

1 Amend 2 Cal. Code Regs., Section 18531.5 to read:

2 **§ 18531.5. Recall Elections.**

3 (a) Definitions. For purposes of this section:

4 (1) “Target officer” means an elected officer who is the subject of a recall effort.

5 (2) “Replacement candidate” means a candidate within the meaning of Section 82007
6 who is running to replace a target officer in the event the recall is successful and who is on the
7 same ballot as the recall measure.

8 (b) Application of Contribution and Voluntary Expenditure Limits to State and Elective
9 City and County Offices Subject to Section 85301(d) Recalls.

10 (1) Target Officer. Pursuant to Section 85315, the contribution limits of Chapter 5 of the
11 Act do not apply to contributions made to or accepted by an elected state officer, or an elected
12 city or county officer subject to Section 85301(d), who is the target of a recall into a separate
13 recall committee established to oppose the qualification of the recall measure or the recall
14 election. Pursuant to Section 85315, the voluntary expenditure limits of the Act do not apply to
15 expenditures made by an elected state officer, who is the target of a recall to oppose the
16 qualification of the recall measure or the recall election.

17 (2) Replacement Candidates. The replacement candidates in a state recall election are
18 seeking elective state office and therefore the contribution and voluntary expenditure limits of
19 Chapter 5 of the Act apply to replacement candidates. The replacement candidates in a city or
20 county recall election for offices that are subject to Section 85301 (d) are seeking elective city
21 or county office subject to Section 85301(d) and therefore the contribution limits under the
22 Act apply to replacement candidates seeking elective city or county office subject to Section
23 85301(d).

1 (3) Committees Primarily Formed to Support or Oppose a Recall. A recall is included
2 within the definition of a “measure” in Section 82043. Therefore, except as provided in this
3 subdivision, the contribution and voluntary expenditure limits of Chapter 5 of the Act do not
4 apply to a committee primarily formed to support or oppose a recall.

5 (c) Committee Formation and Campaign Report Filing Obligations. All candidates and
6 committees that raise and spend funds in connection with a recall have full reporting and
7 disclosure obligations under Chapters 4 and 5 of the Act.

8 (1) Target Officer. A target officer may use a committee for the office held to oppose
9 the recall. A target officer may also establish a separate committee to oppose a recall upon
10 receiving a notice of intent to recall the officer pursuant to Elections Code section 11021. A target
11 officer must deposit contributions accepted in the separate committee to oppose the recall in a
12 single bank account at a financial institution located in the State of California which is separate
13 from any other bank account held by the officer, including any campaign bank account. The word
14 “recall” and the name of the target officer shall be included as part of the committee name in the
15 statement of organization filed for the committee pursuant to Section 84107. A target officer
16 opposing a recall is not required to file a new statement of intention to be a candidate for elective
17 office pursuant to Section 85200.

18 (2) Replacement Candidate. A replacement candidate may establish a committee to
19 seek elective office in a recall election. A replacement candidate must disclose all contributions
20 received and expenditures made pursuing elective office, even if the target officer has not yet
21 been served with notice of intent to recall. A replacement candidate is required to file a statement
22 of intention to be a candidate for elective office pursuant to Section 85200.

23 (3) Committees Primarily Formed to Support or Oppose a Recall (Including

1 Recall Proponents and Opponents). A person or group of persons who raises or spends
2 more than
3 \$2,000 for a recall attempt qualifies as a “committee” under Section 82013 when the target
4 officer is served with a notice of intent to recall pursuant to Elections Code section 11021. Once
5 the notice of intent to recall is given, the committee must report on its first campaign statement
6 all contributions received and expenditures made for the purpose of influencing the electorate to
7 sign a recall petition or to vote for or against a recall election, regardless of when the
8 contributions were received or expenditures were made. A committee primarily formed to
9 support or oppose the recall of an elected officer must identify in the committee name, the name
10 of the elected officer and whether the committee is in support of or opposition to the recall.

11 COMMENT: Committees active in a recall must file all campaign reports required by Chapters 4
12 and 5 of the Act. These reports include the following: the target officer, committees primarily
13 formed to support or oppose a recall measure, and the replacement candidates must all file the
14 semi-annual campaign reports and two pre-election reports preceding the recall election, required
15 by Sections 84200, 84200.5 and 84200.8. In addition, committees primarily formed to support or
16 oppose a recall measure, including a separate committee established by a target officer to oppose
17 a recall measure, must file quarterly campaign reports required by Section 84202.3. For recalls of
18 an elected state officer the electronic reports required by Section 85309 must be also filed.

19 In addition, pursuant to Sections 81013, ~~and 81009.5~~, and 85301, nothing in the Act prevents a
20 local jurisdiction from adopting a local ordinance with additional or different requirements
21 applicable to candidates or committees involved in recall elections in that jurisdiction, including
22 applying contribution limits to all candidates and committees participating in the recall, so long
23 as the local ordinance does not prevent the persons from complying with the Act.

- 1 Note: Authority cited: Section 83112, Government Code. Reference: Sections 82007, 82043,
- 2 84107, 84211, 85200, 85301, 85302, ~~and~~ 85315, and 85702.5, Government Code.