

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 the general election voluntary
19 expenditure limits of Chapter 5 of the Act apply to replacement candidates. The replacement
20 candidates in a city or county recall election for offices that are subject to Section 85301(d) are
21 seeking elective city or county office subject to Section 85301(d) and therefore the contribution
22 limits under the Act apply to replacement candidates seeking elective city or county office
23 subject to Section 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 the
9 recall. A target officer may also establish a separate committee to oppose a recall upon receiving
10 a notice of intent to recall the officer pursuant to Elections Code section 11021. A target officer
11 must deposit contributions accepted in the separate committee to oppose the recall in a single
12 bank account at a financial institution located in the State of California which is separate from
13 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. The target officer’s
16 other controlled committees are not required to file campaign statements pursuant to Regulation
17 18405(a), however, they may separately be required to file preelection statements pursuant to
18 Section 84200.5 based upon their activity. Contributions to any other controlled committee of the
19 target officer will not incur late contribution reporting requirements pursuant to Section 82036
20 and 84203 by virtue of the recall measure pertaining to the target officer appearing on the ballot.
21 A target officer opposing a recall is not required to file a new statement of intention to be a
22 candidate for elective office pursuant to Section 85200, nor a candidate statement of economic
23 interests pursuant to Section 87201.

1 (2) Replacement Candidate. A replacement candidate may establish a committee to seek
2 elective office in a recall election. A replacement candidate must disclose all contributions
3 received and expenditures made pursuing elective office, even if the target officer has not yet
4 been served with notice of intent to recall. A replacement candidate is required to file a statement
5 of intention to be a candidate for elective office pursuant to Section 85200 and a statement of
6 economic interests pursuant to Section 87201.

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

17 (d) Target Officer Committee Termination. Pursuant to Section 85315(b) after the **failure**
18 **of a recall petition or after the** recall election, the target officer’s committee must wind down its
19 activities and dissolve within 12 months. Any remaining funds shall be treated as surplus funds
20 and shall be expended within 30 days. The committee may remain open for more than 30 days
21 only to receive refunds from vendors and government entities for items paid on or prior to the
22 recall date and to pay, using existing funds, anticipated expenses associated with winding down

1 the committee including expenses associated with tax preparation, audit compliance, and to pay
2 outstanding invoices for items incurred on or before the recall election date.

3 (e) Advertisement Disclosures.

4 (1) Target Officer. Advertisements paid for by a target officer’s primarily formed ballot
5 measure committee to oppose the recall, that are not subject to Section 84504.6, shall include the
6 disclosures required for ballot measure advertisements paid for by a committee other than a
7 candidate controlled committee established for an elective office of the controlling candidate or
8 political party committee pursuant to Sections 84502 – 84504.3, 84504.7, and 85411 and
9 accompanying regulations.

10 (2) Replacement Candidate Committee for Election to Office. Advertisements paid for by
11 a replacement candidate’s committee for election, that are not subject to Section 84504.6, that
12 both support the candidate and pertain to the recall shall be treated as advertisements for the
13 candidate’s election and not as ballot measure advertisements. Such advertisements shall include
14 the disclosures required for a candidate controlled committee established for an elective office of
15 the controlling candidate pursuant to Sections 84305, 84310, 84502, 84504.4, and 84504.7 and
16 accompanying regulations.

17 (3) Replacement Candidate Primarily Formed Recall Ballot Measure Committee.
18 Advertisements pertaining to the recall paid for from a separate ballot measure committee
19 controlled by the replacement candidate, that are not subject to Section 84504.6, shall include the
20 disclosures required for ballot measure advertisements paid for by a committee other than a
21 candidate controlled committee established for an elective office of the controlling candidate or
22 political party committee pursuant to Sections 84502 – 84504.3, 84504.7 and 84511 and
23 accompanying regulations.

1 (4) Committees Primarily Formed to Support or Oppose a Recall. Advertisements paid
2 for by a non-candidate controlled committee primarily formed to support or oppose the recall,
3 that are not subject to Section 84504.6, shall include the disclosures required for ballot measure
4 advertisements paid for by a committee other than a candidate-controlled committee established
5 for an elective office of the controlling candidate or political party committee pursuant to
6 Sections 84502 - 84504.3, 84504.7 and 84511 and accompanying regulations.

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

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

21 Note: Authority cited: Section 83112, Government Code. Reference: Sections 82007, 82036,
22 82043, 84200.5, 84200.8, 84203, 84107, 84211, 84214, 84305, 84310, 84502, 84503, 84504,

- 1 84504.1, 84504.2, 84504.3, 84504.4, 84504.7, 84511, 85200, 85301, 85302, 85315, ~~and~~ 85702.5
- 2 and 87201, Government Code.