



ATTACHMENT A – Summarized SB 1239/AB 909 Changes and Recommendations

Section 81004—Reports and Statements; Perjury; Verification

Amendments:

- Adds language clarifying that reports and statements must be signed and verified “in compliance with this section and Section 84213, as applicable.”
- Requires electronic filings to include a “secure electronic signature” that conforms to Civil Code Section 1633.11.
- Includes presumption that filings by vendor/service provider authorized by filer to be filed under penalty of perjury.

Referenced by Regulations 18402.2, 18419, 18421.10, 18426.1, and 18427.

Recommendations:

- Repeal Regulation 18465.1 (Verification of Online Filers): Regulation 18465.1 currently includes the presumption of filing under perjury by a vendor/service provider. The regulation’s other provision, pertaining to the filing deadline for a verification concerning an independent expenditure, is also no longer necessary, as the verification will now be included on campaign statements, so a separate form is not necessary. Accordingly, we should repeal Regulation 18465.1.

Section 81007—Mailing of Report or Statement

Amendments:

- Clarifies the section applies to reports/statements filed in paper format.

No references.

Section 81007.5—Faxing of Report or Statement

Amendments:

- Clarifies the section applies to reports/statements “other than a report or statement that is required to be filed online or electronically with the Secretary of State”
- Updates language to include reference to emailed reports/statements in addition to faxed reports statements (emailed reports/statements not considered filed if emailed report/statement not a true and correct copy of original; filing officer required to make emailed report/statement available to public in manner described in Section 81008).
- Removes provision stating “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.”

No references.

Section 81008—Public Records; Inspection; Reproduction; Time; Charges

Amendments:

- Adds requirement that “[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.”

No references.

Section 81009—Preservation of Reports and Statements

Amendments:

- Updates references to “microfilm” to “an electronic copy” for record retention purposes.
- Adds requirement that “[r]eports and statements filed online or electronically under this title shall be retained and archived pursuant to this section and Section 84602 or 84615.”

No references.

Section 81010—Duties of the Filing Officer

Amendments:

- Non-substantive

No references.

Section 82006—Campaign Statement

Amendments:

- Adds that campaign statement may be filed on a form “or in a manner” prescribed by the Commission.
- Adds that campaign statement must provide the information required by Chapter 5, in addition to Chapter 4 (already required).

No references.

Section 84101—Statement of Organization; filing

Amendments:

- Adds requirement that a committee’s original statement of organization be filed “online or electronically.”
- Adds references to emailed copies of statements, in addition to “sent” copies.
- Adds qualification to subdivision (b), that a committee qualifying as a committee under Section 82013 “within 16 days” of an election must file, within 24 hours of qualifying as a committee under 82013, its original statement of organization “online or electronically with the Secretary of State, and a copy with the local filing officer, if any....”

- Similarly adds qualification that if an independent expenditure committee qualifies as a committee under Section 82013 and makes IEs of \$1,000+ to support/oppose a candidate must file, within 24 hours of qualifying as a committee under 82013, its original statement of organization “online or electronically with the Secretary of State, and a copy with the local filing officer, if any....”

Referenced by Regulations 18402.1, 18404, 18410, and 18421.8.

Section 84101.5—Annual Fees

Amendments:

- Updates annual committee fee due date to April 30, instead of January 15.
- Removes provision pertaining to committees that existed before 2013.

No references.

Section 84102—Statement of Organization; Contents

Amendments:

- Adds requirement that email addresses of committee and principal officers (including treasurer) be included in statement of organization.
- (AB 909) Introduces, in subdivision (d), a treasurer acknowledgment requirement to the filing of a statement of organization.
- (AB 909) Reorganizes statute as a result of new treasurer acknowledgment requirement inserted into subdivision (d). Accordingly, former subdivisions (d)-(g) become subdivisions (e)-(h).

Referenced by: Regulations 18402, 18402.1, 18404.1, 18410, 18419, 18421.8, 18429, and 18430.

Recommendations:

- Amend Regulation 18402.1 (Principal Officers) to include requirement that committees disclose email addresses of principal officer(s) in statements of organization.
- Amend Regulation 18410 (Statement of Organization): to include requirement that the statement include the treasurer’s email address, as well as acknowledgments by treasurer and assistant treasurer (given that regulation already duplicates Section 84102’s other identification requirements).

Section 84103—Statement of Organization; Amendment

Amendments:

- Adds reference that amendments to a statement of organization be filed “online or electronically.”
- Adds requirement that committees qualifying as committees under Section 82013 must “file an amendment to its statement of organization” within 24 hours if the change requiring the amendment occurs “within 16 days” before an election and certain information is changed.

- Adds requirement that the committee file the original of the amendment online or electronically with the Secretary of State and a copy with the local filing officer.
- Removes language permitting filing by methods other than online/electronically, such as “facsimile transmission” or “guaranteed overnight delivery.”
- (AB 909) Adds subdivision (c), which requires that an amended statement of organization listing a new treasurer or assistant treasurer include a completed acknowledgement of responsibility/liability pursuant to Section 84102(d).

Referenced by Regulations 18402.1, 18404.1, and 18410.

Section 84108—Slate Mailer Organization; Statement of Organization

Amendments:

- Adds requirement that statement of organization of a slate mailer organization include the email address of the organization, treasurer and other principal officers.
- Adds requirement that statement of organization be filed “online or electronically” with Secretary of State.
- Adds requirement that statement of organization be filed online or electronically if the entity qualifies as an organization “within 16 days” before an election.
- Removes references to filing methods other than online/electronically.

Referenced by Regulation 18402.1.

Section 84200.8—Timing for Filing Preelection Statements

Amendments:

- Adds requirement that pre-election statements are “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.”
- Removes provision requiring that certain pre-election statements be filed by guaranteed overnight delivery service or personal delivery

Referenced by Regulation 18405.

Section 84203—Late Contributions; Reports

Amendments:

- Adds requirement that late contributions reported in a campaign statement pursuant to Section 84215 include 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.”
- Adds requirement that “[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.”
- Removes reference to filing by fax, overnight delivery, or personal delivery

Referenced by Regulations 18421.1, 18425, 18404, 18405, 18427.1, and 18431.

Section 84204—Late Independent Expenditures; Reports

Amendments:

- Adds requirement that “[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.”
- Adds requirement that a late independent expenditure report include “whether the expenditure was made to support or oppose the candidate or ballot measure....”
- Removes reference to filing by fax, overnight delivery, or personal delivery.

Referenced by Regulations 18404, 18405, 18413, 18422, 18431, and 18466.

Section 84204.5—Ballot Measure Contributions and Expenditures; Reports

Amendments:

- Non-substantive

Referenced by Regulations 18405 and 18466.

Section 84211—Contents of Campaign Statements

Amendments:

- Adds requirement that a campaign statement, where 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, include “whether the contribution was made in the form of a monetary contribution, in-kind contribution of goods or services, or a loan.”
- Adds requirement to include date of certain reported expenditures in campaign statements.
- Adds requirement to include email address of candidate/committee in campaign statements.

Referenced by Regulations 18401, 18421, 18421.1, 18421.3, 18421.4, 18421.5, 18421.6, 18421.7, 18421.8, 18421.9, 18421.10, 18423, 18428, 18430, 18431, and 18432.

Recommendations:

- Amend Regulation 18406 (Short Form for Candidates or Officeholders Who Receive and Spend Less Than \$2,000 in a Calendar Year): Regulation 18406 provides the details for the campaign statement short form the FPPC is authorized to provide under Section 84206. It should be updated to include a requirement that short form campaign statements include the candidate’s email address, as now required with general campaign statements under Section 84211.

Section 84213—Verification

Amendments:

- Removes reference to campaign statements being filed “only with the Commission.”

Referenced by Regulations 18427 and 18465.1.

Section 84215—Campaign Reports and Statements; Where to File

Amendments:

- Adds language specifying that campaign statements filed by statewide elected officials and other certain official must file campaign statements with the Secretary of State.
- Adds language that other types of officials must file a copy of their campaign statements with the elections official of the “if the filing is in paper format.”
- Adds requirement that “[e]lected 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 official or candidate is domiciled, as defined in subdivision (b) of Section 349 of the Elections Code.”
- Adds language that certain officials must file campaign statements with the city clerk “if the filing is in paper format.”

Referenced by Regulations 18404, 18404.1, 18405, and 18451.

Section 84217—Federal Office Candidates; Places Filed (Repealed)

Section repealed.

Section 84219—Slate Mailer Organization; Semi-Annual Statements; Contents

Amendments:

- Adds requirement that slate mailer organization campaign statements include the date of disbursements for each person to have received a disbursement of \$100+ during the period covered by the statement.
- Adds requirement that slate mailer organization campaign statements include the email address of the slate mailer organization and treasurer

Referenced by Regulation 18401.1.

Section 84223—Top Ten Contributor Lists

Amendments:

- Adds language stating that “the Secretary of State” (rather than the Commission) shall maintain a top 10 contributor list for committees that raise \$1 million or more and “the list shall be based on the filer’s campaign statements and reports.”
- Removes the Commission’s involvement in top 10 contributor lists (e.g., forwarding the lists to the Secretary of State)
- Removes provision that stated “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.”

Referenced by Regulation 18422.5.

Recommendations:

- Repeal and Adopt Regulation 18422.5 (Top Contributor Disclosure by Committees Primarily Formed for State Ballot Measures or Candidates):
 - Regulation 18422.5 reflects the former requirement under Section 84223(a) that a Top 10 Contributor list be sent to the Commission, whereas the amended statute requires the Secretary of State maintain such a list. The regulation should be updated to reflect the Secretary of State’s duties, rather than require or imply that the duty lies with the committee or the Commission.
 - Regulation 18422.5 also contains provisions about how the Commission will maintain/post Top 10 lists, which should be amended to reference the Secretary of State.

Section 84504.2—Disclosure; Print Ads

Amendments:

- Non-substantive.

Referenced by Regulation 18450.1.

Section 84602—Secretary of State’s Duties

Amendments:

- Adds that Secretary of State’s online and electronic filing system is to be used by people required to file reports and statements with the Secretary of State’s office pursuant to chapter 5, in addition to chapter 4 (already included).
- Adds requirement that “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 requirement by Section 84203, 84204, 84204.5, 84309, or 85500, as well as a periodic campaign statement required by this title.”
- Adds language stating that “a nonresidential address of a committee under Section 82013 may be made available on the Internet” (as opposed to other types of addresses that must not be made available online).
- Adds provision that “to facilitate data conversion during migration [from the previous filing system to the new filing system], the Secretary of State may make minor technical modifications or corrections to the migrated data.”

No references.

Section 84605—Who Shall File Online

Amendments:

- Adds reference to fact that reports/statements are filed pursuant to Chapter 5, in addition to Chapter 4 (already referenced).
- Removes minimum aggregate contribution thresholds at which point online/electronic reporting was required.
- Adds requirement that “any slate mailer organization 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” must file online/electronically with the Secretary of State.

- Removes provision stating, “committees and other persons that are not required to file online or electronically by this section may do so voluntarily.”
- Removes provision stating, “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.”

Referenced by Regulations 18450.11, 18451, 18465, 18465.1, and 18466.

Recommendations:

- Amend Regulation 18465 (Disclosure of Lobbying Entity Identification Numbers): Given that all lobbyists/firms/employers/coalitions are required to file their lobbying reports electronically (rather than those who exceed a certain threshold), Regulation 18465 (requiring disclosure of lobbying identification number in lobbying report) can be amended to remove subdivision (b), which currently states, “the requirements of this section are not applicable to reports filed on paper.”

Section 84606—Operation of Online Systems

Amendments:

- Removes provision stating: “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.”

No references.

Section 84612—Rejection of Electronic Filing; Procedures

Amendments:

- Adds provision stating that “[t]he 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.”

No references.

Section 84615—Campaign Reports and Statements—Electronic Filing for Local Agencies

Amendments:

- Updates minimum contribution threshold for mandatory local reporting from \$1,000 to \$2,000.
- Adds provision that local government agency may transition from its own electronic reporting system/format to the Cal-Access Replacement System and format.

No references.

Section 85200—Statement of Intention to be a Candidate

Amendments:

- Updates to specify that statement of intention to be a candidate for a specific office must be filed “online or electronically” with Secretary of State.

Referenced by Regulations 18520, 18521, 18525, 18530.4, 18530.45, 18531.5, 18531.62, 18536, 18537.1, and 18542.

Section 86100—Registration (Lobbying)

Amendments:

- Removes provision permitting a registration statement to be filed “physically . . . in paper format.”

Referenced by Regulations 18600, 18601, and 18611.

Recommendations:

- Amend Regulation 18601 (Withdrawal of Lobbyist Certification or Lobbying Firm Registration) to similarly require that a Notice of Withdrawal filed with the Secretary of State be filed online/electronically.

Section 86103—Lobbyist Certification; Requirements

Amendments:

- Adds requirement that lobbyist certification include the lobbyist’s email.
- Adds provision, with regard to a lobbyist’s completion of a mandatory ethics course, “[t]he date and confirmation that an individual has completed the ethics course may be transmitted to the Secretary of State by the legislative ethics committee.”
- Adds provision that registration fees be paid online at same time certification is submitted for registration to be active.

Referenced by Regulations 18600, 18601, and 18603.1.

Section 86104—Lobbying Firm; Registration Requirements

Amendments:

- Adds requirement that a lobbying firm registration include the firm’s email address.
- Adds requirement that a lobbying firm include the email address of each person with whom the firm contracts to provide lobbying services.
- Adds requirement that a lobbying firm include electronic confirmation confirming authorization by each person contracting with the firm to provide lobbying services.

No references.

Section 86105—Lobbyist Employer, Lobbying Coalition; Registration Requirements

Amendments:

- Adds requirement that a lobbyist employer registration include the email address of the lobbyist employer.

- Adds that the lobbyist certification of each lobbyist employed by the lobbyist employer must be “included by electronic link.”
- Adds specification that “principal place of business” is an acceptable address to include if the individual who is an interest to the lobbyist employer is self-employed.

No references.

Section 86107—Registration Statement; Amendment; Termination

Amendments:

- Adds that amendments to a registration statement must be filed “online or electronically.”

Referenced by Regulation 18603.

Section 86108—Registration Statement; Publication

Amendments:

- Removes provision stating: “(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).”
- Removes provision pertaining to not implementing this section before 2001.

Referenced by Regulation 18600.

Section 86109—Directory of Lobbyists, Lobbying Firms, and Lobbyist Employers

Section repealed.

Section 86109.5—Directory of Lobbyists, Lobbying Firms, and Lobbyist Employers; Online Version

Amendments:

- Deletes outdated provisions pertaining to initial implementation of Cal-ACCESS.

No references.

Section 86114—Periodic Reports; Lobbying Firms; Contents

Amendments:

- Adds requirements that periodic reports filed by lobbying firms include email addresses of firm, subcontractors.
- Adds language amending/clarifying requirement that firms must report contributions of \$100+ to committees primarily formed to *oppose* officers/candidates (in addition to contributions of \$100+ to committees primarily formed to *support* officers/candidates, already expressly required to be reported).

Referenced by Regulations 18612, 18613, 18614, 18616.4, 18617, and 18623.

Recommendations:

- Amend Regulation 18613 (Lobbying Firm Reporting): to similarly provide that \$100+ contributions must also be reported if they are made to committees primarily formed to oppose officers/candidates.

Section 86116—Periodic Reports; Employers and Others; Contents

Amendments:

- Adds requirement that periodic reports filed by lobbyist employers include email addresses of the employer/person filing the report.
- Adds language clarifying requirement that firms must report contributions of \$100 to committees primarily formed to oppose officers/candidates, in addition to committees primarily formed to support officers/candidates.

Referenced by Regulations 18614, 18615, 18616, 18616.4, 18617, and 18623.

Recommendations:

- Amend Regulation 18616.4 (Reports by Lobbying Coalitions Which Are Lobbyist Employers; Reports by Members of Lobbying Coalitions) to similarly require that reports by lobbying coalitions include the email address of each member (in addition to the name and business address already required) and the email address of the lobbying coalition (in addition to name and business address) on reports filed by employers/firms that are a part of a lobbying coalition.

Section 86118—Periodic Reports; Where to File

Amendments:

- Amends section to require online/electronic filing of periodic reports under 86114, 86116.

No references.