, provided that if the committee is not domiciled in California the statement shall be sent to the Registrar Recorder of Los Angeles County. No more than one copy of each statement need be filed with the clerk of any county.~~

#### **§ 84219. Slate Mailer Organization; Semi-Annual Statements; Contents.**

Whenever a slate mailer organization is required to file campaign reports pursuant to Section 84218, the campaign report shall include the following information:

(a) The total amount of receipts during the period covered by the campaign statement and the total cumulative amount of receipts. For purposes of this section only, "receipts" means payments received by a slate mailer organization for production and distribution of slate mailers.

(b) The total amount of disbursements made during the period covered by the campaign statement and the total cumulative amount of disbursements. For purposes of this section only, "disbursements" means payment made by a slate mailer organization for the

production or distribution of slate mailers.

(c) For each candidate or committee that is a source of receipts totaling one hundred dollars (\$100) or more during the period covered by the campaign statement:

(1) The name of the candidate or committee, identification of the jurisdiction and the office sought or ballot measure number or letter, and if the source is a committee, the committee's identification number, street address, and the name of the candidate or measure on whose behalf or in opposition to which the payment is made.

(2) The date and amount received for each receipt totaling one hundred dollars (\$100) or more during the period covered by the campaign statement.

(3) The cumulative amount of receipts on behalf of or in opposition to the candidate or measure.

(d) For each person other than a candidate or committee who is a source of receipts totaling one hundred dollars (\$100) or more during the period covered by the campaign statement:

(1) Identification of the jurisdiction, office or ballot measure, and name of the candidate or measure on whose behalf or in opposition to which the payment was made.

(2) Full name, street address, name of employer, or, if self-employed, name of business of the source of receipts.

(3) The date and amount received for each receipt totaling one hundred dollars (\$100) or more during the period covered by the campaign statement.

(4) The cumulative amount of receipts on behalf of or in opposition to the candidate or measure.

(e) For each candidate or ballot measure not reported pursuant to subdivision (c) or (d), but who was supported or opposed in a slate mailer sent by the slate mailer organization during the period covered by the report, identification of jurisdiction, office or ballot measure, and name of the candidate or measure who was supported or opposed.

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

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

(h) For each person to whom a disbursement of one hundred dollars (\$100) or more has been made during the period covered by the campaign statement:

(1) His or her full name.

(2) His or her street address.

(3) The *date and* amount of each disbursement.

(4) A brief description of the consideration for which each disbursement was made.

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

(i) Cumulative disbursements, totaling one thousand dollars (\$1,000) or more, made directly or indirectly to any person listed in the slate mailer organization's statement of organization. For purposes of this subdivision, a disbursement is made indirectly to a person if it is intended for the benefit of or use by that person or a member of the person's immediate family, or if it is made to a business entity in which the person or member of the person's immediate family is a partner, shareholder, owner, director, trustee, officer, employee, consultant, or holds any position of management or in which the person or member of the person's immediate family has an investment of one thousand dollars (\$1,000) or more. This subdivision shall not apply to any disbursement made to a business entity whose securities are publicly traded.

(j) The full name, street address, *email address*, and telephone number of the slate mailer organization and of the treasurer.

(k) Whenever a slate mailer organization also qualifies as a general purpose committee pursuant to Section 82027.5, the campaign report shall include, in addition to the information required by this section, the information required by Section 84211.

**§ 84223. Top Ten Contributor Lists.**

(a) ~~For a~~ committee primarily formed to support or oppose a state ballot measure or state candidate that raises one million dollars (\$1,000,000) or more for an ~~election~~ *election, the Secretary of State* shall maintain an accurate list of the committee's top 10 contributors, as specified by Commission regulations. *The list shall be based on the filer's campaign statements and reports.* A current list of the top 10 contributors shall be ~~provided to the Commission for disclosure on the Commission's posted on the Secretary of State's~~ Internet Web site, as provided in subdivision (c).

(b) (1) Except as provided in paragraph (4), the list of top 10 contributors shall identify the names of the 10 persons who have made the largest cumulative contributions to the committee, the total amount of each person's contributions, the city and state of the person, the person's committee identification number, if any, and any other information deemed necessary by the Commission. If any of the top 10 contributors identified on the list are committees pursuant to subdivision (a) of Section 82013, the Commission may require, by regulation, that the list also identify the top 10 contributors to those contributing

committees.

(2) (A) ~~A~~ For a committee primarily formed to support or oppose a state ballot ~~measure shall count~~ *measure*, the cumulative amount of contributions received by the committee from a person for the period beginning 12 months prior to the date the committee made its first expenditure to qualify, support, or oppose the measure and ending with the current ~~date~~ *date shall be counted*.

(B) ~~A~~ For a committee primarily formed to support or oppose a state ~~candidate shall count~~ *candidate*, the cumulative amount of contributions received by the committee from a person for the primary and general elections ~~combined~~ *combined shall be counted*.

(3) The aggregation rules of Section 85311 and any implementing regulations adopted by the Commission shall apply in identifying the persons who have made the top 10 cumulative contributions to a committee.

(4) A person who makes contributions to a committee in a cumulative amount of less than ten thousand dollars (\$10,000) shall not be identified or disclosed as a top 10 contributor to a committee pursuant to this section.

(c) (1) The Commission shall adopt regulations to govern the manner in which the ~~Commission~~ *Secretary of State* shall display top 10 contributor lists ~~provided by~~ *maintained for* a committee that is subject to this section, and the ~~Commission~~ *Secretary of State* shall post the top 10 contributor lists on its Internet Web site in the manner prescribed by those regulations. ~~The Commission shall provide the top 10 contributor lists to the Secretary of State, upon the request of the Secretary of State, for the purpose of additionally posting the contributor lists on the Secretary of State's Internet Web site.~~

(2) A ~~committee shall provide an updated~~ *committee's* top 10 contributor list ~~to the Commission shall be updated~~ when any of the following occurs:

(A) A new person qualifies as a top 10 contributor to the committee.

(B) A person who is an existing top 10 contributor makes additional contributions to the committee.

(C) A change occurs that alters the relative ranking order of the top 10 contributors.

(3) The 10 persons who have made the largest cumulative contributions to a committee shall be listed in order from largest contribution amount to smallest amount. If two or more contributors of identical amounts meet the threshold for inclusion in the list of top 10 contributors, the order of disclosure shall be made beginning with the most recent contributor of that amount.

(4) The ~~Commission~~ *Secretary of State* shall post or update a top 10 contributor list within five business days or, during the 16 days before the election, within 48 hours of *receiving data of* a contributor qualifying for the list or of any change to the list.

~~(d) In listing the top 10 contributors, a committee shall use reasonable efforts to identify and state the actual individuals or corporations that are the true sources of the contributions made to the committee from other persons or committees.~~

~~(e)~~ (d) In addition to any other lists that the ~~Commission~~ *Secretary of State* is required to post on its Internet Web site, the ~~Commission~~ *Secretary of State* shall compile, maintain, and display on its Internet Web site a current list of the top 10 contributors supporting and opposing each state ballot measure, as prescribed by Commission regulations.

#### § 84504.2. Disclaimer; Print Ads.

(a) A print advertisement paid for by a committee, other than a political party committee or a candidate controlled committee established for an elective office of the controlling candidate, shall include the disclosures required by Sections 84502, 84503, and 84506.5, displayed as follows:

(1) The disclosure area shall have a solid white background and shall be in a printed or drawn box on the bottom of at least one page that is set apart from any other printed matter. All text in the disclosure area shall be in contrasting ~~color~~ *color and centered horizontally in the disclosure area*.

(2) The text shall be in an Arial equivalent type with a type size of at least 10-point for printed advertisements designed to be individually distributed, including, but not limited to, mailers, flyers, and door hangers.

(3) *The top of the disclosure area shall include the disclosure required by Sections 84502 and 84503. The text of the disclosure shall be underlined if there are any top contributors.*

~~(3)~~ (4) The top contributors, if any, shall each be disclosed on a separate horizontal ~~line~~ *line separate from any other text*, in descending order, beginning with the top contributor who made the largest cumulative contributions on the first line. The name of each of the top contributors shall be centered horizontally in the disclosure ~~area~~ *area and shall not be underlined. The names of the top contributors shall not be printed in a type that is condensed to be narrower than a normal non-condensed Arial equivalent type*.

(5) *A committee subject to Section 84506.5 shall include the disclosure required by Section 84506.5, which shall be underlined and on a separate line below any of the top contributors.*

~~(4)~~ (6) ~~Immediately below the text described in~~

~~paragraph (3), committees~~ A committee subject to Section 84223 shall *next* include the text “Funding Details At [insert ~~Commission Internet Web site~~].” ~~The text shall be in an Arial equivalent type with a type size of at least 10 point for printed advertisements designed to be individually distributed, including, but not limited to, mailers, flyers, and door hangers. link to Secretary of State Internet Web site page with top 10 contributor lists],” which shall be underlined and printed on a line separate from any other text.~~

(b) Notwithstanding paragraphs (2) and (4) of subdivision (a), the disclosures required by Sections 84502, 84503, and 84506.5 on a printed advertisement that is larger than those designed to be individually distributed, including, but not limited to, yard signs or billboards, shall be in *an* Arial equivalent type with a total height of at least ~~five~~ 5 percent of the height of the advertisement, and printed on a solid background with sufficient contrast that is easily readable by the average viewer. The text may be adjusted so it does not appear on separate horizontal lines, with the top contributors separated by a comma.

(c) Notwithstanding the definition of “top contributors” in paragraph (1) of subdivision (c) of Section 84501, newspaper, magazine, or other public print advertisements that are 20 square inches or less shall be required to disclose only the single top contributor of fifty thousand dollars (\$50,000) or more.

#### § 84602. Secretary of State’s Duties.

(a) To implement the Legislature’s intent, the Secretary of State, in consultation with the Commission, notwithstanding any other provision of this code, shall do all of the following:

(1) Develop online and electronic filing processes for use by persons and entities specified in Section 84605 that are required to file statements and reports with the Secretary of State’s office pursuant to Chapter 4 (commencing with Section ~~84100~~ 84100), *Chapter 5 (commencing with Section 85100)*, and Chapter 6 (commencing with Section 86100). Those processes shall each enable a user to comply with all of the disclosure requirements of this title and shall include, at a minimum, both of the following:

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

(B) The definition of a nonproprietary standardized record format or formats using industry

standards for the transmission of the data that is required of those persons and entities specified in Section 84605 and that conforms with the disclosure requirements of this title. The Secretary of State shall hold public hearings before development of the record format or formats as a means to ensure that affected entities have an opportunity to provide input into the development process. The format or formats shall be made public no later than July 1, 1999, to ensure sufficient time to comply with this chapter.

(2) Accept test files from software vendors and others wishing to file reports electronically, for the purpose of determining whether the file format is in compliance with the standardized record format developed pursuant to paragraph (1) and is compatible with the Secretary of State’s system for receiving the data. A list of the software and service providers who have submitted acceptable test files shall be published by the Secretary of State and made available to the public. Acceptably formatted files shall be submitted by a filer in order to meet the requirements of this chapter.

(3) Develop a system that provides for the online or electronic transfer of the data specified in this section using telecommunications technology that ensures the integrity of the data transmitted and that creates safeguards against efforts to tamper with or subvert the data.

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

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

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

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

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

(9) Provide the Commission with necessary information to enable it to assist agencies, public officials, and others with the compliance with, and administration of, this title.

(10) Report to the Legislature on the implementation and development of the online and electronic filing and disclosure requirements of this chapter. The report shall include an examination of system security, private security issues, software availability, compliance costs to filers, use of the filing system and software provided by the Secretary of State, and other issues relating to this chapter, and shall recommend appropriate changes if necessary. In preparing the report, the Commission may present to the Secretary of State and the Legislature its comments regarding this chapter as it relates to the duties of the Commission and suggest appropriate changes if necessary. There shall be one report due before the system is operational as set forth in Section 84603, one report due no later than June 1, 2002, and one report due no later than January 31, 2003.

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

(b) (1) To implement the Legislature's intent, as described in Section 84601, the Secretary of State, in consultation with the Commission, shall develop an online filing and disclosure system for use by persons and entities specified in Section 84605 that are required to file statements and reports with the Secretary of State's office pursuant to Chapter 4 (commencing with Section ~~84100~~ 84100), Chapter 5 (commencing with Section 85100), and Chapter 6 (commencing with Section 86100). The system shall enable a user to comply with all of the disclosure requirements of this title and shall include, at minimum, all of the following:

(A) A data-driven means or method that allows filers subject to this chapter to submit required filings free of charge in a manner that facilitates public searches of the data and does all of the following:

(i) Enables a filer to comply with all of the disclosure requirements of this title, including by entering or uploading requisite data or by indicating that the filer had no reportable activity during a particular reporting period.

(ii) Retains previously submitted data so that a filer can access that data to amend disclosures or prepare future disclosures. *The system shall permit a filer to enter a contribution or independent expenditure transaction once and have the transaction appear on both a transactional report required by Section 84203, 84204, 84204.5, 84309, or 85500, as well as a periodic campaign statement required by this title.*

(iii) Ensures the security of data entered and stored in the system.

(iv) To the extent feasible, is compatible with potential future capability to accept statements from filers specified in subdivisions (b) to (e), inclusive, of Section 84215.

(B) The definition of a nonproprietary standardized record format or formats using industry standards for the transmission of the data that is required of those persons and entities specified in Section 84605 and that conforms with the disclosure requirements of this title.

(2) The Secretary of State shall do all of the following with respect to the online filing and disclosure system developed pursuant to this subdivision:

(A) Accept test files from software vendors and others wishing to file reports electronically for the purpose of determining whether the file format is in compliance with the standardized record format developed pursuant to this subdivision and is compatible with the Secretary of State's system for receiving the data. The Secretary of State shall publish and make available to the public a list of the software and service providers who have submitted acceptable test files. A filer shall submit acceptably formatted files in order to meet the requirements of this chapter.

(B) Make the data filed available on the Internet as follows:

(i) In a user-friendly, easily understandable format that provides the greatest public access, including online searches and machine-readable downloads of all data contained in the system, except as specified in clause (iii).

(ii) Free of charge and as soon as possible after receipt, or, in the case of late contribution, late in-kind contribution, and late independent expenditure reports, as defined by Sections 84203, 84203.3, and 84204, respectively, within 24 hours of receipt.

(iii) Not containing the street name or building number of the persons or entity representatives listed on the electronically filed forms or any bank account number required to be disclosed pursuant to this ~~title~~ title, *except that a nonresidential address of a committee under Section 82013 may be made available on the Internet.*

(iv) In a manner that allows the public to track and aggregate contributions from the same contributor across filers using a permanent unique identifier assigned by the Secretary of State for this purpose. The Secretary of State shall assign this identifier to, at minimum, each contributor who makes contributions totaling ten thousand dollars (\$10,000) or more in a calendar year to, or at the behest of, candidates or committees that file electronically with the Secretary of State pursuant to subdivision (a) of Section 84215 or who files with the Secretary of State as a major donor committee under subdivision (c) of Section

82013.

(C) Develop a procedure for filers to comply electronically with the requirement to sign under penalty of perjury pursuant to Section 81004. The electronic signature procedure shall allow the filer to file with the Secretary of State and shall not require an original signature to be filed.

(D) Maintain all filed data online for at least 20 years after the date it is filed, and then archive the information in a secure format.

(E) Provide assistance to those seeking public access to the information.

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

(G) Provide the Commission with necessary information to enable it to assist agencies, public officials, and others in complying with and administering this title.

(3) The Secretary of State shall do all of the following with respect to developing the online filing and disclosure system and record format pursuant to this subdivision:

(A) Consult with the Assembly Committee on Elections and Redistricting, the Senate Committee on Elections and Constitutional Amendments, the Commission, users, filers, and other stakeholders, as appropriate, about functions of the online filing and disclosure system.

(B) In consultation with the Commission, and no later than July 31, 2017, hold at least one public hearing to receive input about developing the online filing and disclosure system and record format.

(C) No later than December 31, 2017, submit a report to the Assembly Committee on Elections and Redistricting and the Senate Committee on Elections and Constitutional Amendments that includes a plan for the online filing and disclosure system, describes how members of the public will be able to query and retrieve data from the system, and includes a plan for integrating statements as specified in clause (iv) of subparagraph (A) of paragraph (1).

(4) The Secretary of State shall make the online filing and disclosure system developed pursuant to this subdivision available for use no later than February 1, 2019. The Secretary of State may extend this date to a date no later than December 31, 2019, after consulting with the Assembly Committee on Elections and Redistricting and the Senate Committee on Elections and Constitutional Amendments and providing to those committees a report that explains the need for the extension and includes a plan for completion.

(5) The Secretary of State may accept any funds, services, equipment, or grants to further this subdivision, provided that the Secretary of State shall notify the Assembly Committee on Elections and

Redistricting and the Senate Committee on Elections and Constitutional Amendments upon accepting any amount valued at one hundred thousand dollars (\$100,000) or more.

(6) Because the provisions of this chapter need to be implemented as expeditiously as possible, the information technology procurement requirements described in Chapter 5.6 (commencing with Section 11545) of Part 1 of Division 3 of Title 2 of this code, and in Section 12100 of the Public Contract Code, do not apply to development of the online filing and disclosure system pursuant to this subdivision. The Secretary of State shall consult with the Department of Technology, as appropriate, in developing the online filing and disclosure system, in order to maximize project success, minimize lifecycle costs, and ensure the security of the system and its data.

(7) (A) Before making the system developed pursuant to this subdivision available for public use, the Secretary of State, in consultation with the Commission, shall test the system to ensure its functionality and then certify that the system meets all the requirements of this subdivision. The Secretary of State may consult with the Department of Technology as needed to fulfill his or her duties under this paragraph.

(B) After the system developed pursuant to this subdivision is certified, the system described in subdivision (a) shall no longer accept reports and filings, unless otherwise directed by the Secretary of State and the Commission. The system described in subdivision (a) shall continue to allow public access to past disclosures unless the Secretary of State migrates that data into the system described in this subdivision. *To facilitate data conversion during migration, the Secretary of State may make minor technical modifications or corrections to the migrated data.*

(c) On or before December 31, 2017, and on or before every April 15, July 15, October 15, and January 15 thereafter, the Secretary of State shall submit to the chairs of the Joint Legislative Budget Committee and the fiscal committees of the Legislature a quarterly report on the progress of the Cal-Access Project. Specifically, the Secretary of State shall certify whether he or she (1) anticipates making or has made any changes to the project's scope, schedule, or budget and (2) considers any problems to be a risk to the project's completion according to the approved project schedule and budget. This reporting requirement shall end upon the completion or termination of the Cal-Access Project.

**§ 84605. Who Shall File Online.**

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

(1) Any candidate, including superior court, appellate court, and Supreme Court candidates and officeholders, committee, or other persons who are required, pursuant to Chapter 4 (commencing with Section ~~84100~~, 84100) and Chapter 5 (commencing with Section 85100), to file statements, reports, or other documents in connection with a state elective office or state measure, ~~provided that the total cumulative reportable amount of contributions received, expenditures made, loans made, or loans received is twenty-five thousand dollars (\$25,000) or more. In determining the cumulative reportable amount, all controlled committees, as defined by Section 82016, shall be included. For a committee subject to this title prior to January 1, 2000, the beginning date for calculating cumulative totals is January 1, 2000. For a committee that is first subject to this title on or after January 1, 2000, the beginning date for calculating cumulative totals is the date the committee is first subject to this title. A committee, as defined in subdivision (c) of Section 82013, shall file online or electronically if it makes contributions of twenty-five thousand dollars (\$25,000) or more in a calendar year.~~ *measure.*

(2) Any *state* general purpose committees, as defined in Section 82027.5, including the general purpose committees of political parties, *as defined in Section 85205*, and small contributor committees, as defined in Section ~~85203~~, ~~that cumulatively receive contributions or make expenditures totaling twenty-five thousand dollars (\$25,000) or more to support or oppose candidates for any elective state office or state measure. For a committee subject to this title prior to January 1, 2000, the beginning date for calculating cumulative totals is January 1, 2000. For a committee that first is subject to this title on or after January 1, 2000, the beginning date for calculating cumulative totals is the date the committee is first subject to this title.~~ 85203.

(3) Any slate mailer organization with cumulative reportable payments received or made for the purposes of producing slate mailers of twenty-five thousand dollars (\$25,000) or more. For a slate mailer organization subject to this title prior to January 1, 2000, the beginning date for calculating cumulative totals is January 1, 2000. For a slate mailer organization that first is subject to this title on or after January 1, 2000, the beginning date for calculating cumulative totals is the date the organization is first subject to this title. *that produces one or more slate mailers supporting or opposing candidates or measures voted on in a state election or in more than one county.*

(4) Any lobbyist, lobbying firm, lobbyist employer, or other persons required, pursuant to Chapter 6 (commencing with Section 86100), to file

statements, reports, or other ~~documents, provided that the total amount of any category of reportable payments, expenses, contributions, gifts, or other items is two thousand five hundred dollars (\$2,500) or more in a calendar quarter.~~ *documents.*

(b) The Secretary of State shall also disclose on the Internet any late contribution or late independent expenditure report, as defined by Sections 84203 and 84204, respectively, not covered by paragraph (1), (2), or (3) of subdivision (a) or any other provision of law.

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

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

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

~~(f) (d)~~ The Secretary of State shall maintain at all times a secured, official version of all original online and electronically filed statements and reports required by this chapter, which shall be the official version for audit and other legal purposes.

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

#### **§ 84606. Operation of Online System.**

~~The Secretary of State shall determine and publicly disclose when the online and electronic disclosure systems are operating effectively. In making this determination, the Secretary of State shall consult with the commission, the Department of Information Technology, and any other appropriate public or private entity. The online or electronic disclosure system shall not become operative until the Department of Information Technology approves the system. Upon this determination, filers required by this chapter to file online or electronically will no longer be required to file with local filing officers. Furthermore, the date that a filer transmits an online or electronic report shall be the date the filed report is received by the Secretary of State.~~

**§ 84612. Rejection of Electronic Filing; Procedures.**

If the Secretary of State rejects a filing made under this chapter, the Secretary of State shall immediately notify the filer, by ~~electronic mail, email~~, of the reason or reasons for rejection using plain, straightforward language, avoiding technical terms as much as possible, and using a coherent and easily readable style. The notice shall be written or displayed so that the meaning will be easily understood by those persons directly affected by it. *The Cal-Access Replacement System may contain required fields in which information must be entered in order to submit a report or statement, as determined by the Secretary of State and the Commission.*

**§ 84615. Campaign Reports and Statements – Electronic Filing for Local Agencies.**

A local government agency may require an elected officer, candidate, committee, or other person required to file statements, reports, or other documents required by Chapter 4 (commencing with Section 84100), except an elected officer, candidate, committee, or other person who receives contributions totaling less than ~~one two~~ thousand dollars ~~(\$1,000); (\$2,000)~~, and makes expenditures totaling less than ~~one two~~ thousand dollars ~~(\$1,000); (\$2,000)~~ in a calendar year, to file those statements, reports, or other documents online or electronically with a local filing officer. A local government agency that requires online or electronic filing pursuant to this section shall comply with all of the following:

(a) The legislative body for the local government agency shall adopt an ordinance approving the use of online or electronic filing, which shall include a legislative finding that the online or electronic filing system will operate securely and effectively and would not unduly burden filers. The ordinance adopted by the legislative body for the local government agency may, at the discretion of that legislative body, specify that the electronic or online filing requirements apply only to specifically identified types of filings or are triggered only by identified monetary thresholds. In any instance in which the original statement, report, or other document is required to be filed with the Secretary of State and a copy of that statement, report, or other document is required to be filed with the local government agency, the ordinance may permit, but shall not require, that the copy be filed online or electronically.

(b) The online or electronic filing system shall ~~only~~ accept a filing in the standardized record format that ~~is was~~ developed by the Secretary of State pursuant to paragraph (2) of subdivision (a) of

Section ~~84602 and~~ 84602, *or the local government agency may transition to the Cal-Access Replacement System format, and then the system shall accept a filing in the new standardized record format developed by the Secretary of State pursuant to subdivision (b) of Section 84602, and* that is compatible with the Secretary of State's system for receiving an online or electronic filing.

(c) The online or electronic filing system shall ensure the integrity of the data transmitted and shall include safeguards against efforts to tamper with, manipulate, alter, or subvert the data.

(d) (1) The local filing officer shall issue to a person who files a statement, report, or other document online or electronically an electronic confirmation that notifies the filer that the statement, report, or other document was received. The confirmation shall include the date and the time that the statement, report, or other document was received by the filing officer and the method by which the filer may view and print the data received by the filing officer.

(2) A copy retained by the filer of a statement, report, or other document that was filed online or electronically and the confirmation issued pursuant to paragraph (1) that shows the filer timely filed the statement, report, or other document shall create a rebuttable presumption that the filer timely filed the statement, report, or other document.

(e) The date of filing for a statement, report, or other document that is filed online or electronically shall be the day that it is received by the local filing officer.

(f) The local filing officer shall make all the data filed available on the Internet in an easily understood format that provides the greatest public access. The data shall be made available free of charge and as soon as possible after receipt. The data made available on the Internet shall not contain the street name and building number of the persons or entity representatives listed on the electronically filed forms or any bank account number required to be disclosed by the filer. The local filing officer shall make a complete, unredacted copy of any statement, report, or other document filed pursuant to this section, including any street names, building numbers, and bank account numbers disclosed by the filer, available to any person upon request.

(g) The online or electronic filing system shall include a procedure for filers to comply with the requirement that they sign statements and reports under penalty of perjury pursuant to Section 81004.

(h) The local government agency shall enable filers to complete and submit filings free of charge.

(i) The local filing officer shall maintain, for a period of at least 10 years commencing from the date

filed, a secured, official version of each online or electronic statement, report, or other document filed pursuant to this section, which shall serve as the official version of that record for purpose of audits and any other legal purpose. Data that has been maintained for at least 10 years may then be archived in a secure format.

(j) Notwithstanding any other provision of law, any statement, report, or other document filed online or electronically pursuant to this section shall not be required to be filed with the local filing officer in paper format.

**§ 85200. Statement of Intention to be a Candidate.**

Prior to the solicitation or receipt of any contribution or loan, an individual who intends to be a candidate for an elective state office, as that term is defined by Section 82024, shall file *online or electronically* with the Secretary of State an original statement, signed under penalty of perjury, of intention to be a candidate for a specific office.

An individual who intends to be a candidate for any other elective office shall file the statement of intention with the same filing officer and in the same location as the individual would file an original campaign statement pursuant to subdivisions (b), (c), and (d) of Section 84215.

For purposes of this section, “contribution” and “loan” do not include any payments from the candidate’s personal funds for a candidate filing fee or a candidate statement of qualifications fee.

**§ 86100. Registration.**

(a) Individual lobbyists shall prepare lobbyist certifications pursuant to Section 86103 for filing with the Secretary of State as part of the registration of the lobbying firm in which the lobbyist is a partner, owner, officer, or employee or as part of the registration of the lobbyist employer by which the lobbyist is employed.

(b) Lobbying firms shall register with the Secretary of State.

(c) Lobbyist employers as defined in subdivision (a) of Section 82039.5 shall register with the Secretary of State.

(d) Lobbyist employers as defined in subdivision (b) of Section 82039.5 and persons described in subdivision (b) of Section 86115 are not required to register with the Secretary of State but shall file statements pursuant to this article.

(e) A registration statement shall be filed ~~both~~ by online or electronic ~~means and physically, submitting the original statement and one copy, in paper format.~~ *means.*

**§ 86103. Lobbyist Certification; Requirements.**

A lobbyist certification shall include all of the following:

(a) A recent photograph of the lobbyist, ~~the size of which shall be in a size~~ prescribed by the Secretary of State.

(b) The *lobbyist’s* full name, business address, *email address*, and telephone ~~number of the lobbyist.~~ *number.*

(c) A statement that the lobbyist has read and understands the prohibitions contained in Sections 86203 and 86205.

*(d) A statement regarding the lobbyist’s completion of the ethics course described in subdivision (b) of Section 8956 as follows:*

*(1) For a lobbyist who filed a completed lobbyist certification in connection with the last regular session of the Legislature, either of the following statements:*

*(A) That the lobbyist has completed the ethics course within the previous 12 months.*

~~*(d) (B) (1) That In the case of a lobbyist who filed a completed lobbyist certification in connection with the last regular session of the Legislature, a statement that the lobbyist has completed, within the previous 12 months or will complete no later than June 30 of the following year, the course described in subdivision (b) of Section 8956. If the lobbyist certification states that the lobbyist will complete the course the lobbyist will complete the ethics course no later than June 30 of the following year, in which case the certification shall be accepted on a conditional basis. Thereafter, if the lobbyist completes the course no later than June 30 of the following year, the lobbyist shall file a new lobbyist certification with the Secretary of State which shall replace the conditional lobbyist certification previously filed. If the lobbyist certification states that the lobbyist will complete the course no later than June 30 of the following year and the lobbyist fails to do so, the conditional lobbyist certification shall be void and the individual shall not act as a lobbyist pursuant to this title until he or she has completed the course and filed with the Secretary of State a lobbyist certification stating that he or she has completed the course and the date of completion. It shall be a violation of this section for any individual to act as a lobbyist pursuant to this title once his or her conditional certification is void.*~~

*(2) In the case of a new lobbyist certification, if the lobbyist has not completed the course within the previous 12 months, the lobbyist certification shall include a statement that the lobbyist will complete the course within 12 months. The lobbyist certification shall be accepted on a conditional basis.*

~~(2) (3) If, in the case of a new lobbyist certification, the lobbyist has not completed the course within the previous 12 months, the lobbyist certification shall include a statement that the lobbyist will complete a scheduled course within 12 months, and the lobbyist certification shall be accepted on a conditional basis. Following the lobbyist's completion of the ethics course, the lobbyist shall timely complete the ethics course and file a new lobbyist certification with the Secretary of State which shall to replace the conditional lobbyist certification previously filed. certification. If the new lobbyist certification states that the lobbyist will complete the course within 12 months and the lobbyist fails to do so, the lobbyist fails to timely complete the ethics course, the conditional lobbyist certification shall be void and the individual shall not act as a lobbyist pursuant to under this title until he or she has completed the course and filed with the Secretary of State the individual completes the course and files a lobbyist certification stating he or she has completed the course and the the date of completion. It shall be is a violation of this section for any individual to act as a lobbyist pursuant to under this title once his or her conditional certification is void.~~

*(4) The date and confirmation that an individual has completed the ethics course may be transmitted to the Secretary of State by the legislative ethics committee.*

(e) Any other information required by the commission consistent with the purposes and provisions of this chapter.

*(f) Registration fees required by Section 86102 shall be paid online at the time a lobbyist certification is submitted for registration to be active.*

**§ 86104. Lobbying Firm; Registration Requirements.**

The registration of a lobbying firm shall include:

(a) The full name, business address, *email address*, and telephone number of the lobbying firm.

(b) A list of the lobbyists who are partners, owners, officers, or employees of the lobbying firm.

(c) The lobbyist certification of each lobbyist in the lobbying firm.

(d) ~~For The~~ *following information regarding* each person with whom the lobbying firm contracts to provide ~~the following~~ lobbying services:

(1) The full name, business address, *email address*, and telephone number of the person.

(2) ~~A written authorization signed An authorization electronically confirmed~~ by the person.

(3) The time period of the contract.

(4) Information sufficient to identify the nature and interests of the person including:

(A) ~~If the person is~~ *For* an individual, the name and address of his or her employer, if any, or *if self-employed*, his or her principal place of ~~business if the person is self-employed,~~ *business*, and a description of the business activity in which the person or his or her employer is engaged.

(B) ~~If the person is~~ *For* a business entity, a description of the business activity in which it is engaged.

(C) ~~If the person is~~ *For* an industry, trade, or professional association, a description of the industry, trade, or profession ~~which it represents~~ *represents*, including a specific description of any ~~portion part~~ or faction of the industry, trade, or profession ~~which~~ the association exclusively or primarily represents and, if the association has ~~not more than 50 50 or fewer~~ members, the names of the members.

(D) ~~If the person is not an individual, business entity, or industry, trade, or professional association,~~ *For other persons*, a statement of the person's nature and purposes, including a description of any industry, trade, profession, or other group with a common economic interest ~~which that~~ the person principally represents or from which its membership or financial support is principally derived.

(5) The lobbying interests of the person.

(6) A list of the state agencies whose legislative or administrative actions the lobbying firm will attempt to influence for the person.

(e) The name and title of a partner, owner, or officer of the lobbying firm who is responsible for filing statements and reports and keeping records required by this chapter on behalf of the lobbying firm, and a statement signed by the designated responsible person that he or she has read and understands the prohibitions contained in Sections 86203 and 86205.

(f) Any other information required by the commission consistent with the purposes and provisions of this chapter.

**§ 86105. Lobbyist Employer; Registration Requirements.**

The registration of a lobbyist employer shall include:

(a) The full name, business address, *email address*, and telephone number of the lobbyist employer.

(b) A list of the lobbyists who are employed by the lobbyist employer.

(c) The lobbyist certification of each lobbyist employed by the lobbyist ~~employer.~~ *employer, included by electronic link.*

(d) Information sufficient to identify the nature and interests of the filer, including:

(1) ~~If the filer is~~ *For* an individual, the name and

address of the filer's employer, if any, or *if self-employed*, his or her principal place of ~~business if the filer is self-employed,~~ *business*, and a description of the business activity in which the filer or his or her employer is engaged.

(2) ~~If the filer is~~ *For* a business entity, a description of the business activity in which it is engaged.

(3) ~~If the filer is~~ *For* an industry, trade, or professional association, a description of the industry, trade, or profession ~~which~~ it represents including a specific description of any ~~portion part~~ or faction of the industry, trade, or profession ~~which that~~ the association exclusively or primarily represents and, if the association has ~~not more than 50 50 or fewer~~ members, the names of the members.

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

(e) The lobbying interests of the lobbyist employer, and a list of the state agencies whose legislative or administrative actions the lobbyist employer will attempt to influence.

(f) Any other information required by the commission consistent with the purposes and provisions of this chapter.

#### **§ 86107. Registration Statement; Amendment; Termination.**

(a) If any ~~change occurs in any of the information contained information~~ in a registration ~~statement, statement~~ *changes*, an appropriate amendment shall be filed ~~both by online or electronic means and physically, submitting the original one copy of the amendment, in paper format, online or electronically~~ with the Secretary of State within 20 days after the change. However, if the change includes the name of a person by whom a lobbying firm is retained, the registration statement of the lobbying firm shall be amended and filed to show that change prior to the lobbying firm's attempting to influence any legislative or administrative action on behalf of that person. Lobbying firms and lobbyist employers that, during a regular session of the Legislature, cease all activity that required registration shall file a notice of termination within 20 days after the cessation. Lobbying firms and lobbyist employers that, at the close of a regular session of the Legislature, cease all activity that required registration are not required to file a notice of termination.

(b) If any ~~change occurs in any of the information~~

~~contained information~~ in a lobbyist certification *changes*, or if a lobbyist terminates all activity that required the certification, the lobbyist shall submit an amended certification or notice of termination to his or her lobbying firm or lobbyist employer for filing with the Secretary of State within the time limits specified in subdivision (a). A lobbyist who, at the close of a regular session of the Legislature, ceases all activity that required certification is not required to file a notice of termination.

*(c) Lobbyists and lobbying firms are subject to the gift limits in Section 86203 for the earlier of six months after either of the following:*

*(1) The filing of a notice of termination.*

~~(e) (2) Lobbyists and lobbying firms are subject to Section 86203 for the earlier of six months after filing a notice of termination or six months after the~~ *The* close of a regular session of the Legislature ~~at the close of which the~~ *if the* lobbyist or lobbying firm ceased all activity that required certification or ~~registration, registration when the session closed.~~

#### **§ 86108. Registration Statement; Publication.**

~~All~~ *The Secretary of State shall make all* information listed on any registration statement and on any amendment, renewal, or notice of termination ~~shall be printed by the Secretary of State and made public within 30 days after filing, publicly available on the Internet as soon as possible after receipt.~~

#### **§ 86109. Directory of Lobbyists, Lobbying Firms, and Lobbyist Employers.**

~~Within 140 days after the commencement of each regular session of the Legislature, the Secretary of State shall publish a directory of registered individual lobbyists, lobbying firms, and lobbyist employers. The Secretary of State shall publish, from time to time, such supplements to the directory as may be necessary.~~

#### **§ 86109.5. Directory of Lobbyists, Lobbying Firms, and Lobbyist Employers; Online Version.**

(a) The Secretary of State shall establish and maintain on the Internet an online ~~version of the Directory of Lobbyists, Lobbying Firms, and Lobbyist Employers, listing of lobbyists, lobbying firms, and lobbyist employers.~~ The Secretary of State shall update the ~~directory weekly, listing as soon as possible when new information is received.~~

~~(b) The Secretary of State shall also display on the Internet a list of the specific changes made to the Directory of Lobbyist, Lobbying Firms, and Lobbying Employers, including new registrations and listings, additions, deletions, and other revisions, during the~~

~~seven days preceding the update required by subdivision (a).~~

~~(c) This section may not be implemented until July 1, 2001, unless otherwise authorized by the Department of Information Technology pursuant to Executive Order D-3-99.~~

~~(d) (b)~~ Notwithstanding any other provision of this title, the lobbying data made available on the Internet shall include the street name and building number of the persons or entity representatives listed on all the documents submitted to the Secretary of State pursuant to Chapter 6 (commencing with Section 86100).

**§ 86114. Periodic Reports; Lobbying Firms; Contents.**

(a) Lobbying firms shall file periodic reports containing all of the following:

(1) The full name, address, *email address*, and telephone number of the lobbying firm.

(2) The full name, business address, and telephone number of each person who contracted with the lobbying firm for lobbying services, a description of the specific lobbying interests of the person, and the total payments, including fees and the reimbursement of expenses, received from the person for lobbying services during the reporting period.

(3) The total amount of payments received for lobbying services during the period.

(4) A periodic report completed and verified by each lobbyist in the lobbying firm pursuant to Section 86113.

(5) Each activity expense incurred by the lobbying firm including those reimbursed by a person who contracts with the lobbying firm for lobbying services. A total of all activity expenses of the lobbying firm and all of its lobbyists shall be included.

(6) If the lobbying firm subcontracts with another lobbying firm for lobbying services:

(A) The full name, address, *email address*, and telephone number of the subcontractor.

(B) The name of the person for whom the subcontractor was retained to lobby.

(C) The total amount of all payments made to the subcontractor.

(7) The date, amount, and the name of the recipient of any contribution of one hundred dollars (\$100) or more made by the filer to an elected state officer, a state candidate, a committee controlled by an elected state officer or state candidate, or a committee primarily formed to support ~~such~~ *or oppose those* officers or candidates. If this contribution is reported by the lobbying firm or by a committee sponsored by the lobbying firm in a campaign statement filed pursuant to Chapter 4 which is required to be filed with the Secretary of State, the filer may

report only the name of the committee and the identification number of the committee.

(8) Any other information required by the commission consistent with the purposes and provisions of this chapter.

(b) In addition to the information required by subdivision (a), lobbying firms which qualify pursuant to paragraph (2) of subdivision (a) of Section 82038.5 shall also report the name and title of each partner, owner, officer, and employee of the lobbying firm who, on at least five separate occasions during the reporting period, engaged in direct communication with any elective state official, legislative official, or agency official, for the purpose of influencing legislative or administrative action on behalf of a person who contracts with the lobbying firm for lobbying services. This does not include individuals whose actions were purely clerical.

**§ 86116. Periodic Reports; Employers and Others; Contents.**

Every person described in Section 86115 shall file periodic reports containing the following information:

(a) The name, business address, *email address*, and telephone number of the lobbyist employer or other person filing the report.

(b) The total amount of payments to each lobbying firm.

(c) The total amount of all payments to lobbyists employed by the filer.

(d) A description of the specific lobbying interests of the filer.

(e) A periodic report completed and verified by each lobbyist employed by a lobbyist employer pursuant to Section 86113.

(f) Each activity expense of the filer. A total of all activity expenses of the filer shall be included.

(g) The date, amount, and the name of the recipient of any contribution of one hundred dollars (\$100) or more made by the filer to an elected state officer, a state candidate, or a committee controlled by an elected state officer or state candidate, or a committee primarily formed to support *or oppose* the officer or candidate. If this contribution is reported by the filer or by a committee sponsored by the filer in a campaign statement filed pursuant to Chapter 4 which is required to be filed with the Secretary of State, the filer may report only the name of the committee, and the identification number of the committee.

(h) (1) Except as set forth in paragraph (2), the total of all other payments to influence legislative or administrative action including overhead expenses and all payments to employees who spend 10 percent or more of their compensated time in any one month in activities related to influencing legislative or administrative action.

(2) A filer that makes payments to influence a ratemaking or quasi-legislative proceeding before the Public Utilities Commission, as defined in subdivision (b) or (c), respectively, of Section 82002, may, in lieu of reporting those payments pursuant to paragraph (1), report only the portion of those payments made to or for the filer's attorneys for time spent appearing as counsel and preparing to appear as counsel, or to or for the filer's witnesses for time spent testifying and preparing to testify, in this type of Public Utilities Commission proceeding. This alternative reporting of these payments made during a calendar month is not required to include payments made to an attorney or witness who is an employee of the filer if less than 10 percent of his or her compensated time in that month was spent in appearing, testifying, or preparing to

appear or testify before the Public Utilities Commission in a ratemaking or quasi-legislative proceeding. For the purposes of this paragraph, time spent preparing to appear or preparing to testify does not include time spent preparing written testimony.

(i) Any other information required by the commission consistent with the purposes and provisions of this chapter.

**§ 86118. Periodic Reports; Where to File.**

~~The original and one copy of each report~~ Reports required by Sections 86114 and 86116 shall be filed *online or electronically* with the Secretary of ~~State, unless filing in paper format is no longer required by Sections 84605 and 84606.~~ *State.*

**ASSEMBLY BILL 909, CHAPTER 313, STATUTES OF 2019.**

**These subdivisions shall not become operative until the Secretary of State certifies an online filing and disclosure system pursuant to paragraph (7) of subdivision (b) of Section 84602.**

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**§ 84102. Statement of Organization; Contents.**

The statement of organization required by Section 84101 shall include all of the following:

(a) The name, street address, email address, and telephone number, if any, of the committee. In the case of a sponsored committee, the name of the committee shall include the name of its sponsor. If a committee has more than one sponsor, and the sponsors are members of an industry or other identifiable group, a term identifying that industry or group shall be included in the name of the committee.

(b) In the case of a sponsored committee, the name, street address, and telephone number of each sponsor.

(c) The full name, street address, email address, and telephone ~~number,~~ number of the treasurer and any other principal officers.

(1) A committee with more than one principal officer shall identify its principal officers as follows:

(A) A committee with three or fewer principal officers shall identify all principal officers.

(B) A committee with more than three principal officers shall identify no fewer than three principal officers.

(2) If no individual other than the treasurer is a principal officer, the treasurer shall be identified as both the treasurer and the principal officer.

(d) (1) An acknowledgment by any person identified as a treasurer or assistant treasurer on the statement of organization of the following:

(A) By serving as treasurer or assistant treasurer, the person must comply with all applicable duties stated in this title and the regulations of the Commission.

(B) A violation of these duties could result in criminal, civil, or administrative penalties.

(2) A failure to complete the acknowledgment pursuant to paragraph (1) is not a violation of this title. However, the Secretary of State shall not accept a statement of organization unless the acknowledgment has been completed.

(3) This subdivision shall not become operative until the Secretary of State certifies an online filing and disclosure system pursuant to paragraph (7) of subdivision (b) of Section 84602.

(+) (e) The full name and office sought by a candidate, and the title and ballot number, if any, of

any measure, that the committee supports or opposes as its primary activity. A committee that does not support or oppose one or more candidates or ballot measures as its primary activity shall provide a brief description of its political activities, including whether it supports or opposes candidates or measures and whether such candidates or measures have common characteristics, such as a political party preference.

(+) (f) A statement whether the committee is independent or controlled and, if it is controlled, the name of each candidate or state measure proponent by which it is controlled, or the name of any controlled committee with which it acts jointly. If a committee is controlled by a candidate for partisan or voter-nominated office, the controlled committee shall indicate the political party, if any, for which the candidate has disclosed a preference.

(+) (g) For a committee that is a committee by virtue of subdivision (a) or (b) of Section 82013, the name and address of the financial institution in which the committee has established an account and the account number.

(+) (h) Other information as shall be required by the rules or regulations of the Commission consistent with the purposes and provisions of this chapter.

**§ 84103. Statement of Organization; Amendment.**

(a) If there is a change in any of the information contained in a statement of organization, an amendment shall be filed within 10 days to reflect the change. The committee shall file the original of the amendment online or electronically with the Secretary of State and shall also file a copy of the amendment with the local filing officer, if any, with whom the committee is required to file the originals of its campaign reports pursuant to Section 84215.

(b) In addition to filing an amendment to a statement of organization as required by subdivision (a), a committee as defined in subdivision (a) of Section 82013 shall file an amendment to its statement of organization within 24 hours if the change requiring the amendment occurs within 16 days before the date of the election in connection with which the committee is required to file a preelection statement, and if any of the following information is changed:

(1) The name of the committee.

(2) The name of the treasurer or other principal

officers.

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

The amendment shall include the changed information, the date of the change, and the committee's name and identification number.

The committee shall file the original of the amendment online or electronically with the Secretary of State and a copy with the local filing officer, if any, with whom the committee is required to file the original of its campaign reports, by email, fax, online transmission, guaranteed overnight delivery, or personal delivery.

(c) (1) If an amendment to a statement of organization identifies a new treasurer or assistant treasurer that person shall complete the acknowledgment required by subdivision (d) of Section 84102.

(2) A failure to complete the acknowledgment pursuant to paragraph (1) is not a violation of this title. However, the Secretary of State shall not accept an amendment to a statement of organization that identifies a new treasurer or assistant treasurer unless the acknowledgment has been completed.

(3) This subdivision shall not become operative until the Secretary of State certifies an online filing and disclosure system pursuant to paragraph (7) of subdivision (b) of Section 84602.

**ASSEMBLY BILL 571, CHAPTER 556, STATUTES OF 2019.**

**These subdivisions shall not become operative until January 1, 2021**

**§ 85301. Limits on Contributions from Persons.**

(a) A person, other than a small contributor committee or political party committee, ~~may shall~~ not make to ~~any a~~ candidate for elective state office other than a candidate for statewide elective office, and a candidate for elective state office other than a candidate for statewide elective office ~~may shall~~ not accept from a person, ~~any a~~ contribution totaling more than three thousand dollars (\$3,000) per election.

(b) Except to a candidate for Governor, a person, other than a small contributor committee or political party committee, ~~may shall~~ not make to ~~any a~~ candidate for statewide elective office, and except a candidate for Governor, a candidate for statewide elective office ~~may shall~~ not accept from a person other than a small contributor committee or a political party committee, ~~any a~~ contribution totaling more than five thousand dollars (\$5,000) per election.

(c) A person, other than a small contributor committee or political party committee, ~~may shall~~ not make to ~~any a~~ candidate for Governor, and a candidate for ~~governor may~~ Governor shall not accept from any person other than a small contributor committee or political party committee, ~~any a~~ contribution totaling more than twenty thousand dollars (\$20,000) per election.

(d)(1) A person shall not make to a candidate for elective county or city office, and a candidate for elective county or city office shall not accept from a person, a contribution totaling more than the amount set forth in subdivision (a) per election, as that amount is adjusted by the Commission pursuant to Section 83124. This subdivision does not apply in a jurisdiction in which the county or city imposes a limit on contributions pursuant to Section 85702.5.

(2) This subdivision shall become operative on January 1, 2021.

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

**§ 85305. Restrictions on Contributions by Candidates.**

(a) A candidate for elective state office or committee controlled by that candidate ~~may shall~~ not make any contribution to any other candidate for elective state office in excess of the limits set forth in subdivision (a) of Section 85301.

(b) This section shall remain in effect only until January 1, 2021, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2021, deletes or extends that date.

**§ 85305. Restrictions on Contributions by Candidates.**

(a) A candidate for elective state, county, or city office or committee controlled by that candidate shall not make a contribution to any other candidate for elective state, county, or city office in excess of the limits set forth in subdivision (a) of Section 85301. This section does not apply in a jurisdiction in which the county or city imposes a limit on contributions pursuant to Section 85702.5.

(b) This section shall become operative on January 1, 2021.

**§ 85306. Transfers Between a Candidate's Own Committees; Use of Funds Raised Prior to Effective Date.**

(a) A candidate may transfer campaign funds from one controlled committee to a controlled committee for elective state office of the same candidate. Contributions transferred shall be attributed to specific contributors using a "last in, first out" or "first in, first out" accounting method, and these attributed contributions when aggregated with all other contributions from the same contributor may not exceed the limits set forth in Section 85301 or 85302.

(b) Notwithstanding subdivision (a), a candidate for elective state office, other than a candidate for statewide elective office, who possesses campaign funds on January 1, 2001, may use those funds to seek elective office without attributing the funds to specific contributors.

(c) Notwithstanding subdivision (a), a candidate for statewide elective office who possesses campaign funds on November 6, 2002, may use those funds to seek elective office without attributing the funds to specific contributors.

(d) This section shall remain in effect only until January 1, 2021, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2021, deletes or extends that date.

**§ 85306. Transfers Between a Candidate's Own Committees; Use of Funds Raised Prior to Effective Date.**

(a) A candidate may transfer campaign funds

from one controlled committee to a controlled committee for elective state, county, or city office of the same candidate. Contributions transferred shall be attributed to specific contributors using a “last in, first out” or “first in, first out” accounting method, and these attributed contributions when aggregated with all other contributions from the same contributor shall not exceed the limits set forth in Section 85301 or 85302.

(b) Notwithstanding subdivision (a), a candidate for elective state office, other than a candidate for statewide elective office, who possesses campaign funds on January 1, 2001, may use those funds to seek elective office without attributing the funds to specific contributors.

(c) Notwithstanding subdivision (a), a candidate for statewide elective office who possesses campaign funds on November 6, 2002, may use those funds to seek elective office without attributing the funds to specific contributors.

(d) This section does not apply in a jurisdiction in which the county or city imposes a limit on contributions pursuant to Section 85702.5.

(e) This section shall become operative on January 1, 2021.

**§ 85307. Loans.**

(a) The provisions of this article regarding loans apply to extensions of credit, but do not apply to loans made to a candidate by a commercial lending institution in the lender’s regular course of business on terms available to members of the general public for which the candidate is personally liable.

(b) Notwithstanding subdivision (a), a candidate for elective state office ~~may shall~~ not personally loan to ~~his or her~~ the candidate’s campaign, including the proceeds of a loan obtained by the candidate from a commercial lending institution, an amount, the outstanding balance of which exceeds one hundred thousand dollars (\$100,000). A candidate ~~may shall~~ not charge interest on any loan ~~he or she~~ the candidate made to ~~his or her~~ the candidate’s campaign.

(c) This section shall remain in effect only until January 1, 2021, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2021, deletes or extends that date.

**§ 85307. Loans.**

(a) The provisions of this article regarding loans apply to extensions of credit, but do not apply to loans made to a candidate by a commercial lending institution in the lender’s regular course of business on terms available to members of the general public for which the candidate is personally liable.

(b) Notwithstanding subdivision (a), a candidate

for elective state, county, or city office shall not personally loan to the candidate’s campaign, including the proceeds of a loan obtained by the candidate from a commercial lending institution, an amount, the outstanding balance of which exceeds one hundred thousand dollars (\$100,000). A candidate shall not charge interest on any loan the candidate made to the candidate’s campaign. This subdivision does not apply to a jurisdiction in which the county or city imposes a limit on contributions pursuant to Section 85702.5.

(c) This section shall become operative on January 1, 2021.

**§ 85315. Elected State Officer Recall Committees.**

(a) Notwithstanding any other provision of this chapter, an elected state officer may establish a committee to oppose the qualification of a recall measure, and the recall election. This committee may be established when the elected state officer receives a notice of intent to recall pursuant to Section 11021 of the Elections Code. An elected state officer may accept campaign contributions to oppose the qualification of a recall measure, and if qualification is successful, the recall election, without regard to the campaign contributions limits set forth in this chapter. The voluntary expenditure limits do not apply to expenditures made to oppose the qualification of a recall measure or to oppose the recall election.

(b) After the failure of a recall petition or after the recall election, the committee formed by the elected state officer shall wind down its activities and dissolve. Any remaining funds shall be treated as surplus funds and shall be expended within 30 days after the failure of the recall petition or after the recall election for a purpose specified in subdivision (b) of Section 89519.

(c) This section shall remain in effect only until January 1, 2021, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2021, deletes or extends that date.

**§ 85315. Elected State Officer Recall Committees.**

(a) Notwithstanding any other provision of this chapter, an elected state, county, or city officer may establish a committee to oppose the qualification of a recall measure, and the recall election. This committee may be established when the elected state, county, or city officer receives a notice of intent to recall pursuant to Section 11021 of the Elections Code. An elected state, county, or city officer may accept campaign contributions to oppose the qualification of a recall measure, and if qualification is successful, the recall election, without regard to the campaign contribution limits set forth in this chapter. The voluntary

expenditure limits do not apply to expenditures made to oppose the qualification of a recall measure or to oppose the recall election.

(b) After the failure of a recall petition or after the recall election, the committee formed by the elected state, county, or city officer shall wind down its activities and dissolve. Any remaining funds shall be treated as surplus funds and shall be expended within 30 days after the failure of the recall petition or after the recall election for a purpose specified in subdivision (b) of Section 89519.

(c) This section does not apply in a jurisdiction in which the county or city imposes a limit on contributions pursuant to Section 85702.5.

(d) This section shall become operative on January 1, 2021.

**§ 85316. Post-Election Fundraising Restrictions; State Officeholder Accounts.**

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

(b) Notwithstanding subdivision (a), an elected state officer may accept contributions after the date of the election for the purpose of paying expenses associated with holding the office provided that the contributions are not expended for any contribution to any state or local committee. Contributions received pursuant to this subdivision shall be deposited into a bank account established solely for the purposes specified in this subdivision.

(1) ~~Not~~ A person shall not make, and ~~no~~ an elected state officer shall not receive from a person, a contribution pursuant to this subdivision totaling more than the following amounts per calendar year:

(A) Three thousand dollars (\$3,000) in the case of an elected state officer of the Assembly or Senate.

(B) Five thousand dollars (\$5,000) in the case of a statewide elected state officer other than the Governor.

(C) Twenty thousand dollars (\$20,000) in the case of the Governor.

(2) ~~Not~~ An elected state officer shall not receive contributions pursuant to paragraph (1) that, in the aggregate, total more than the following amounts per calendar year:

(A) Fifty thousand dollars (\$50,000) in the case of an elected state officer of the Assembly or Senate.

(B) One hundred thousand dollars (\$100,000) in the case of a statewide elected state officer other than the Governor.

(C) Two hundred thousand dollars (\$200,000) in the case of the Governor.

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

(4) The ~~commission~~ Commission shall adjust the calendar year contribution limitations and aggregate contribution limitations set forth in this subdivision in January of every odd-numbered year to reflect any increase or decrease in the Consumer Price Index. Those adjustments shall be rounded to the nearest one hundred dollars (\$100).

(c) This section shall remain in effect only until January 1, 2021, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2021, deletes or extends that date.

**§ 85316. Post-Election Fundraising Restrictions; State Officeholder Accounts.**

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

(b) Notwithstanding subdivision (a), an elected state officer may accept contributions after the date of the election for the purpose of paying expenses associated with holding the office provided that the contributions are not expended for any contribution to any state or local committee. Contributions received pursuant to this subdivision shall be deposited into a bank account established solely for the purposes specified in this subdivision.

(1) A person shall not make, and an elected state officer shall not receive from a person, a contribution pursuant to this subdivision totaling more than the following amounts per calendar year:

(A) Three thousand dollars (\$3,000) in the case of an elected state officer of the Assembly or Senate.

(B) Five thousand dollars (\$5,000) in the case of

a statewide elected state officer other than the Governor.

(C) Twenty thousand dollars (\$20,000) in the case of the Governor.

(2) An elected state officer shall not receive contributions pursuant to paragraph (1) that, in the aggregate, total more than the following amounts per calendar year:

(A) Fifty thousand dollars (\$50,000) in the case of an elected state officer of the Assembly or Senate.

(B) One hundred thousand dollars (\$100,000) in the case of a statewide elected state officer other than the Governor.

(C) Two hundred thousand dollars (\$200,000) in the case of the Governor.

(3) Any contribution received pursuant to this subdivision shall be deemed to be a contribution to that candidate for election to any state office that the candidate may seek during the term of office to which the candidate is currently elected, including, but not limited to, reelection to the office the candidate currently holds, and shall be subject to any applicable contribution limit provided in this title. If a contribution received pursuant to this subdivision exceeds the allowable contribution limit for the office sought, the candidate shall return the amount exceeding the limit to the contributor on a basis to be determined by the Commission. The expenditures made by elected state officers pursuant to this subdivision shall not be subject to the voluntary expenditure limitations in Section 85400.

(4) The Commission shall adjust the calendar year contribution limitations and aggregate contribution limitations set forth in this subdivision in January of every odd-numbered year to reflect any increase or decrease in the Consumer Price Index. Those adjustments shall be rounded to the nearest one hundred dollars (\$100).

(c) This section does not apply in a jurisdiction in which the county or city imposes a limit on contributions pursuant to Section 85702.5.

(d) This section shall become operative on January 1, 2021.

#### **§ 85317. Carry Over of Contributions.**

(a) Notwithstanding subdivision (a) of Section 85306, a candidate for elective state office may carry over contributions raised in connection with one election for elective state office to pay campaign expenditures incurred in connection with a subsequent election for the same elective state office.

(b) This section shall remain in effect only until January 1, 2021, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2021, deletes or extends that date.

#### **§ 85317. Carry Over of Contributions.**

(a) Notwithstanding subdivision (a) of Section 85306, a candidate for elective state, county, or city office may carry over contributions raised in connection with one election for elective state, county, or city office to pay campaign expenditures incurred in connection with a subsequent election for the same elective state, county, or city office. This section does not apply in a jurisdiction in which the county or city imposes a limit on contributions pursuant to Section 85702.5.

(b) This section shall become operative on January 1, 2021.

#### **§ 85318. Contributions Received for Primary and General Elections.**

(a) A candidate for elective state office may raise contributions for a general election ~~prior to~~ before the primary election, and for a special general election ~~prior to~~ before a special primary election, for the same elective state office if the candidate sets aside these contributions and uses these contributions for the general election or special general election. If the candidate for elective state office is defeated in the primary election or special primary election, or otherwise withdraws from the general election or special general election, the general election or special general election funds shall be refunded to the contributors on a pro rata basis less any expenses associated with the raising and administration of general election or special general election contributions. Notwithstanding Section 85201, candidates for elective state office may establish separate campaign contribution accounts for the primary and general elections or special primary and special general elections.

(b) This section shall remain in effect only until January 1, 2021, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2021, deletes or extends that date.

#### **§ 85318. Contributions Received for Primary and General Elections.**

(a) A candidate for elective state, county, or city office may raise contributions for a general election before the primary election, and for a special general election before a special primary election, for the same elective state, county, or city office if the candidate sets aside these contributions and uses these contributions for the general election or special general election. If the candidate for elective state, county, or city office is defeated in the primary election or special primary election, or otherwise withdraws from the general election or special general election, the general election or special general election funds shall be refunded to the contributors on

a pro rata basis less any expenses associated with the raising and administration of general election or special general election contributions. Notwithstanding Section 85201, candidates for elective state, county, or city office may establish separate campaign contribution accounts for the primary and general elections or special primary and special general elections.

(b) This section does not apply in a jurisdiction in which the county or city imposes a limit on contributions pursuant to Section 85702.5.

(c) This section shall become operative on January 1, 2021.

**§ 85702.5. Default Contribution Limits for City and County Jurisdictions**

(a) A county or city may, by ordinance or resolution, impose a limit on contributions to a candidate for elective county or city office that is different from the limit set forth in subdivision (d) of Section 85301. The limitation may also be imposed by means of a county or city initiative measure.

(b) A county or city that establishes a contribution limit pursuant to subdivision (a) may adopt enforcement standards for a violation of that limit, which may include administrative, civil, or criminal penalties.

(c) The Commission is not responsible for the administration or enforcement of a contribution limit adopted pursuant to subdivision (a).

(d) This section shall become operative on January 1, 2021. A county or city's limit on contributions to a candidate for elective county or city office that is in effect on the operative date of this section shall be deemed to be a limit imposed pursuant to subdivision (a).