

1 Adopt 2 Cal. Code Regs., Section 18360.1 to read:

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

3 Penalties in streamline cases not to exceed the prescribed maximum fine amount per
4 violation found in Government Code Section 83116, subdivision (c).

5 (a) Late Statement of Economic Interests.

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

8 (A) \$200 per late statement if filed in response to the Enforcement Division’s first contact
9 with the filer.

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

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

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

16 (b) Unreported economic interest.

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

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

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

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

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

10 (c) Late Campaign Statement or Report.

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

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

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

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

20 (D) \$8,00 plus 4% of contributions received or expenditures made, whichever is greater,
21 per late statement if filed prior to adoption of a default decision and order by the Commission.

22 (d) Unreported Contribution or Expenditure.

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

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

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

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

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

13 (e) Late Lobbying Reports.

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

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

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

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) Advertising and Mass Mailing Disclosures.

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

7 (A) \$100 plus 1% per advertisement buy if settled in response to the Enforcement
8 Division's first contact with the person.

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

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

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

15 (j) Recordkeeping.

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

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

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

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

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

3 (k) Gift limit.

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

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

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

9 (C) \$600 per gift received over the limits if settled prior to issuance of an accusation by
10 the Enforcement Division.

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

13 (l) Slate Mailer Organization Filing Issues.

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

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

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

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

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

1 (m) Proper Recusal for a Conflict of Interest.

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

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

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

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

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

12 (n) Major Donor Notifications.

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

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

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

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

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

- 1 Note: Authority cited: Section 83112, Government Code. Reference: Section 83116.
- 2 Government Code.