

REPORTING REQUIREMENTS

A. Overview

Individuals and entities making independent expenditures must file timely disclosure reports showing amounts paid and the candidates and ballot measures supported and opposed. The Act requires reporting of independent expenditures at specific times so that voters are fully informed and the true source of those paying for the independent expenditures is disclosed. In general, an independent expenditure of \$1,000 or more is reported on each of the forms listed below. Form 462 is signed by a principal officer stating that a communication reported as an independent expenditure meets the legal standards and there has been no reimbursement.

This chapter reviews when and where campaign statements that disclose independent expenditures must be filed:

- **Form 461**- Major Donor and Independent Expenditure Committee Campaign Statement
- **Form 462** - Verification of Independent Expenditures
- **Form 496** - 24-Hour/10-Day Independent Expenditure Report

Deadlines for filing reports are provided on filing schedules posted on the FPPC website. Disclosure reports must be filed on time so that voters are informed before an election.

- Filing deadlines cannot be extended.
- For statements required to be mailed, the date of the postmark is considered the date filed.
- Failure to file on time may lead to late filing penalties of \$10 for each day the statement is late.
- State electronic filers may be fined for a late filed paper and electronic form resulting in a \$20/day fine.
- Failure to file a statement may result in additional penalties.

B. Where to File

Filing Locations

For purposes of determining where to file, an independent expenditure committee qualifies anew each year and counts only the independent expenditures made to support or oppose candidates or measures during the current calendar year.

The Form 496 is always filed in the same location the candidate or measure being voted upon files. The FPPC receives the Form 462 which verifies that independent expenditures were not coordinated with the affected candidate or committee. The Form 461 is filed with the Secretary of State unless the committee qualifies as a city or county committee.

Form 461- Major Donor/Independent Expenditure Report

When an individual or entity qualifies as an independent expenditure committee it must file the Form 461 as a state, county or city committee.

State Committee: A person that makes an independent expenditure to support or oppose a state measure/candidate. The committee will also qualify as a state committee if it does not qualify as county or city committee. A committee will file as a state committee if it makes a single independent expenditure supporting or opposing a state candidate or committee. When a committee is not making payments in connection with state committees, it will file reports with a local filing officer as described below.

County Committee: A person that makes more than 70% of its independent expenditures to support or oppose candidates and measures in only one county, or in more than one jurisdiction within one county.

City Committee: A person that makes more than 70% of its independent expenditures to support or oppose candidates and measures in only one city (including the consolidated city/county of San Francisco).

Calendar Year Determination: A person qualifies as an independent expenditure committee anew each year and counts independent expenditures only during the current calendar year.

Quarterly Review: It is common for payments to be made in connection with more than one city, county, or state election. The FPPC recognizes the need to provide voters within the jurisdiction holding an election access to a donor's campaign statements and to abide by the local agency's campaign ordinance, if any. At the same time, the FPPC is aware of the reporting burden if persons must file in multiple jurisdictions.

Regulation 18227.5 addresses this issue by requiring an assessment of reporting status at the end of each quarter. However, a committee is not prohibited from changing its status before the end of a calendar quarter if it chooses to do so.

This regulation provides a common ground for the diversity of persons that spend money in both state and local California elections. Many persons prefer to file at the state level; thus the regulation allows for

Quick Tip

A committee that makes one IE in connection with a state candidate/measure will file the Form 461 with the Secretary of State. This is true no matter how many other IEs are made in connection with local elections.

filing with the Secretary of State when only a single contribution or independent expenditure is made. Committees that give locally will remain local committees.

Committees that change filing locations must file reports with both filing officers through the calendar year.

Exceptions:

- A person that has not made contributions and/or expenditures of \$5,000 or more to support or oppose candidates/measures in the preceding quarter is not required to review or change its status.
- City and county committees that make four or fewer contributions to certain state candidates are allowed to remain local committees.

Note: FPPC rules require that persons shall not knowingly file in an incorrect jurisdiction with the intention of avoiding the appropriate legal disclosure to the public. The FPPC may provide compliance advice.

Form 496 (24-Hour/10-Day Independent Expenditure Report)

A committee making independent expenditures must file the Form 496 in the same jurisdiction as the candidate or measure that is supported or opposed by the independent expenditure. This is so the voters in that jurisdiction have access to information about all payments, both contributions and independent expenditures, made in connection with the particular election.

Form 462 (Verification of Independent Expenditures)

The Form 462 is filed with the FPPC at form462@fppc.ca.gov.

Quick Tip

Although there are several campaign statements for each IE, the statements are simple to complete. The Form 461 is a two-page form and Forms 496 and 462 are one-page forms.

The following examples provide guidance on where to file the Forms 461, 462, and 496.

A. A corporation made a single independent expenditure of \$30,500 for a newspaper ad supporting a candidate for Insurance Commissioner. The ad is released 70 days before the candidate's election. The filings are as follows:

- Form 496 within 24 hours of the release of the ad (no Saturday, Sunday, or state holiday extension applies).
- Form 462 within 10 days of making the independent expenditure.
- Form 461 after the election.

The Forms 461 and 496 are filed with the Secretary of State. The Form 462 is emailed to the FPPC. Refer to filing schedules for deadlines and form instructions for filing requirements.

B. An individual made two independent expenditures 14 days before the November election. The expenditures were made on the same day; one for \$30,000 to support a state ballot measure; the second expenditure was \$2,000 to oppose a city ballot measure. The individual must file:

- Form 496 within 24 hours with the Secretary of State disclosing the \$30,000 expenditure.
- Form 496 within 24 hours with the city clerk disclosing the \$2,000 expenditure.
- Form 462 must be emailed to the FPPC within 10 days.
- Form 461 must be filed with the Secretary of State disclosing both expenditures by January 31.

C. A business made two independent expenditures, each \$5,000, to oppose a county ballot measure. The first independent expenditure was made 45 days before the election; the second independent expenditure was made five days before the election. No other expenditures or contributions were made.

The business must file the following:

- Form 496 within 24 hours of each of the independent expenditures.
- Form 462 must be emailed to the FPPC within 10 days of making the first independent expenditure. No other Form 462 must be filed in connection with this ballot measure.
- Form 461 at the semi-annual filing deadline following the election to disclose both independent expenditures.

Except for Form 462, the above reports are filed with the county. Refer to filing schedules for deadlines and form instructions for filing requirements.

Electronic Filing

State committees are required to file Form 461 electronically with the Secretary of State if cumulative independent expenditures or contributions made during the calendar year total \$25,000 or more. The cumulative totals include expenditures a state committee makes in connection with a local election. Independent expenditure committees need not file electronically in any calendar year in which they have not reached the \$25,000 threshold.

For information about state electronic filing requirements, contact the Secretary of State's office at (916) 653-6224 or visit www.sos.ca.gov.

Depending on when a committee qualifies, its first electronic filing may be a 24-Hour/10-Day independent expenditure report, or a semi-annual report. Some local jurisdictions may require campaign forms to be filed electronically. Contact the local jurisdiction for information.

Quick Tip

State committees must file the Form 461 in paper format with the Secretary of State even if the committee must also file reports electronically. Late fines may be assessed for both the paper and electronic form.

State Filers

| Paper Filers | Electronic Filers |
|----------------------|----------------------|
| 461: Paper | Paper and Electronic |
| 462: Email only | Email only |
| 496: Electronic only | Electronic only |
| 497: Electronic only | Electronic only |

C. Form 461 – Committee Campaign Statement

The Form 461 is used to report independent expenditures made to support or oppose California state and local candidates, officeholders, and ballot measures. If a committee makes contributions to state or local candidates or committees, they must also be disclosed. The report provides the public with information regarding the nature and interests of the person making the payments as well as a complete review of all independent expenditures made during the applicable reporting period. Independent expenditure committees terminate automatically at the end of each calendar year.

When to File Form 461

Semi-Annual Statements

January 1 – June 30: **Due July 31**

If an entity qualifies as a committee during the first six months of the year, the Form 461 is due no later than July 31, covering the period January 1 through June 30. If no additional independent expenditures or contributions are made during the second semi-annual period, July 1 through December 31, no other Form 461 is required during the calendar year.

July 1 – December 31: **Due January 31**

If an entity qualifies as a committee during the first six months of the year and any amount of contributions or independent expenditures are made after June 30, a Form 461 covering the period July 1 through December 31 is required. If an entity or individual qualifies as a committee during the second six months of the year, its Form 461 will be due no later than January 31, covering the period January 1 through December 31 of the prior year.

Semi-Annual Statement - Early Filing

An independent expenditure committee may file campaign statements before the deadline. For example, if a committee knows it will only make one independent expenditure of \$1,000 or more, it may file the Form 461 at any time before the deadline.

Amendments

If, at any time, a committee determines that an error has occurred on a previous filing, an amendment is required. Check the amendment box on Form 461 and complete Part 1. Only the amended information, including Part 3, if applicable, must be disclosed. Like the original, the amendment must be signed and dated. There is no deadline for filing amendments. However, amendments should be filed as soon as practicable.

Where to File Form 461

| | |
|---|--|
| State Committees Original & 1 Copy | Secretary of State Political Reform Division P.O. Box 1467 1500 11th Street, Room 495 Sacramento, CA 95814 Fax (916) 653-5045 Note: A copy is required, when applicable, with CalPERS or CalSTRS offices. |
| County Committees Original & 1 Copy | County Election Office Note: Includes most LAFCO proposals and LAFCO may require a copy. |
| City Committees Original & 1 Copy | City Clerk |

Major Donor and Independent Expenditure Committee Campaign Statement

| | |
|------------|----------------------------|
| Date Stamp | CALIFORNIA FORM 461 |
| | Page <u>1</u> of <u>2</u> |
| | For Official Use Only |

A Statement covers period
 from 1/X/XX
 through 12/X/XX

Date of election if applicable:
 (Month, Day, Year)

SEE INSTRUCTIONS ON REVERSE

1 Name and Address of Filer

NAME OF FILER
 New Ventures, Inc.

RESIDENTIAL OR MAILING ADDRESS (NO. AND STREET)
 345 Stone Way

CITY STATE ZIP CODE
 Sacramento CA 95826

RESPONSIBLE OFFICER (If filer is other than an individual) AREA CODE/DAYTIME PHONE
 Jeffrey Stone 916-333-3333

2 Nature and Interests of Filer (Complete each applicable section.)

A FILER WHO IS AN INDIVIDUAL MUST LIST THE NAME, ADDRESS, AND BUSINESS INTERESTS OF EMPLOYER OR, IF SELF-EMPLOYED, THE NAME, ADDRESS, AND NATURE OF THE BUSINESS

| | |
|---------------------------|--------------------|
| NAME OF EMPLOYER/BUSINESS | BUSINESS INTERESTS |
| | |

ADDRESS OF EMPLOYER/BUSINESS

A FILER THAT IS A BUSINESS ENTITY MUST DESCRIBE THE BUSINESS ACTIVITY IN WHICH IT IS ENGAGED

Developer

A FILER THAT IS AN ASSOCIATION MUST PROVIDE A SPECIFIC DESCRIPTION OF ITS INTERESTS

A FILER THAT IS NOT AN INDIVIDUAL, BUSINESS ENTITY, OR ASSOCIATION MUST DESCRIBE THE COMMON ECONOMIC INTEREST OF THE GROUP OR ENTITY

3. Summary
 (Amounts may be rounded to whole dollars.)

1. Expenditures and contributions (including loans) of \$100 or more made this period. (Part 5.)..... \$ 30,000

2. Unitemized expenditures and contributions (including loans) under \$100 made this period..... \$ 0

3. Total expenditures and contributions made this period. (Add Lines 1 + 2.)..... **SUBTOTAL \$ 30,000**

4. Total expenditures and contributions made from prior statement. (Enter amount from Line 5 of last statement filed. If this is the first statement for the calendar year, enter zero.)..... \$ 0

5. Total expenditures and contributions (including loans) made since January 1 of the current calendar year. (Add Lines 3 + 4.)..... **TOTAL \$ 30,000**

4. Verification

I have used all reasonable diligence in preparing this statement. I have reviewed the statement and to the best of my knowledge the information contained herein is true and complete. I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on 12/15/XX By [Signature Required]
 DATE SIGNATURE OF INDIVIDUAL DONOR OR RESPONSIBLE OFFICER, IF OTHER THAN AN INDIVIDUAL

Amendment (Explain): _____

How to Complete Form 461

A Statement Period and Date of Election

If this is the first filing of the calendar year, the “from” date should be January 1. Otherwise, this date should be the day after the closing date of the most recently filed Form 461. The closing date of the statement depends on the type of statement being filed.

1 Filer Information

Enter the legal name of the individual or entity filing the statement. If the filer is commonly known to the public by another name, that name may be used. When a person directs and controls the making of contributions and independent expenditures of a related entity that must be aggregated and reported on Form 461, (e.g., a subsidiary or a majority shareholder of a corporation) list as the “Name of Filer” the name of the individual or entity that directs and controls the making of the contributions and independent expenditures.

Ex 3.1 – Hector Flores is the sole owner of two separate businesses. Hector directed a \$7,000 contribution from one business to a local ballot measure committee in January and made a \$5,000 independent expenditure opposing a local candidate in February from the other business entity. Hector will file the Form 461 under the name “Hector Flores (including aggregated contributions and independent expenditures).” The Form 461 will identify each payment and the business entity that made each payment.

In addition:

- **Multiple Entities.** Indicate that the campaign statement includes the contributions and independent expenditures of other entities. For example, “ABC Corporation, including aggregated contributions/independent expenditures.”
- **New Entities.** Identify any entities added to the report that were not included in a prior report filed for the current calendar year, as well as any entities included in a prior report for the current calendar year that are no longer required to aggregate under the name of filer.

- **New Names.** Identify both names if the “Name of Filer” listed on a previous report filed for the current calendar year is different than the name identified on this report. For example, “Tim Lewis, formerly Lewis Construction.”
- **Officer.** Enter the name of the responsible officer of an entity or organization filing the statement.

2 Nature and Interests of Filer

The nature and interests of the filer must be clearly identified. The business activity, association interests, or economic interest must be described in the appropriate space. When payments from different persons are reported, if there are different interests, an attachment must identify the various persons and respective interests.

3 Summary

The summary lists the totals of all expenditures and contributions (including loans) made during the period covered by the statement. Collectively, Lines 1-3 represent the expenditures and contributions made during the reporting period. Line 4 must be the same figure shown on Line 5 of the previously filed statement or zero if it is the first statement for the calendar year. Line 5 represents the total of all expenditures and contributions made since January 1 of the calendar year covered by the report.

4 Verification

An attorney, a certified public accountant, or a responsible officer of an entity or an entity filing jointly with any number of affiliates may sign the verification on behalf of the entity or entities. However, a statement filed by an individual must be signed by the individual rather than the individual’s attorney or certified public accountant. The Form 461 is not considered filed if it is not signed.

Major Donor and Independent Expenditure Committee Campaign Statement

Amounts may be rounded to whole dollars.

| | |
|---|---|
| Statement covers period from <u>1/X/XX</u> through <u>12/X/XX</u> | CALIFORNIA FORM 461 Page <u>2</u> of <u>2</u> |
|---|---|

SEE INSTRUCTIONS ON REVERSE

NAME OF FILER
New Ventures, Inc.

5 Contributions (Including Loans, Forgiveness of Loans, and Loan Guarantees) and Expenditures Made

(If more space is needed, use additional copies of this page for continuation sheets.)

| DATE | NAME, STREET ADDRESS, CITY, STATE AND ZIP CODE OF PAYEE (IF COMMITTEE, ALSO ENTER I.D. NUMBER) | TYPE OF PAYMENT | DESCRIPTION OF PAYMENT (IF OTHER THAN MONETARY CONTRIBUTION OR LOAN) | CANDIDATE AND OFFICE, MEASURE AND JURISDICTION, OR COMMITTEE | AMOUNT THIS PERIOD | CUMULATIVE AMOUNT RELATED TO THIS CANDIDATE, MEASURE, OR COMMITTEE |
|--------------------|---|--|--|--|--------------------|--|
| 10/X/XX | Sacramento Bee 2100 Q Street Sacramento, CA 95819 | <input type="checkbox"/> Monetary Contribution <input type="checkbox"/> Loan <input type="checkbox"/> Non-Monetary Contribution <input checked="" type="checkbox"/> Independent Expenditure | Ad | Proposition 33, State or Clean energy Measure <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose | 10,000 | 30,000 |
| 10/X/XX | Media Services 10 I Street Folsom, CA 59811 Subvendors: | <input type="checkbox"/> Monetary Contribution <input type="checkbox"/> Loan <input type="checkbox"/> Non-Monetary Contribution <input checked="" type="checkbox"/> Independent Expenditure | Television and radio ads | Proposition 33, State or Clean Energy Measure <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose | 20,000 | 30,000 |
| 10/X/XX | KCRA Television (\$9,000) 1150 9th Street, Modesto, CA 95350 KFBK Radio (\$5,000) 1400 Ethan Way, Sacramento, CA 95825 | <input type="checkbox"/> Monetary Contribution <input type="checkbox"/> Loan <input type="checkbox"/> Non-Monetary Contribution <input type="checkbox"/> Independent Expenditure | | <input type="checkbox"/> Support <input type="checkbox"/> Oppose | | |
| 10/X/XX | Frank Soto (\$6,000) 124 Salem Dr., Sacramento, CA 95816 | <input type="checkbox"/> Monetary Contribution <input type="checkbox"/> Loan <input type="checkbox"/> Non-Monetary Contribution <input type="checkbox"/> Independent Expenditure | | <input type="checkbox"/> Support <input type="checkbox"/> Oppose | | |
| SUBTOTAL \$ | | | | | 30,000 | |

5 Contributions and Expenditures Made

Disclose the dates of the contributions or independent expenditures made during the period. A monetary contribution is made on the date it is mailed, delivered, or otherwise transmitted to the candidate or committee. A nonmonetary contribution is made on the earlier of the following: the date the expenditure is made for the goods or services; or the date the candidate, committee, or an agent obtains possession, control, or the benefit of the goods or services.

For purposes of disclosure on the Form 461, a payment made in connection with the development, production, or dissemination of a communication that is an independent expenditure must be reported no later than the date the communication is mailed, broadcast, or otherwise disseminated to the public. Even if the payment was previously reported on the Form 496 (24-Hour/10-Day Independent Expenditure Report), it must be reported on the subsequent Form 461.

Quick Tip

If the communication is never disseminated to the public, the independent expenditure need not be reported.

- Itemize each payment of \$100 or more. The name, street address, city, state, and zip code of the payee must be included. Also include committee I.D. numbers if applicable. Do not use a post office box number.
- Check the box indicating what type of payment was made. If the payment was a nonmonetary contribution, provide a description of the payment.
- If a total of \$100 or more was contributed or expended during a calendar year to support or oppose a single candidate or ballot measure, disclose the name of the candidate and the office sought or held, or the name and jurisdiction of the ballot measure. For each candidate or measure listed, indicate whether the payment was made to support or oppose the candidate or measure. If a nonmonetary contribution was made to a general purpose committee, enter the name of the committee.
- Provide the amount of contributions or independent expenditures made this period relative to each candidate, measure, or committee and the cumulative amount contributed or paid since January 1 of the current calendar year.
- **Multi-Purpose Organizations.** When a multi-purpose organization uses non-donor funds to make contributions or independent expenditures, it must briefly describe in the “Description of Payment” field or in a memo entry on the Form 461, the source of non-donor funds used. For example, if interest income was used to make the political payments, that must be noted.

Software Programs: Software programs may be purchased and may vary the display of data.

Valuing Mailings

Multiple candidates/measures: If a mass mailing supports or opposes more than one candidate or measure, the value attributable to each may be calculated by prorating the costs based on the amount of space allotted to each candidate or measure supported or opposed in the mailing.

Political and non-political material: The cost of a mailing containing both express advocacy supporting or opposing a ballot measure or candidate as well as non-political material may be prorated. Costs directly associated with the political message are reportable, including staff time of more than 10 percent in a calendar month.

Additional Rules

Affiliated Entities: When contributions or expenditures from affiliated entities are itemized on one statement, identify the entity that made each payment. In addition, the statement must identify the addition or deletion of any entity for which contributions and expenditures are aggregated together.

Agents and Contractors: If a payment was made to an agent or independent contractor who then made payments on behalf of the filer (subvendor payments), disclose payments made to the subvendor in addition to the payments made to the agent. Report the name and address of the agent, followed by the name and address of each subvendor paid \$500 or more. Amounts paid to the agent are disclosed in the “Amount this Period” column and the amounts paid to a subvendor(s) may be reported in the “Name of Payee” or the “Description of Payment” column.

Employee Time: If an employee spends more than 10 percent of his or her compensated time in any one month engaged in campaign activities (e.g., phone banks or precinct walking), the employer must report the payments. The names, addresses, and the specific salaries of the employees are not required to be disclosed. The amount is the prorata portion of the gross salary attributed to political activity.

If the committee makes contributions totaling \$10,000 or more in a calendar year, consult Campaign Disclosure Manual 5 for Major Donor Committees. The Form 461 is used by business entities and individuals to report contributions and independent expenditures. Information related to contributions is provided in Manual 5.

D. Form 462 - Verification of Independent Expenditures

The Form 462 identifies the individual who is a principal officer of a committee that has made an independent expenditure. This individual acknowledges, under penalty of perjury, the committee's independent expenditures were not coordinated with the listed candidate (or the candidate's opponent) or measure committee and that the committee will report all contributions and reimbursements as required by law.

Who is the Principal Officer?

A principal officer is the individual primarily responsible for approving the political activity of the committee such as:

- Authorizing the content of communications
- Authorizing independent expenditures
- Determining the committee's campaign strategy

In the case of a business entity that is making independent expenditures, if more than one individual shares primary responsibility for approving political activities, each individual is a principal officer.

An individual using his or her personal funds to make independent expenditures is considered the principal officer.

When to File Form 462

File Form 462 within 10 days from the date an independent expenditure is made that totals, in the aggregate, \$1,000 or more to support or oppose a candidate or measure in a calendar year. A candidate or measure is listed only once for each election. Once a candidate or measure is listed on Form 462, no further filings are required for that candidate or measure for that election.

Examples:

- A committee made independent expenditures to support a candidate in the primary election. A Form 462 is required for that election. An additional Form 462 is required if the committee later decides to make independent expenditures for the candidate in the general election.
- A committee filed a Form 462 listing a candidate. Several days later the committee made an independent expenditure in connection with a measure on the same ballot. The committee must file another Form 462.

Where to File Form 462

The Form 462 must be filed via email with the FPPC at form462@fppc.ca.gov. The original form must be maintained with the committee's records for four years.

Form 462
Verification of Independent Expenditures

CALIFORNIA
FORM 462

This verification form identifies the individual responsible for ensuring that a campaign committee's independent expenditures were not coordinated with the listed candidate (or the opponent) or measure committee and that the committee will report all contributions and reimbursements as required by law. An independent expenditure is not subject to state or local contribution limits.

Amendment (Explain)

1 Name of Committee:

| | | | |
|---|----------|-----------------|------------------|
| NAME OF RECIPIENT COMMITTEE, ENTITY OR INDIVIDUAL | | COMMITTEE ID # | |
| New Ventures, Inc. | | 0012453 | |
| STREET ADDRESS | | CITY | |
| 345 Stone Way | | Sacramento | |
| STATE | ZIP CODE | E-MAIL | TELEPHONE NUMBER |
| CA | 95826 | Ann@LALNPAC.web | (916) 333-3333 |

2 Candidate or Measures:

This committee has reported an independent expenditure(s) to support or oppose the candidate(s) or measure(s) listed on a ballot for the election date identified below. (Note: The reporting of an independent expenditure may occur after this form is filed if an independent expenditure is made before the 90 day, 24-hour reporting period of Government Code Sections 84204 and 85500.)

| NAME OF CANDIDATE (First/Last) OR BALLOT MEASURE | SUPPORT | OPPOSE | OFFICE SOUGHT OR HELD/ BALLOT NO./LETTER | JURISDICTION AND DISTRICT, IF ANY | ELECTION DATE |
|--|-------------------------------------|--------------------------|--|-----------------------------------|---------------|
| John Hardy | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Mayor | Los Angeles | 5/21/20XX |
| NAME OF CANDIDATE (First/Last) OR BALLOT MEASURE | <input type="checkbox"/> | <input type="checkbox"/> | OFFICE SOUGHT OR HELD/ BALLOT NO./LETTER | JURISDICTION AND DISTRICT, IF ANY | ELECTION DATE |
| NAME OF CANDIDATE (First/Last) OR BALLOT MEASURE | <input type="checkbox"/> | <input type="checkbox"/> | OFFICE SOUGHT OR HELD/ BALLOT NO./LETTER | JURISDICTION AND DISTRICT, IF ANY | ELECTION DATE |
| NAME OF CANDIDATE (First/Last) OR BALLOT MEASURE | <input type="checkbox"/> | <input type="checkbox"/> | OFFICE SOUGHT OR HELD/ BALLOT NO./LETTER | JURISDICTION AND DISTRICT, IF ANY | ELECTION DATE |

3 Verification:

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. I certify under penalty of perjury under the laws of the State of California that the following is true and correct.

Signature (Signature Required) Printed Name (Name of Principal Officer) Signed on (Date)
(month, day, year)

(Check One): Principal Officer Candidate/Officeholder State Ballot Measure Proponent

How to Complete Form 462

1 Name of Committee

Identify the name and street address of the committee that is making the independent expenditure(s). The address should be the same as the address reported on the Form 461 Major Donor/Independent Expenditure Report.

2 Independent Expenditures

List the candidate(s) and measure(s) supported or opposed. If the committee files this form and later makes independent expenditures in connection with other candidates or measures, subsequent forms do not need to repeat the previously identified candidates and measures.

3 Verification

The verification must be signed by a principal officer. An individual who is making independent expenditures is the principal officer. In the case of a business entity making independent expenditures and more than one individual qualifies as a principal officer, only one individual must sign the Form 462.

Note: This individual acknowledges, under penalty of perjury, the committee's independent expenditures were not coordinated with the listed candidate (or the candidate's opponent) or measure committee and that the committee will report all contributions and reimbursements as required by law.

F. Form 496 – 24-Hour/10-Day Independent Expenditure Report

The 24-Hour/10-Day reports are the most important of the independent expenditure disclosure reports because they provide real-time information before the election about who is spending to influence the outcome of an election. The Form 496 must be filed in addition to any required semi-annual campaign statements.

Independent expenditures also must be disclosed on the committee's next campaign statement (Form 461).

A Form 496 must be filed for each independent expenditure of \$1,000 or more. For example, if a Form 496 was filed reporting a \$5,000 independent expenditure in support of a candidate, a second Form 496 is required when subsequent independent expenditures reach \$1,000 or more.

State Committees

Form 496 - 24-Hour/10-Day Report: All state committees that make independent expenditures totaling \$1,000 or more to support or oppose a single state candidate or a single state ballot measure during the candidate's or measure's 90 day election cycle must file a separate Form 496 for each candidate or ballot measure supported or opposed. Form 496 must be filed electronically with the Secretary of State within 24 hours of making the expenditure. This is true even if the committee has not met the \$25,000 threshold that requires regular campaign reports to be filed electronically. The report must be filed within 24 hours of making a late independent expenditure regardless of the day of the week.

A state committee that makes independent expenditures of \$1,000 or more to support or oppose a local candidate or measure during the 90 days before the election, or on the date of the election, must also file the Form 496 within 24 hours. The report is filed with the local filing officer.

Ex 3.3 – A corporation made an independent expenditure supporting the Insurance Commissioner on May 1 of an even-numbered year, less than 90 days before the state primary election. The corporation is required to file the Form 496 electronically with the Secretary of State within 24 hours of making the expenditure (no Saturday, Sunday, or state holiday extension applies). This report is not required to be filed on paper.

Local Committees

Form 496 – 24-Hour/10-Day Report: This form must be filed if an independent expenditure of \$1,000 or more is made to support or oppose a single candidate or a single ballot measure during the 90 days prior to the local candidate’s or measure’s election, or on the date of the election. A separate report must be filed for each candidate or measure supported or opposed by fax, guaranteed overnight delivery, or personal delivery. Regular mail may not be used. Check with the local jurisdiction for electronic filing requirements. The report must be filed within 24 hours of making a late independent expenditure regardless of the day of the week.

Where to File

File the report in the same location(s) that a committee primarily formed to support or oppose the candidate or measure identified in the communication would file. This allows the voters in the jurisdiction where the election is taking place to have access to reports showing who has spent funds attempting to influence them. File a separate report for each candidate or ballot measure supported or opposed.

Ex 3.4 – An individual living in Sacramento County makes a late independent expenditure to support a Yolo County ballot measure. He will file the Form 496 with the Clerk of Yolo County, where the measure is being voted on. If the same individual makes an independent expenditure to support a city candidate in Elk Grove, he will also file a Form 496 with the City Clerk of Elk Grove.

496 Independent Expenditure Report

Amount may be rounded to whole dollars.

| A NAME OF FILER New Ventures, Inc. | | B Date of This Filing 10/X/XX | | Date Stamp | CALIFORNIA FORM 496 For Official Use Only |
|---|--|---|--|-------------------------|---|
| AREA CODE/PHONE NUMBER 916-333-3333 | I.D. NUMBER (if applicable) | Report No. 1 | <input type="checkbox"/> Amendment to Report No. (explain below) | No. of Pages 2 | |
| STREET ADDRESS 345 Stone Way | | | | | |
| CITY Sacramento | STATE CA | ZIP CODE 95826 | | | |
| 1 List Only One Candidate or Ballot Measure | | | | | |
| NAME OF CANDIDATE SUPPORTED OR OPPOSED | | | NAME OF BALLOT MEASURE SUPPORTED OR OPPOSED Clean Energy Measure, Yes on 33 | | |
| OFFICE SOUGHT OR HELD | DISTRICT NO. | SUPPORT | OPPOSE | BALLOT NO./LETTER 33 | JURISDICTION State |
| | | | | | X |
| 2 Independent Expenditures Made <i>Attach additional information on appropriately labeled continuation sheets.</i> | | | | | |
| DATE | DESCRIPTION OF EXPENDITURE | | | | AMOUNT |
| 10/X/XX | Radio Advertisements Cumulative to date total: \$34,000 | | | | \$30,000 |

How to Complete Form 496

A Filer Information

Enter the committee's name, street address, city, state, and zip code.

B Date of This Filing

Indicate the date of filing the report.

Report Number

Assign a unique number to each late independent expenditure report, such as 1, 2, 3, PR-1, PR-2, PR-3, etc.

Amendments

To amend a previously filed report, file a new Form 496 with the corrected information, a new report number, and the "Amendment" box checked. The report number assigned to the original report being amended should be entered on the "Amendment to Report No." line. There is no deadline for filing amendments. However, amendments should be filed as soon as practicable. File the amendment in the same location(s) as the original.

Known amendments to the Form 496 should be filed as soon as possible before the election. Filers reporting minimal independent expenditures before an election and amending after the election to show substantial independent expenditures could be referred to Enforcement for nondisclosure.

Quick Tip

Number of Pages

Note the number of pages included in the report.

1 Name of Candidate/Ballot Measure Supported or Opposed

Disclose the name, office sought or held, and the district number, if applicable, of the candidate supported or opposed in the communication, or the name, ballot number or letter, and jurisdiction of the ballot measure supported or opposed. Check the box indicating whether the candidate or ballot measure was supported or opposed by the independent expenditure.

2 Independent Expenditures Made

Disclose the date the committee made the expenditure, a description of the expenditure, e.g., printing, postage, mail house, etc., the amount of the expenditure, and the cumulative-to-date total relating to each candidate or measure. The cumulative-to-date total must be accurate on the most recent report filed, but the committee is not obligated to amend the cumulative amount on previous reports.

The cumulative-to-date totals include independent expenditures made in connection with a candidate's or measure's upcoming election. When a committee has made independent expenditures in connection with a candidate's prior election, do not include that amount in the current report. For example, independent expenditures made in connection with a general election would not include the amount of the independent expenditures made in connection with a primary election or a prior year's election.

For purposes of disclosure on the Form 496, a payment made in connection with the development, production, or dissemination of the communication must be reported as an independent expenditure no later than the date the communication is mailed, broadcast, or otherwise disseminated to the public. If the communication is disseminated to the public within 90 days of the election, or on the date of the election, the Form 496 must be filed within 24 hours. The payment must also be reported as an independent expenditure on the subsequent Form 461. The organization must maintain records necessary to document the allocation of reportable donors and the independent expenditures reported.

Contributions of \$100 or More Received

Part 3. This section is not applicable to businesses or individuals using business or personal funds. If you are receiving contributions, contact the FPPC for filing assistance.

Quick Tip

If the communication is never disseminated to the public, it need not be reported on the Form 496 or Form 461.

G. Additional Reports

In addition to the Forms 461, 462, and 496, other reports may be required depending on an entity's or individual's activity, including:

- 24-Hour/10-Day Contribution Report (Form 497)
- Paid Spokesperson Report (Form 511)
- Report of Communications Identifying State Candidates (Form E-530)

It is important to review where each report must be filed as several of the filing locations may not be the same as the committee's regular filing locations. If the committee makes contributions totaling \$10,000 or more in a calendar year, consult FPPC Campaign Disclosure Manual 5 for Major Donor Committees.

| Activity | File |
|--|------------|
| Makes contributions totaling \$1,000 or more to a single candidate or primarily formed ballot measure committee during the 90 days before the candidate's or measure's election, or on the date of the election | Form 497 |
| Makes contributions totaling \$1,000 or more to a political party (including central committees) during the 90 days before a state election, or on the date of the election | Form 497 |
| Makes expenditures of \$5,000 or more for an individual to appear in a ballot measure advertisement | Form 511 |
| Makes an expenditure of any amount for an individual to appear in a ballot measure advertisement that states or suggests that the individual is a member of an occupation that requires licensure, certification, or other specialized, documented training as a prerequisite to engage in that occupation (e.g., nurse, doctor, firefighter, scientist, engineer, lawyer) | Form 511 |
| Makes payments of \$50,000 or more to "feature" a state candidate in an electioneering communication 45 days before an election | Form E-530 |
| Makes contributions totaling \$10,000 or more to state officeholders during the first and third quarters of an odd-numbered year | Form 461 |

24-Hour/10-Day Contribution Report (Form 497)

A Form 497 must be filed if, during the 90 days before an election, or on the date of the election, a contribution of \$1,000 or more, or multiple contributions aggregating \$1,000 or more, are made to a single candidate or primarily formed ballot measure committee. A Form 497 must also be filed if a committee makes a contribution of \$1,000 or more to a political party (including local central committees) during the 90 days before **any** state election, or on the date of the election, including state special elections. The Form 497 must be filed in addition to any required semi-annual statements. Late contributions also must be disclosed on the committee's next campaign statement (Form 461).

Quick Tip!

Consult Campaign Manual 5 for reporting rules related to contributions. This manual does not address all instructions.

When to File Form 497

A contribution is made on the date it is mailed, delivered, or otherwise transmitted to a candidate or committee. Generally, the 24-hour deadline is extended to the next business day when it falls on a Saturday, Sunday, or official state holiday; however, the Form 497 must be filed within 24 hours on the Saturday, Sunday, or an official state holiday immediately prior to an election.

Where to File Form 497

State Committees

State committees file the Form 497 electronically with the Secretary of State; no paper copies are required. This is true even if the committee has not met the \$25,000 threshold that requires regular campaign disclosure reports to be filed online.

Local Committees

The Form 497 must be filed by fax, guaranteed overnight delivery service, or personal delivery at the same locations where the committee files its campaign statement (Form 461). **Regular mail may not be used.** Check with the local jurisdiction for electronic filing requirements.

497 Contribution Report

Amounts may be rounded to whole dollars.

| 1 NAME OF FILER New Ventures, Inc. AREA CODE/PHONE NUMBER 916-333-3333 STREET ADDRESS 345 Stone Way CITY STATE ZIP CODE Sacramento CA 95826 | A Date of This Filing <u>10/2/XX</u> Report No. <u>2</u> <input type="checkbox"/> Amendment to Report No. _____ (explain below) No. of Pages <u>1</u> | Date Stamp | CALIFORNIA FORM 497 For Official Use Only | |
|---|--|--|---|-------------------------------------|
| | | | | |
| 2 Contribution(s) Made | | | | |
| DATE MADE | FULL NAME, STREET ADDRESS AND ZIP CODE OF RECIPIENT (IF COMMITTEE, ALSO ENTER I.D. NUMBER) | CANDIDATE AND OFFICE OR MEASURE AND JURISDICTION | AMOUNT OF CONTRIBUTION | DATE OF ELECTION (IF APPLICABLE) |
| 10/2/XX | Smith for Senate 20XX 10 I Street Sacramento, CA 95814 #13003 | Jack Smith, Senate District 2 | \$2,000 | |

How to Complete Form 497

1 Filer's Information

Enter the committee's name, street address, city, state, and zip code.

2 Contribution(s) Made

For contributions **made**, provide:

- The date made;
- The recipient's full name and address;
- Office sought or held (if to a candidate);
- Ballot measure number or letter and jurisdiction (if to a ballot measure committee);
- The date of the election, if a state committee is disclosing a late contribution to a local candidate; and
- The amount of the contribution.

Nonmonetary Contributions: In the field identifying the recipient's name and address, report the committee receiving the benefit of the contribution and not the vendor. For example a payment for a newspaper ad would identify "Committee to Support Measure B" as the recipient, rather than the Daily Press.

A Date of This Filing

Indicate the date of filing this report.

Report Number

Assign a unique number to each late contribution report, such as 1, 2, 3, PR-1, PR-2, PR-3, etc.

Amendments

To amend a previously filed Form 497, file a new Form 497 with the corrected information, a new report number, and the "Amendment" box checked. The report number assigned to the original report being amended should be entered on the "Amendment to Report No." line. There is no deadline for filing amendments. However, amendments should be filed as soon as practicable. File the amendment in the same location(s) as the original.

Ballot Measure Ad – Paid Spokesperson Report (Form 511)

The Act requires specific disclosure when a committee pays an individual for his or her appearance in a ballot measure advertisement. The committee must file a Paid Spokesperson Report (Form 511) and include a disclosure on the ad in the following situations:

- **\$5,000 payment to individual in ad:** The committee makes expenditures totaling \$5,000 or more to an individual for his or her appearance in an advertisement to support or oppose the qualification, passage or defeat of a state or local ballot measure.
- **Any payment to individual in ad portraying a professional (nurse, doctor, firefighter, scientist, engineer, lawyer, etc.):** The committee makes expenditures of any amount to an individual for his or her appearance in an advertisement to support or oppose the qualification, passage or defeat of a state or local ballot measure that states or suggests that the individual is a member of an occupation that requires licensure, certification, or other specialized, documented training to engage in that occupation.

See Chapter 2 for information about the advertisement disclosure requirements.

When to File Form 511

A committee that makes an expenditure identified above must file the Form 511 within 10 days. An expenditure is made on the date the payment is made or the date the services are received, if any, whichever is earlier.

Where to File Form 511

State Committees: File Form 511 with the Secretary of State. Committees required to E-file must also file a paper version.

Local Committees: File Form 511 in the same location the committee files its regular campaign statements (i.e., Form 461).

Ex 3.5 – A corporation pays \$30,000 for a public relations firm to produce a television advertisement supporting Measure B. A celebrity is paid \$5,000 or more to appear in the ad. The corporation must file the Form 511. In addition, the ad must state that the individual was paid to appear.

Paid Spokesperson Report

Type or print in ink. Amounts may be rounded to whole dollars.

| | |
|------------|----------------------------|
| Date Stamp | CALIFORNIA FORM 511 |
| | For Official Use Only |

1

| | | |
|--|-------------------|--------------------|
| NAME OF FILER New Ventures, Inc. | | ID # (if required) |
| AREA CODE/PHONE NUMBER 916-333-3333 | E-MAIL (Optional) | |
| STREET ADDRESS 345 Stone Way | | |
| CITY Sacramento | STATE CA | ZIP CODE 95826 |

4

Amendment (explain)

2 **Payments Made** Attach additional information on appropriately labeled continuation sheets.

| DATE | NAME AND ADDRESS OF SPOKESPERSON (OCCUPATION MAY BE REQUIRED - SEE INSTRUCTIONS) | BALLOT MEASURE SUPPORTED OR OPPOSED (INCLUDE BALLOT NUMBER OR LETTER AND JURISDICTION) | AMOUNT |
|---------|---|---|--------|
| 5/20/XX | Frank Soto 124 Salem Drive Sacramento, CA 95816 | Proposition 33 - state <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose | 6,000 |
| | | <input type="checkbox"/> Support <input type="checkbox"/> Oppose | |
| | | <input type="checkbox"/> Support <input type="checkbox"/> Oppose | |

3 **Verification**

I have used all reasonable diligence in preparing this report. I have reviewed the report and to the best of my knowledge the information contained herein is true and complete. I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on 5/27/XX DATE

By _____ (Signature Required)
SIGNATURE OF TREASURER/ASSISTANT TREASURER/FILER

How to Complete Form 511

1 Filer's Information

Enter the committee's name, street address, city, state, and zip code.

2 Payments Made

In the first column, provide the date the payments were made or the services were received, whichever is earlier. In the second column, indicate the name and address of the individual who was paid to appear in the advertisement. In addition, the occupation of a spokesperson is required when an expenditure of any amount is paid to an individual for his or her appearance in an advertisement that supports or opposes the qualification, passage, or defeat of a state or local ballot measure and the advertisement

states or suggests that the individual is a member of an occupation that requires licensure, certification, or other specialized, documented training as a prerequisite to engage in that occupation.

In the third column, provide the name, number or letter, and jurisdiction of the ballot measure supported or opposed by the advertisement. Finally, in the last column, indicate the total amount of the expenditure.

3 Verification

An attorney, a certified public accountant, or a responsible officer of an entity or an entity filing jointly with any number of affiliates may sign the verification on behalf of the entity or entities. However, a statement filed by an individual must be signed by the individual rather than the individual's attorney or certified public accountant. The Form 511 is not considered filed if it is not signed.

4 Amendments

To amend a previously filed Form 511, file another Form 511 with the corrected information. Check the “Amendment” box and give a brief description of the amendment. Like the original, the amendment must be signed and dated. There is no deadline for filing amendments. However, amendments should be filed as soon as practicable. File the amendment in the same location(s) as the original.

Electioneering Communications Identifying State Candidates (Form E-530)

When an independent expenditure committee makes a payment or a promise of payment totaling \$50,000 or more for a communication that clearly identifies a state candidate who will appear on the ballot of an upcoming election, but the communication does not expressly advocate the election or defeat of that candidate, and the communication is disseminated during the 45 days before the election, a Form E-530 must be filed electronically with the Secretary of State. File Form E-530 within 48 hours of making payments, or promising to make payments, totaling \$50,000 or more. The report must disclose the amount and date of the payment(s), and the name of and office sought by the candidate identified in the communication. A separate report must be filed for each state candidate identified in the communication.

The report must be verified by a written “electronic filing declaration,” signed, dated, and verified on the same date that the report is transmitted to the Secretary of State. This declaration must be retained in the committee’s records for five years following the date that the campaign report to which it relates is filed. The statement must include the following language:

“I have used all reasonable diligence in preparing this report and to the best of my knowledge the information contained herein is true and complete. I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.”

Ex 3.6 – The Temple Company purchased billboard space up and down Interstate 5 stating, “Thank You, Governor Romez, for Supporting California’s Children.” The billboard space was rented for the 30 days prior to the Governor’s election. The total cost for design, printing, placement, and space rental was \$65,000 and was paid on October 6. By October 8, the company must file the Form E-530 electronically with the Secretary of State.

How to File Form E-530

There is no paper version of the Form E-530. To access the online form, go to the Secretary of State's website (www.sos.ca.gov) and click on "Campaign Forms" under Campaign Finance. You must apply for a Filer ID and password using the form provided. Then, from the same location on the website, you can click on the E-530 link to access the form.

Authority

The following Government Code sections and Title 2 regulations provide authority for the information in this chapter:

Government Code Sections

- 81004 Reports and Statements; Perjury; Verification.
- 81004.5 Reports and Statements; Amendments.
- 81005 Reports and Statements; Filing Deadline on Weekend or Holiday.
- 81007 Mailing of Report or Statement.
- 82015 Contribution.
- 82036 Late Contribution.
- 82036.5 Late Independent Expenditure.
- 82044 Payment.
- 82046 Period Covered.
- 84200 Semi-Annual Statements.
- 84200.6 Special Campaign Statements and Reports.
- 84202.7 Time for Filing by Committees of Odd-Numbered Year Reports.
- 84203 Late Contribution; Reports.
- 84203.5 Supplemental Independent Expenditure Report.
- 84204 Late Independent Expenditures; Reports.
- 84211 Contents of Campaign Statement.
- 84213 Verification.
- 84215 Campaign Reports and Statements; Where to File.
- 84303 Expenditure by Agent or Independent Contractor.
- 84511 Ballot Measure Ads; Paid Spokesperson Disclosure.
- 84605 Who Shall File Online.
- 84615 Campaign Reports and Statements – Electronic Filing for Local Agencies.
- 85310 Communications Identifying State Candidates.
- 85500 Independent Expenditures; 24-hour Disclosure; Coordination.

Title 2 Regulations

- 18215 Contribution.
- 18227.5 General Purpose Committees: State, County, or City.
- 18402.1 Principal Officers.
- 18423 Payments for Personal Services as Contributions and Expenditures.
- 18426 Semi-Annual Statement Early Filing.
- 18428 Reporting of Contributions and Independent Expenditures Required to be Aggregated.
- 18431 Reporting of Expenditures by an Agent or Independent Contractor.
- 18465.1 Verification of Online Filers.