

1 Adopt 2 Cal. Code Regs., Section 18360.2 to read:

2 **§ 18360.2 Penalties in Streamline Cases.**

3 Streamline penalties are approved by the Chief of Enforcement and reviewed by the
4 General Counsel, or his or her designee, and periodically reported to the Commission as a
5 summary of activity by type of violation. Penalties in streamline cases not to exceed the
6 prescribed maximum fine amount per violation found in Government Code Section 83116,
7 subdivision (c).

8 (a) Late Statement of Economic Interests.

9 (1) Penalty Amount. The streamline penalty for failing to timely file a Statement of
10 Economic Interests is calculated as follows:

11 (A) \$200 per late statement if filed in response to the Enforcement Division's first contact
12 with the filer.

13 (B) \$400 per late statement if filed prior to issuance of a probable cause report by the
14 Enforcement Division.

15 (C) \$600 per late statement if filed prior to issuance of an accusation by the Enforcement
16 Division.

17 (D) \$800 per late statement if filed prior to adoption of a default decision and order by
18 the Commission.

19 (b) Unreported Economic Interest(s).

20 (1) Penalty Amount. The penalty for failing to timely report an economic interest on a
21 Statement of Economic Interests is calculated as follows:

1 (A) \$100 per economic interest not disclosed per statement that did not include timely
2 disclosure of an economic interest if filed in response to the Enforcement Division’s first contact
3 with the filer.

4 (B) \$200 per economic interest not disclosed per statement that did not include timely
5 disclosure of an economic interest if filed prior to issuance of a probable cause report by the
6 Enforcement Division.

7 (C) \$300 per economic interest not disclosed per statement that did not include timely
8 disclosure of an economic interest if filed prior to issuance of an accusation by the Enforcement
9 Division.

10 (D) \$400 per economic interest not disclosed per statement that did not include timely
11 disclosure of an economic interest if filed prior to adoption of a default decision and order by the
12 Commission.

13 (c) Late Campaign Statement or Report:

14 (1) Penalty Amount. The penalty for failing to timely file a campaign statement or report
15 is calculated as follows:

16 (A) \$200 plus 1% of contributions received or expenditures made, whichever is greater,
17 per late statement if filed in response to the Enforcement Division’s first contact with the filer.

18 (B) \$400 plus 2% of contributions received or expenditures made, whichever is greater,
19 per late statement if filed prior to issuance of a probable cause report by the Enforcement
20 Division.

21 (C) \$600 plus 3% of contributions received or expenditures made, whichever is greater,
22 per late statement if filed prior to issuance of an accusation by the Enforcement Division.

1 (D) \$800 plus 4% of contributions received or expenditures made, whichever is greater,
2 per late statement if filed prior to adoption of a default decision and order by the Commission.

3 (d) Unreported Contributions or Expenditures.

4 (1) Penalty Amount. The penalty for failing to timely report is calculated as follows:

5 (A) \$100 plus 1% of contributions received or expenditures made, whichever is greater,
6 per late statement if filed in response to the Enforcement Division's first contact with the filer.

7 (B) \$200 plus 2% of contributions received or expenditures made, whichever is greater,
8 per late statement if filed prior to issuance of a probable cause report by the Enforcement
9 Division.

10 (C) \$300 plus 3% of contributions received or expenditures made, whichever is greater,
11 per late statement if filed prior to issuance of an accusation by the Enforcement Division.

12 (D) \$400 plus 4% of contributions received or expenditures made, whichever is greater,
13 per late statement if filed prior to adoption of a default decision and order by the Commission.

14 (e) Late Lobbying Reports.

15 (1) Penalty Amount. The penalty for failing to timely file a report is calculated as
16 follows:

17 (A) \$200 plus 1% of all payments received or payments made for lobbying activity,
18 whichever is greater if the report is filed in response to the Enforcement Division's first contact
19 with the filer.

20 (B) \$400 plus 2% of all payments received or payments made for lobbying activity,
21 whichever is greater if the report is filed prior to issuance of a probable cause report by the
22 Enforcement Division.

1 (C) \$600 plus 3% of all payments received or payments made for lobbying activity,
2 which is greater if the report is filed prior to issuance of an accusation by the Enforcement
3 Division.

4 (D) \$800 plus 4% of all payments received or payments made for lobbying activity,
5 whichever is greater if the report is filed prior to adoption of a default decision and order by the
6 Commission.

7 (f) Unreported Lobbying Activity.

8 (1) Penalty Amount. The penalty for failing to timely report lobbying activity is
9 calculated as follows:

10 (A) \$100 plus 1% of all payments received or payments made for lobbying activity,
11 whichever is greater if the report is filed in response to the Enforcement Division's first contact
12 with the filer.

13 (B) \$200 plus 2% of all payments received or payments made for lobbying activity,
14 whichever is greater if the report is filed prior to issuance of a probable cause report by the
15 Enforcement Division.

16 (C) \$300 plus 3% of all payments received or payments made for lobbying activity,
17 whichever is greater if the report is filed prior to issuance of an accusation by the Enforcement
18 Division.

19 (D) \$400 plus 4% of all payments received or payments made for lobbying activity,
20 whichever is greater if the report is filed prior to adoption of a default decision and order by the
21 Commission.

22 (g) Cash Contributions or Expenditures.

1 (1) Penalty Amount. The streamline penalty for receiving a contribution or making an
2 expenditure of \$100 or more in cash is calculated as follows:

3 (A) An amount equal to 25% of the amount of the contribution or expenditure in response
4 to the Enforcement Division's first contact with the person.

5 (B) An amount equal to 50% of the amount of the contribution or expenditure if prior to
6 issuance of a probable cause report by the Enforcement Division.

7 (C) An amount equal to 100% of the amount of the contribution or expenditure if prior to
8 issuance of an accusation by the Enforcement Division.

9 (D) An amount equal to two times the amount of the contribution or expenditure if prior
10 to adoption of a default decision and order by the Commission.

11 (h) Campaign Bank Account.

12 (1) Penalty Amount. The streamline penalty for failing to deposit a contribution into a
13 campaign bank account, or failing to make a campaign expenditure from the campaign bank
14 account is calculated as follows:

15 (A) \$100 plus 1% of the amount not processed through the campaign bank account per
16 statement period during which a violation occurred if settled in response to the Enforcement
17 Division's first contact with the person.

18 (B) \$200 plus 2% of the amount not processed through the campaign bank account per
19 statement period during which a violation occurred if settled prior to issuance of a probable
20 cause report by the Enforcement Division.

21 (C) \$300 plus 3% of the amount not processed through the campaign bank account per
22 statement period during which a violation occurred if settled prior to issuance of an accusation
23 by the Enforcement Division.

1 (D) \$400 plus 4% of the amount not processed through the campaign bank account per
2 statement period during which a violation occurred if settled prior to adoption of a default
3 decision and order by the Commission.

4 (i) Committee Naming.

5 (1) Penalty Amount. The streamline penalty for failing to name the committee properly is
6 calculated as follows:

7 (A) \$400 per reporting period if settled in response to the Enforcement Division's first
8 contact with the person.

9 (B) \$600 per reporting period if settled prior to issuance of a probable cause report by the
10 Enforcement Division.

11 (C) \$800 per reporting period if settled prior to issuance of an accusation by the
12 Enforcement Division.

13 (D) \$1,000 per reporting period if settled prior to adoption of a default decision and order
14 by the Commission.

15 (j) Advertising and Mass Mailing Disclosures.

16 (1) Penalty Amount. The streamline penalty for failing to include all required
17 advertisement or mass mailing requirements is calculated as follows:

18 (A) \$100 plus 1% of each advertisement buy if settled in response to the Enforcement
19 Division's first contact with the person.

20 (B) \$200 plus 2% of each advertisement buy if settled prior to issuance of a probable
21 cause report by the Enforcement Division.

22 (C) \$300 plus 3% of each advertisement buy if settled prior to issuance of an accusation
23 by the Enforcement Division.

1 (D) \$400 plus 4% of each advertisement buy if settled prior to adoption of a default
2 decision and order by the Commission.

3 (k) Recordkeeping.

4 (1) Penalty Amount. The streamline penalty for failing to maintain adequate records is
5 calculated as follows:

6 (A) \$200 per reporting period if settled in response to the Enforcement Division's first
7 contact with the person.

8 (B) \$400 per reporting period if settled prior to issuance of a probable cause report by the
9 Enforcement Division.

10 (C) \$600 per reporting period if settled prior to issuance of an accusation by the
11 Enforcement Division.

12 (D) \$800 per reporting period if settled prior to adoption of a default decision and order
13 by the Commission.

14 (l) Gift Limit.

15 (1) Penalty Amount. The penalty for a gift limit violation is calculated as follows:

16 (A) \$200 per gift received over the limit if settled in response to the Enforcement
17 Division's first contact with the person.

18 (B) \$400 per gift received over the limit if settled prior to issuance of a probable cause
19 report by the Enforcement Division.

20 (C) \$600 per gift received over the limit if settled prior to issuance of an accusation by
21 the Enforcement Division.

22 (D) \$800 per gift received over the limit if settled prior to adoption of a default decision
23 and order by the Commission.

1 (m) Slate Mailer Organization Filing Issues.

2 (1) Penalty Amount. The streamline penalty for failing to properly file slate mailer
3 organization statements is calculated as follows:

4 (A) \$400 per reporting period if settled in response to the Enforcement Division’s first
5 contact with the person.

6 (B) \$600 per reporting period if settled prior to issuance of a probable cause report by the
7 Enforcement Division.

8 (C) \$800 per reporting period if settled prior to issuance of an accusation by the
9 Enforcement Division.

10 (D) \$1,000 per reporting period if settled prior to adoption of a default decision and order
11 by the Commission.

12 (n) Proper Recusal for a Conflict of Interest.

13 (1) Penalty Amount. The streamline penalty for failing to properly recuse for a conflict of
14 interest is calculated as follows:

15 (A) \$400 per incident if settled in response to the Enforcement Division’s first contact
16 with the person.

17 (B) \$600 per incident if settled prior to issuance of a probable cause report by the
18 Enforcement Division.

19 (C) \$800 per incident if settled prior to issuance of an accusation by the Enforcement
20 Division.

21 (D) \$1,000 per incident if settled prior to adoption of a default decision and order by the
22 Commission.

23 (o) Major Donor Notifications.

1 (1) Penalty Amount. The streamline penalty for failing to properly notify a major donor is
2 calculated as follows:

3 (A) \$200 per reporting period if settled in response to the Enforcement Division’s first
4 contact with the person.

5 (B) \$400 per reporting period if settled prior to issuance of a probable cause report by the
6 Enforcement Division.

7 (C) \$600 per reporting period if settled prior to issuance of an accusation by the
8 Enforcement Division.

9 (D) \$800 per reporting period if settled prior to adoption of a default decision and order
10 by the Commission.

11 Note: Authority cited: Section 83112, Government Code. Reference: Section 83116,
12 Government Code.