

POLITICAL REFORM ACT REVISION PROJECT



DRAFT 1
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Chapter 1. General (§ 81000 - §81022)

Article 1. General (§ 81000 – §81005)

§ 81000. Title. (81000)

This title is named and may be cited as the “Political Reform Act of 1974.”

§ 81001. Findings and Declarations. (81001)

The people find and declare:

- (a) State and local government should serve the needs and respond to the wishes of all citizens equally, without regard to their wealth;
- (b) Public officials, whether elected or appointed, should perform their duties in an impartial manner, free from bias caused by their own financial interests or the financial interests of persons who have supported them;
- (c) Costs of conducting election campaigns have increased greatly in recent years, and candidates often finance their campaigns by seeking large contributions from lobbyists and organizations who gain disproportionate influence over governmental decisions;
- (d) The influence of large campaign contributors is increased because existing laws for disclosure of campaign receipts and expenditures are inadequate;
- (e) Lobbyists often make their contributions to incumbents who cannot be challenged effectively because of election laws and abusive practices that give the incumbent an unfair advantage;
- (f) The wealthy individuals and organizations who make large campaign contributions frequently extend their influence by employing lobbyists and spending large amounts to influence legislative and administrative actions;
- (g) The influence of large campaign contributors in ballot measure elections is increased because the ballot pamphlet mailed to the voters by the state is difficult to read and almost impossible for a layperson to understand; and
- (h) Previous laws regulating political practices have suffered from inadequate enforcement by state and local authorities.

§ 81002. Purposes of Title. (81002)

The people enact this title to accomplish these purposes:

- (a) To fully inform voters and inhibit improper practices, receipts and expenditures in election campaigns should be fully and truthfully disclosed.
- (b) To prevent directing improper influences at public officials, lobbyists’ activities should be regulated and their finances disclosed.
- (c) To avoid conflicts of interest, public officials should disclose assets and income that their official actions may materially affect, and in appropriate circumstances the officials should be disqualified from acting.
- (d) To ensure voters will not be entirely dependent on paid advertising for information about state measures, the state ballot pamphlet should be converted into a useful document.
- (e) To conduct elections more fairly, laws and practices unfairly favoring incumbents should be abolished.
- (f) To enforce this title vigorously, adequate enforcement mechanisms should be provided to public officials and private citizens.

§ 81003. Construction of Title. (81003)

This title should be liberally construed to accomplish its purposes.

§ 81004. Severability. (81015)

If any provision of this title or any provision's application to any person or circumstance is held invalid, the remainder of this title, or any other application of the provision, will not be affected.

§ 81005. Amendment or Repeal of Title. (81012)

- (a) To further its purposes, this title may be amended by statute, passed in each house by rollcall vote entered in the journal, with two-thirds of the membership concurring, and signed by the Governor. Twelve days before passage in each house, the bill's final form must be delivered to the Commission for distribution to news media and to every person who has requested copies of such bills from the Commission.
- (b) This title may be amended or repealed by a statute approved by the electors.
- (c) If any portion of subdivision (a) is declared invalid, subdivision (b) will be the exclusive means of amending or repealing this title.

Article 2. Imposing Additional Requirements; State or Local (§ 81020 - §81022)

§ 81020. Imposition of Additional Requirements. (81013)

Nothing in this title prevents the Legislature or any other state or local agency from imposing additional requirements on any person if the requirements do not prevent the person from complying with this title. If any legislative act conflicts with provisions of this title, this title will prevail.

§ 81021. Local Ordinances. (81009.5)

- (a) **File with Commission.** Any local government agency that has enacted, enacts, amends, or repeals an ordinance or other law affecting campaign contributions and expenditures must file a copy of the action with the Commission.
- (b) **Filing Requirements Limited to Jurisdiction.** Despite Section 81020, no local government agency may enact any ordinance imposing filing requirements additional to or different from those set forth in Chapters 4 and 4.5 for elections held in its jurisdiction unless the additional or different filing requirements apply only to the candidates seeking election in that jurisdiction, their controlled committees or committees formed or existing primarily to support or oppose their candidacies, and to committees formed or existing primarily to support or oppose a candidate or to support or oppose the qualification of, or passage of, a local ballot measure that is being voted on only in that jurisdiction, and to city or county general purpose committees active only in that city or county, respectively.

§ 81022. Local Contribution Limits or Prohibitions; Member Communications. (85703)

- (a) **Permissible.** Except as provided in subdivision (b) and (c), a local jurisdiction may adopt contribution limits or prohibitions that apply to elections for local elective office.
- (b) **Impermissible Limits on County Central Committee.** A local jurisdiction may not impose any contribution limits or prohibitions on:
 - (1) An elected member of a county central committee of a qualified political party.
 - (2) A candidate for election to a county central committee of a qualified political party.
 - (3) A committee primarily formed to support or oppose a person seeking election to a county central committee of a qualified political party.
- (c) **Impermissible Limits on Member Communication.** A local jurisdiction may not impose any contribution limits or prohibitions on payments for communications to members of an organization that conflict with Section 85503. Provisions that conflict with Section 85503 and are prohibited include any of the following not expressly made applicable to member communications by a state statute or regulation adopted by the Commission:
 - (1) Source restrictions on payments for a member communication.

- (2) Limits on payments to a political party committee for a member communication.
- (3) Limits on the scope of payments considered directly related to the making of a member communication, including costs associated with the formulation, design, production, and distribution of the communication such as surveys, list acquisition, and consulting fees.

Chapter 2. Definitions (§ 82000 - §82085)

§ 82000. Interpretation of this Title. (82000)

Unless the context clearly indicates otherwise, this chapter’s definitions will govern interpretation of this title.

§ 82001. Administrative Action. (82002)

- (a) “Administrative action” means either of the following:
 - (1) The proposal, drafting, development, consideration, amendment, enactment, or defeat by any state agency of any rule, regulation, or other action in any ratemaking proceeding or any quasi-legislative proceeding, including any proceeding governed by the Administrative Procedure Act, beginning with Government Code Section 11340.
 - (2) For placement agents only, as defined by Section 82064, the decision by any state agency to enter into a contract to invest state public retirement system assets on behalf of a state public retirement system.
- (b) For a proceeding before the Public Utilities Commission:
 - (1) A “ratemaking proceeding” is any proceeding in which it is reasonably foreseeable that a rate will be established, including, but not limited to, general rate cases, performance-based ratemaking, and other rate setting mechanisms; and
 - (2) A “quasi-legislative proceeding” is any proceeding that involves considering the establishment of a policy that will apply generally to a group or class of persons, including, but not limited to, rulemakings and investigations that may establish rules affecting an entire industry.

§ 82002. Agency. (82003)

“Agency” means any state or local government agency.

§ 82003. Agency Official. (82004)

“Agency official” means any member, officer, employee or consultant of any state agency who as part of their official responsibilities participates in any administrative action beyond a purely clerical, secretarial or ministerial capacity.

§ 82004. Business Entity. (82005)

“Business entity” means any for-profit organization or enterprise, including a proprietorship, partnership, firm, business trust, joint venture, syndicate, corporation, or association.

§ 82005. Campaign Statement. (82006)

“Campaign statement” means an itemized report prepared on a form prescribed by the Commission that provides the information required by Chapter 4 or 4.5 of this title.

§ 82006. Candidate. (82007; 18404)

- (a) “Candidate” means any of the following:
 - (1) An individual who is listed on the ballot or has qualified to have write-in votes on their behalf counted by election officials for nomination or election to any elective office.

- (2) An individual who receives a contribution or makes an expenditure or gives their consent for any other person to receive a contribution or make an expenditure, to bring about their nomination or election to any elective office. Such an individual is a candidate even if:
 - (A) The specific elective office for which they will seek nomination or election is unknown at the time the contribution is received or the expenditure is made, or
 - (B) The individual has not announced their candidacy or filed a declaration of candidacy.
- (3) An elected officeholder.
- (4) Any officeholder who is the subject of a recall election.
- (b) Individuals who become candidates retain their status as candidates until their status is terminated under Section 84450.
- (c) “Candidate” does not include any individual seeking nomination for election or election to federal office within the meaning of 52 USC Sec. 30101(2).

§ 82007. City. (82008)

“City” means a general law city or a chartered city.

§ 82008. Clerk. (82009.5)

“Clerk” means the city or county clerk unless the city council or board of supervisors has designated another agency to perform the specified function.

§ 82009. Closing Date. (82010)

“Closing date” means the last date in the period covered by a statement or report filed under this title.

§ 82010. Code Reviewing Body. (82011)

“Code reviewing body” means the agency or body responsible for the review of a specific conflict of interest code.

§ 82011. Commission. (82012)

“Commission” means the Fair Political Practices Commission.

§ 82012. Committee. (82013)

“Committee” means any person or combination of persons who directly or indirectly does any of the following in a calendar year:

- (a) Recipient Committee. Receives contributions totaling \$2,000 or more;
- (b) Independent Expenditures Committee. Makes independent expenditures totaling \$1,000 or more; or
- (c) Major Donor Committee. Makes contributions totaling \$10,000 or more to or at the request of or in cooperation with candidates or committees.

A person or any combination of persons that becomes a committee will retain its committee status until that status is terminated under Section 84450.

§ 82013. Conflict of Interest Code. (82014)

“Conflict of Interest Code” means a set of rules and regulations adopted by an agency under this title that include the following:

- (a) **Designated Employees.** A list of positions within the agency, other than those specified in Section 89200, that require the employee to make or participate in making decisions that may foreseeably have a material effect on any financial interest of the employee.

- (b) **Reportable financial interests.** The specific types of investments, business positions, interests in real property, and sources of income that may foreseeably be materially affected by any decision made or participated in by the designated employee and must be reported on the designated employee’s statement of economic interests.
- (c) **Timelines for Designated Employees to File Statements.** A requirement that each designated employee, other than those specified in Section 89200, must file statements of economic interests at times and under circumstances described in the code.
- (d) **Disqualification.** A rule setting forth any circumstances under which designated employees or categories of designated employees must disqualify themselves from making, participating in the making, or using their official position to influence the making of any decision.

§ 82014. Contribution. (82015, 18215)

- (a) **Definition.** “Contribution” means a payment, forgiveness of a loan, payment of a loan by a third party, or an enforceable promise to make a payment for political purposes, except to the extent the donor receives full and adequate consideration.
- (b) **Political Purposes.** A payment is made for “political purposes” if it is:
 - (1) For the purpose of influencing or attempting to influence the action of the voters for or against the nomination or election of a candidate or candidates, or the qualification, passage or defeat of any measure; or
 - (2) Received by or made at the request of or in cooperation with the following or their agent:
 - (A) A candidate;
 - (B) A controlled committee;
 - (C) An official committee of a political party, including a state central committee, county central committee, assembly district committee, or any subcommittee of such committee; or
 - (D) An organization formed or existing primarily for political purposes as described in paragraph (1), including a political action committee established by any membership organization, labor union, or corporation.
- (c) **Payments Related or Unrelated to Candidacy.** Despite subdivision (a), a payment received by or made at the request of or in cooperation with a candidate is not a contribution to the candidate if it is clear from the surrounding circumstances that the payment was made for purposes unrelated to the candidate’s candidacy for elective office.
 - (1) **Unrelated Payment.** The following types of payments are presumed to be unrelated to a candidate’s candidacy for elective office:
 - (A) A payment made principally for personal purposes, in which case it may be considered a gift under Section 82036. Payments that are otherwise subject to the limits of gifts from lobbyist or lobbying firms under Section 90031 are presumed to be principally for personal purposes.
 - (B) A payment made by a state, local, or federal governmental agency or by a nonprofit organization that is exempt from taxation under the Internal Revenue Code section 501, subdivision (c)(3). A payment by a state, local, or federal governmental agency that is made principally for legislative or governmental purposes is governed exclusively by this clause and, thus, not subject to the reporting requirement described in subparagraph (C).
 - (C) A payment made principally for legislative, governmental, or charitable purposes, which neither a contribution nor a gift. Payments of this type, however, that are made in response to a solicitation by a candidate who is an elected officer must be reported under Section 84400 within 30 days after the date on which the payment or payments equal or exceed \$5,000 in the aggregate from the same source in the same calendar year in which they are made.
 - (2) **Related Payment; Election-Related Activities.** A payment is a contribution if it is made for purposes related to a candidate’s candidacy for elective office and all or a portion of the payment is used for election-related activities. For this paragraph, “election-related activities” include the following:

- (A) Communications that contain express advocacy for the nomination or election of the candidate or the defeat of an opponent.
 - (B) Communications that contain reference to the candidate's candidacy for elective office, the candidate's election campaign, or the candidate's or an opponent's qualifications for elective office.
 - (C) Solicitation of contributions to the candidate or to third persons to support the candidate or in opposition to an opponent.
 - (D) Arranging, coordinating, developing, writing, distributing, preparing, or planning of any communication or activity described in (A) through (C) of this paragraph.
 - (E) Recruiting or coordinating campaign activities of campaign volunteers on behalf of the candidate.
 - (F) Preparing campaign budgets.
 - (G) Preparing campaign finance disclosure statements.
 - (H) Communications directed to voters or potential voters as part of activities encouraging or assisting persons to vote, if the communication contains express advocacy of the nomination or election of the candidate or the defeat of an opponent.
- (d) **Payments Considered Contributions.** "Contribution" includes the following:
- (1) The purchase of tickets for fundraising events such as dinners, luncheons, and rallies.
 - (2) The candidate's own money or property used on behalf of their candidacy, other than personal funds of the candidate used to pay either a filing fee for a declaration of candidacy or a candidate statement prepared under the Elections Code section 13307.
 - (3) The granting of discounts or rebates not extended to the public generally or the granting of discounts or rebates by television and radio stations and newspapers not extended on an equal basis to all candidates for the same office.
 - (4) A payment made by a lobbyist or a cohabitant of a lobbyist for costs related to a fundraising event held at the home of the lobbyist, including the value of the use of the home as a fundraising event venue. Any payment is attributed to the lobbyist.
 - (5) A payment made by a lobbying firm for costs related to a fundraising event held at the office of the lobbying firm, including the value of the office as a fundraising event venue.
 - (6) The payment of compensation by any person for the personal services or expenses of any other person if the services are rendered or expenses incurred on behalf of a candidate or committee without payment of full and adequate consideration.
 - (7) The transfer of anything of value received by a committee from another committee, unless full and adequate consideration is received.
 - (8) Payment of public moneys by a state or local governmental agency for communications to the public that satisfy both of the following:
 - (A) The communication expressly advocates the election or defeat of a clearly identified candidate or the qualification, passage, or defeat of a clearly identified measure, or, taken as a whole and in context, unambiguously urges a particular result in an election.
 - (B) The communication is made in coordination with the affected candidate or committee under Section 86300.
 - (9) A payment made by a person to a multipurpose organization under Sections 82059 and 84520.
- (e) **Payments Not Considered Contributions.** "Contribution" does not include the following:
- (1) Volunteer personal services or payments made by any individual for their own travel expenses if the payments are made voluntarily and without any understanding or agreement that they will be directly or indirectly repaid.
 - (2) A payment made by an occupant of a home or office for costs related to a meeting or fundraising event in the occupant's home or office if the costs are \$500 or less. The exception for a home or office fundraising event does not apply to a lobbyist, a cohabitant of a lobbying, or a lobbying firm as provided for under subdivision (d), paragraphs (4) and (5).
 - (3) Amounts received under an enforceable promise if those amounts have been previously reported as a contribution. But the receipt of those amounts must be indicated in the appropriate campaign statement.

- (f) **Exceptions.** The following requests or solicitations are not considered contributions to the requesting or soliciting individual.
- (1) Candidate to another candidate or committee. A contribution made at the request of or in cooperation with a candidate for a different candidate, or to a committee not controlled by the requesting candidate, is not a contribution to the requesting candidate.
 - (2) Public Utilities Commission. A payment solicited by a member of the Public Utilities Commission, made principally for legislative, governmental, or charitable purposes, is not a contribution. Payments of this type, however, must be reported under Section 88400 within 30 days after the date on which the payment or payments equal or exceed \$5,000 in the aggregate from the same source in the same calendar year in which they are made.

§ 82015. Contribution or Expenditure; Made at the Request of or in Cooperation with a Candidate or Committee. (18225.7)

“Made at the request of or in cooperation with” a candidate or committee means made under the control or at the direction of, in cooperation, consultation, coordination, or concert with, at the request or suggestion of, or with the express prior consent of the candidate or committee. For the purposes of this definition, the terms “candidate” and “committee” include their agents, when the agent is acting within the scope of his or her authority.

§ 82016. Contribution or Expenditure; Cumulative Amount. (82018)

Subject to the following exceptions, “cumulative amount” means the amount of contributions received or expenditures made in the calendar year.

- (a) For a filer required to file a campaign statement or independent expenditure report in one year in connection with an election to be held in another year, the period over which the cumulative amount is calculated will end on the closing date of the first semiannual statement filed after the election.
- (b) For a filer required to file a campaign statement in connection with the qualification of a measure which extends into two calendar years, the period over which the cumulative amount is calculated will end on December 31 of the second calendar year.
- (c) For a person filing a campaign statement with a period modified by this section, the next period over which the cumulative amount is calculated will begin on the day after the closing date of the statement.

§ 82017. Contributions; When Aggregated. (18215.1)

- (a) To determine when contributions are aggregated under this title’s provisions:
 - (1) “Entity” means any person, other than an individual;
 - (2) “Majority owned” means an ownership of more than 50%.
- (b) The contributions of an entity that are directed and controlled by any individual must be aggregated with contributions made by that individual and any other entity whose contributions are directed and controlled by that individual.
- (c) If two or more entities make contributions that are directed and controlled by a majority of the same persons, the contributions of those entities must be aggregated.
- (d) Contributions made by entities that are majority owned by any person must be aggregated with the contributions of the majority owner and all other entities majority owned by that person, unless those entities act independently in their decisions to make contributions.

§ 82018. Controlled Committee. (82016)

- (a) “Controlled committee” means a committee controlled, directly or indirectly, by a candidate or state measure proponent or that acts jointly with a candidate, controlled committee, or state measure proponent in connection with making expenditures. A candidate or state measure proponent controls a committee if they,

their agent, or any other committee they control has significant influence on the actions or decisions of the committee.

(b) Despite subdivision (a), a political party committee under Section 82065 is not a controlled committee.

§ 82019. County. (82017)

“County” includes a city and county.

§ 82020. Designated Employee. (82019)

- (a) “Designated employee” means any officer, employee, member, or consultant of any agency whose position with the agency:
- (1) Is exempt from the state civil service system under subdivision (a), (c), (d), (e), (f), (g), or (m) of Section 4 of Article VII of the Constitution, unless the position is elective or solely secretarial, clerical, or manual.
 - (2) Is elective, other than an elective state office.
 - (3) Is designated in a conflict of interest code to make or participate in the making of decisions that may foreseeably have a material effect on any financial interest.
 - (4) Is involved as a state employee at other than a clerical or ministerial level in the functions of negotiating or signing any contract awarded through competitive bidding, in making decisions in conjunction with the competitive bidding process, or in negotiating, signing, or making decisions on contracts executed under Public Contract Code section 10122.
- (b) “Designated employee” does not include:
- (1) Elected state officers.
 - (2) Unsalaries members of any board or commission that serves a solely advisory function.
 - (3) Public officials specified in Section 89200.
 - (4) Unsalaries members of a non-regulatory committee, section, commission, or other such entity of the State Bar of California.
 - (5) A federal officer or employee serving in an official federal capacity at a state or local government agency. The state or local government agency must annually obtain, and maintain in its files for public inspection, a copy of any public financial-disclosure report filed by the federal officer or employee under federal law.

§ 82021. Dependent Children. (18229.1)

“Dependent child” or “dependent children” means a public official’s child (including an adoptive child or stepchild) who is under 18 years old and whom the official is entitled to claim as a dependent on their federal tax return.

§ 82022. Direct Communication. (18239)

- (a) “Direct communication” means appearing as a witness before, talking to (either by telephone or in person), corresponding with, or answering questions or inquiries from, any qualifying official, either personally or through an agent who acts under one’s direct supervision, control, or direction.
- (b) “Direct communication” does not include a request for or provision of purely technical data or analysis to an administrative agency by a person who does not otherwise engage in direct communication to influence legislative or administrative action.

§ 82023. Doing Business in the Jurisdiction. (18230)

- (a) A public official’s financial interest is “doing business in the jurisdiction” if it has business contacts on a regular or substantial basis with a person who maintains a physical presence in the jurisdiction of the public official.
- (b) “Business contacts” include, but are not limited to, manufacturing, distributing, selling, purchasing, or providing services or goods.

(c) “Business contacts” do not include marketing by the Internet, telephone, television, radio, or print media.

§ 82024. Elected Officer. (82020)

“Elected officer” means any person who holds an elective office, has been elected to an elective office but has not yet taken office, or is appointed to fill a vacant elective office.

§ 82025. Elected State Officer. (82021)

“Elected state officer” means any person who holds an elective state office, has been elected to an elective state office but has not yet taken office, or is appointed to fill a vacant elective state office.

§ 82026. Election. (82022)

“Election” means any primary, general, special, or recall election held in this state. For this title, the primary, general and special elections are each a separate election.

§ 82027. Election Periods. (85204; 85204.5)

The following terms are used to reflect specific periods of time during an election:

- (a) “90-day period” means the period of time commencing 90 days before an election and ending on the date of the election.
- (b) For the Board of Administration of the Public Employees’ Retirement System and the Teachers’ Retirement Board, “the date of the election” is the deadline to return ballots.
- (c) For special elections:
 - (1) “Special election cycle” means the day on which the office becomes vacant until the day of the special election.
 - (2) “Special runoff election cycle” means the day after the special election until the day of the special runoff election.

§ 82028. Elective Office. (82023)

“Elective office” means:

- (a) Any state, regional, county, municipal, district, or judicial office that is filled at an election.
- (b) Membership on a county central committee of a qualified political party.
- (c) Membership through election on the Board of Administration of the Public Employees’ Retirement System or the Teachers’ Retirement Board.

§ 82029. Elective State Office. (82024)

“Elective state office” means the office of Governor, Lieutenant Governor, Attorney General, Insurance Commissioner, Controller, Secretary of State, Treasurer, Superintendent of Public Instruction, Member of the Legislature, member elected to the Board of Administration of the Public Employees’ Retirement System, member elected to the Teachers’ Retirement Board, and member of the State Board of Equalization.

§ 82030. Expenditure. (82025; 18225)

- (a) **Definition.** “Expenditure” means a payment, a forgiveness of a loan, a payment of a loan by a third party, or an enforceable promise to make a payment for political purposes.
- (b) **Political Purposes.** A payment is made for “political purposes” if it is
 - (1) For the purpose of influencing or attempting to influence the action of the voters for or against the nomination or election of a candidate or candidates, or the qualification, passage or defeat of any measure; or
 - (2) Made by:

- (A) A candidate, unless it is clear from surrounding circumstances that the payment was made for personal purposes unrelated to their candidacy or status as an office holder;
 - (B) A controlled committee;
 - (C) An official committee of a political party, including a state central committee, county central committee, assembly district committee or any subcommittee of such committee; or
 - (D) An organization formed or existing primarily for political purposes as described in paragraph (1), including a political action committee established by any membership organization, labor union, or corporation.
- (c) **Express Advocacy.** “Expenditure” includes monetary or non-monetary payments made by any person, other than those persons or organizations described in subdivision (b)(2), that are used for communications that expressly advocate the nomination, election, or defeat of a clearly identified candidate or candidates, or the qualification, passage, or defeat of a clearly identified ballot measure.
- (1) "Clearly identified" as used in this title has the following meaning:
- (A) A candidate is clearly identified if the communication states the candidate’s name, makes unambiguous reference to his or her office or status as a candidate, or unambiguously describes him or her in any manner.
 - (B) A group of candidates is clearly identified if the communication makes unambiguous reference to some well-defined characteristic of the group, even if the communication does not name each candidate. A communication that clearly identifies a group of candidates and expressly advocates their election or defeat is reportable as an expenditure, but the expenditure need not be allocated among all members of the class or group on the campaign statement reporting the expenditure.
 - (C) A measure that has qualified to be placed on the ballot is clearly identified if the communication states a proposition number, official title or popular name associated with the measure. In addition, the measure is clearly identified if the communication refers to the subject matter of the measure and either states that the measure is before the people for a vote or, taken as a whole and in context, unambiguously refers to the measure.
 - (D) A measure that has not qualified to be placed on the ballot is clearly identified if the communication refers to the subject matter of the measure and to the qualification drive.
- (2) "Express Advocacy." A communication "expressly advocates" the nomination, election or defeat of a candidate or the qualification, passage or defeat of a measure if:
- (A) It contains express words of advocacy such as "vote for," "elect," "support," "cast your ballot for," "vote against," "defeat," "reject," "sign petitions for," or
 - (B) Within 60 days prior to an election in which the candidate or measure appears on the ballot, the communication otherwise refers to a clearly identified candidate or measure so that the communication, taken as a whole, unambiguously urges a particular result in an election.
- (d) **Limited Exception for Candidate’s Payment of Fees.** “Expenditure” does not include a candidate’s use of the candidate’s own money to pay for a filing fee for a declaration of candidacy or a candidate statement prepared under Elections Code section 13307.
- (e) **Date Made.** An expenditure is made on the date the payment is made or on the date consideration, if any, is received, whichever is earlier.

§ 82031. External Manager. (82025.3)

- (a) “External manager” means either:
 - (1) A person who is seeking to be, or is, retained by a state public retirement system in California or an investment vehicle to manage a portfolio of securities or other assets for compensation.
 - (2) A person who manages an investment fund and who offers or sells, or has offered or sold, an ownership interest in the investment fund to a state public retirement system in California or an investment vehicle.
- (b) “Investment fund” has the same meaning in Government Code Section 7513.8.
- (c) “Investment vehicle” has the same meaning in Section 82064.

§ 82032. Fair Market Value. (82025.5)

- (a) “Fair market value” means the estimated worth of goods, services, facilities or anything of value other than money. In general, the fair market value of an item is the value that the item would command in the open market.
- (b) Whenever the amount of goods, services, facilities, or anything of value other than money is required to be reported under this title, the amount reported must be the “fair market value,” and a description of the goods, services, facilities, or other thing of value must be included in the report or statement.

§ 82033. Filer. (82026)

“Filer” means the person filing or required to file any statement or report under this title.

§ 82034. Filing Officer. (82027)

“Filing officer” means the office or officer with whom any statement or report is required to be filed under this title. If copies of a statement or report are required to be filed with more than one office or officer, the one first named is the filing officer. The copy filed with the filing officer must have an original signature and it will be deemed the original copy.

§ 82035. General Purpose Committee. (82027.5)

- (a) “General purpose committee” means all independent expenditure and major donor committees under Section 82012, subdivision (b) or (c), and any recipient committee under Section 82012, subdivision (a), formed or existing primarily to support or oppose more than one candidate or ballot measure. The term does not include a recipient committee that is considered primarily formed, as provided in Section 82066, because it is supporting or opposing certain candidates or measures on the same ballot.
- (b) A “state general purpose committee” is a political party committee, as defined in Section 82065, or a committee to support or oppose candidates or measures voted on in a state election, or in more than one county.
- (c) A “county general purpose committee” is a committee to support or oppose candidates or measures voted on in only one county, or in more than one jurisdiction within one county.
- (d) A “city general purpose committee” is a committee to support or oppose candidates or measures voted on in only one city.

§ 82036. Gift. (82028)

- (a) “Gift” means any payment that confers a personal benefit on the recipient, including rebates or discounts in the price of anything of value unless the rebate or discount is made in the regular course of business to members of the public without regard to official status.
- (b) The term “gift” does not include:
 - (1) Any payment where fair and adequate consideration is received. Any person, other than a defendant in a criminal action, who claims that a payment is not a gift based on receipt of consideration has the burden of proving that the consideration is of equal or greater value.
 - (2) Informational material such as books, reports, pamphlets, calendars, or periodicals. No payment for travel or reimbursement for any expenses will be deemed “informational material.”
 - (3) Unused gifts that, within 30 days of receipt, are returned to the donor or delivered to a nonprofit entity exempt from taxation under the Internal Revenue Code section 501, subdivision (c)(3), without being claimed as a charitable contribution for tax purposes.
 - (4) Gifts from an individual’s spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such person. But if the donor is acting as an agent or intermediary for any person not covered by this paragraph, then this exception does not apply.

- (5) Campaign contributions required to be reported under Chapter 4 or 4.5 of this title.
- (6) Any devise or inheritance.
- (7) Personalized plaques and trophies with an individual value of less than \$250.

§ 82037. Immediate Family. (82029)

“Immediate family” means an individual’s spouse, domestic partner, and dependent children, as defined by Section 82021.

§ 82038. Income. (82030; 18232)

- (a) “Income” means:
 - (1) A payment received, including any salary, wage, advance, dividend, interest, rent, proceeds from any sale, gift, including any gift of food or beverage, loan, forgiveness or payment of indebtedness received by the filer, reimbursement for expenses, per diem, or contribution to an insurance or pension program paid by any person other than an employer, and includes any community property interest in a spouse’s income.
 - (2) An outstanding loan.
 - (3) A pro rata share of any income of any business entity or trust in which the individual or spouse owns, directly, indirectly, or beneficially, a 10% interest or greater.
- (b) “Income” does not include:
 - (1) Other than a gift, income received from any source outside the jurisdiction and not doing business within the jurisdiction, not planning to do business within the jurisdiction, or not having done business within the jurisdiction during the two years before the time any statement or other action is required under this title.
 - (2) Campaign contributions required to be reported under this title.
 - (3) Salary and reimbursement for expenses or per diem, and social security, disability, or other similar benefit payments received from a state, local, or federal government agency and reimbursement for travel expenses and per diem received from a bona fide nonprofit entity exempt from taxation under Internal Revenue Code section 501, subdivision (c)(3).
 - (4) Any devise or inheritance.
 - (5) Interest, dividends, or premiums on a time or demand deposit in a financial institution, shares in a credit union or any insurance policy, payments received under any insurance policy, or any bond or other debt instrument issued by any government or government agency.
 - (6) Dividends, interest, or any other return on a security which is registered with the Securities and Exchange Commission of the U.S. government or a commodity future registered with the Commodity Futures Trading Commission of the U.S. government, except proceeds from the sale of these securities and commodities futures.
 - (7) Redemption of a mutual fund.
 - (8) Alimony or child support payments.
 - (9) Any loan or loans from a commercial lending institution which are made in the lender’s regular course of business on terms available to members of the public without regard to official status.
 - (10) Any loan from or payments received on a loan made to an individual’s spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, uncle, aunt, or first cousin, or the spouse of any such person. But if any of these people is acting as an agent or intermediary for any person not covered by this paragraph, then the loan or loan payment received does not qualify for this exception.
 - (11) Any indebtedness created as part of a retail installment or credit card transaction, if made in the lender’s regular course of business on terms available to members of the public without regard to official status.
 - (12) Payments received under a defined benefit pension plan qualified under Internal Revenue Code section 401, subdivision (a).
 - (13) Proceeds from the sale of securities registered with the Securities and Exchange Commission of the U.S. government or from the sale of commodities futures registered with the Commodity Futures Trading

Commission of the U.S. government if the filer sells the securities or the commodities futures on a stock or commodities exchange and does not know or have reason to know the purchaser's identity.

- (c) "Salary" from a state, local, or federal government agency means any and all payments a government agency makes to a public official, or accrued to the public official's benefit, as consideration for the public official's services to the government agency. Such payments include wages, fees paid to public officials as "consultants" as defined by Commission regulations, pension benefits, health and other insurance coverage, rights to compensated vacation and leave time, free or discounted transportation, payment or indemnification of legal defense costs, and similar benefits.
- (d) "Per diem" received from a state, local, or federal government agency means payment of a fixed sum of money, accruing daily to a public official when the public official is required to incur increased daily living expenses.
- (e) "Reimbursement for expenses" received from a state, local, or federal government agency means a payment to a public official, in compensation for otherwise uncompensated actual expenses incurred or to be incurred within 60 days, in the course of the public official's official duties.

§ 82039. Income; Earned. (82030.5)

- (a) "Earned income" means income from wages, salaries, professional fees, and other amounts received or promised to be received as compensation for personal services rendered.
- (b) Income that is not "earned income" includes:
 - (1) Any income derived from stocks, bonds, property, or other investments, or from retail or wholesale sales.
 - (2) Any amount paid by, or on behalf of, an elected state officer to a tax-qualified pension, profit sharing, or stock bonus plan and received by the elected state officer from the plan.
 - (3) The community property interest in a spouse's income.

§ 82040. Independent Expenditure. (82031)

"Independent expenditure" means an expenditure made by any person, including a payment of public moneys by a state or local government agency, in connection with a communication that expressly advocates the election or defeat of a clearly identified candidate or the qualification, passage or defeat of a clearly identified measure, or taken as a whole and in context, unambiguously urges a particular result in an election but is not made to or in coordination with the affected candidate or committee.

§ 82041. Influencing Legislative or Administrative Action. (82032)

"Influencing legislative or administrative action" means promoting, supporting, influencing, modifying, opposing, or delaying any legislative or administrative action by any means, including providing or the use of information, statistics, studies, or analyses.

§ 82042. Interest in Real Property. (82033;18233)

- (a) "Interest in real property" means either of the following:
 - (1) Any leasehold, beneficial or ownership interest or an option to acquire such an interest in real property located in the jurisdiction owned directly, indirectly, or beneficially by the public official, or other filer, or the public official's immediate family if the fair market value of the interest is \$2,000 or more.
 - (2) A pro rata share of interests in real property of any business entity or trust in which the individual or immediate family owns, directly, indirectly or beneficially, a 10% interest or greater.
- (b) "Interest in real property" and "leasehold interest" do not include a tenant's interest in a periodic tenancy of one month or less.

§ 82043. Intermediary. (18432.5)

- (a) A person is an intermediary for a contribution if the recipient of the contribution would consider the person to be the contributor without the disclosure of the identity of the contribution's true source.
- (b) The Commission may further define intermediary by regulation.

§ 82044. Investment. (82034; 18237)

- (a) "Investment" means:
 - (1) Any financial interest in or security issued by a business entity, including common stock, preferred stock, rights, warrants, options, debt instruments, and any partnership or other ownership interest owned directly, indirectly, or beneficially by the public official, or other filer, or the public official's immediate family.
 - (2) A pro rata share of investments of any business entity, mutual fund, or trust in which the individual or immediate family owns, directly, indirectly, or beneficially, a 10% interest or greater.
 - (3) Where the business entity or any parent, subsidiary, or otherwise related business entity has an interest in real property in the jurisdiction, or does business or plans to do business in the jurisdiction, or has done business within the jurisdiction at any time during the two years before the time any statement or other action is required under this title. The term "parent, subsidiary or otherwise related business entity" will be defined by Commission regulations.
 - (4) Where the asset's fair market value equals or exceeds \$2,000.
- (b) "Investment" does not include:
 - (1) A time or demand deposit in a financial institution.
 - (2) Shares in a credit union.
 - (3) Any insurance policy.
 - (4) Interest in a diversified mutual fund registered with the Securities and Exchange Commission under the Investment Company Act of 1940 or in a common trust fund created under the Financial Code section 1564.
 - (5) An exchange traded fund (ETF), closed-end fund or fund held in a plan qualified under Sections 401(k), 403(b), 457 or similar provision of the Internal Revenue Code (qualified plan), if all the following are met:
 - (A) The fund is a bona fide investment fund that pools money from more than 100 investors and invests the money in stocks, bonds, or other securities.
 - (B) The fund holds securities of more than 15 issuers.
 - (C) The public official did not influence or control the decision to purchase or sell the specific fund on behalf of his or her agency during the applicable reporting period.
 - (D) The public official does not influence or control the selection of any specific investment purchased and sold on behalf of the fund.
 - (E) The fund does not have a stated policy of concentrating its holdings in the same industry or business.
 - (F) For purposes of subdivisions (b)(5)(A) and (B), an ETF, closed-end fund or qualified plan is presumed to have more than 100 investors and hold securities of more than 15 issuers.
 - (6) An interest in a government defined-benefit pension plan, or
 - (7) Any bond or other debt instrument issued by any government or government agency.

§ 82045. Jurisdiction. (82035)

"Jurisdiction" means either of the following:

- (a) For a state agency, the State of California.
- (b) For a local government agency, the region, county, city, district, or other geographical area in which it has authority. Real property is deemed to be "within the jurisdiction" for a local government agency if the property or any part of it is located within or not more than two miles outside the boundaries of the jurisdiction or within two miles of any land owned or used by the local government agency.

§ 82046. LAFCO Proposal. (82035.5)

LAFCO is an acronym for “Local Agency Formation Commission.” A “LAFCO proposal” means a proposal under Government Code Section 56069, including a proceeding, as defined by Section 56067.

§ 82047. Late Contribution. (82036)

“Late contribution” means either of the following:

- (a) Any contribution, including a loan, that totals in the aggregate \$1,000 or more and is made to or received by a candidate, a controlled committee, or a committee formed or existing primarily to support or oppose a candidate or measure during the 90-day period preceding the date of the election, or on the date of the election, at which the candidate or measure is to be voted on. For the Board of Administration of the Public Employees’ Retirement System and the Teachers’ Retirement Board, “the date of the election” is the deadline to return ballots.
- (b) Any contribution, including a loan, that totals in the aggregate \$1,000 or more and is made to or received by a political party committee, as defined in Section 82072, within 90 days before the date of a state election or on the date of the state election.

§ 82048. Late Independent Expenditure. (82036.5)

“Late independent expenditure” means any independent expenditure that totals in the aggregate \$1,000 or more and is made for or against a specific candidate or measure involved in an election during the 90-day period preceding the date of the election or on the date of the election. For the Board of Administration of the Public Employees’ Retirement System and the Teachers’ Retirement Board, “the date of the election” is the deadline to return ballots.

§ 82049. Legislative Action. (82037)

- (a) “Legislative action” means the drafting, introduction, consideration, modification, enactment or defeat of any bill, resolution, amendment, report, nomination, or other matter by the Legislature or by either house or any committee, subcommittee, joint or select committee thereof, or by a member or employee of the Legislature acting in their official capacity.
- (b) “Legislative action” also means the action of the Governor in approving or vetoing any bill.

§ 82050. Legislative Official. (82038)

“Legislative official” means any employee or consultant of the Legislature whose duties are not solely secretarial, clerical or manual.

§ 82051. Lobbying Coalition. (18616.4)

- (a) “Lobbying coalition” means a group of ten or more persons whose members make payments to the coalition for sharing the expenses of employing a lobbyist or contracting for the services of a lobbying firm formed primarily to influence legislative or administrative action.
- (b) A bona fide federation, confederation or trade, labor or membership organization is not a lobbying coalition if it is ongoing in nature and its membership services are not limited to influencing legislative or administrative action.
- (c) A person making payments to a lobbying coalition does not qualify as a lobbying firm or lobbyist employer.

§ 82052. Lobbying Firm. (82038.5)

- (a) “Lobbying firm” means any business entity, including an individual contract lobbyist, which meets either of the following criteria:

- (1) Lobbyist in Firm. The business entity receives or becomes entitled to receive any compensation, other than reimbursement for reasonable travel expenses, for influencing legislative or administrative action on behalf of any other person, and any partner, owner, officer, or employee of the business entity is a lobbyist.
 - (2) No Lobbyist in Firm. The business entity receives or becomes entitled to receive any compensation, other than reimbursement for reasonable travel expenses, to communicate directly with any elective state official, agency official, or legislative official for influencing legislative or administrative action on behalf of any other person, if a substantial or regular portion of the activities for which the business entity receives compensation is for influencing legislative or administrative action.
- (b) No business entity is a lobbying firm by reason of activities described in Section 90012.

§ 82053. Lobbyist. (82039)

- (a) “Lobbyist” means any of the following:
- (1) Contract Lobbyist. Any individual who receives \$2,000 or more in economic consideration in a calendar month, other than reimbursement for reasonable travel expenses, to communicate directly or through agents with any elective state official, agency official, or legislative official to influence legislative or administrative action.
 - (2) In-house Lobbyist. Any individual whose principal duties as an employee are to communicate directly or through agents with any elective state official, agency official, or legislative official to influence legislative or administrative action.
 - (3) A placement agent, as defined in Section 82064.
- (b) An individual is not a lobbyist by reason of activities described in Section 90012.
- (c) For subdivision (a), a proceeding before the Public Utilities Commission is an “administrative action” if it meets the definition in Section 82001, subdivision (b). But a communication made to influence an administrative action before the Public Utilities Commission is not within subdivision (a) if the communication is made at a public hearing, public workshop, or other public forum that is part of the proceeding, or if the communication is included in the official record of the proceeding.

§ 82054. Lobbyist Employer. (82039.5)

- “Lobbyist employer” means any person, other than a lobbying firm, who:
- (a) Employs one or more in-house lobbyists for economic consideration, other than reimbursement for reasonable travel expenses, to influence legislative or administrative action; or
 - (b) Contracts for the services of a lobbying firm for economic consideration, other than reimbursement for reasonable travel expense, to influence legislative or administrative action.

§ 82055. Local Government Agency. (82041)

“Local government agency” means a county, city, or district of any kind including a school district, or any other local or regional political subdivision, or any department, division, bureau, office, board, commission, or other agency of the foregoing.

§ 82056. Mass Mailing. (82041.5)

“Mass mailing” means over two hundred substantially similar pieces of mail sent within a calendar month, but does not include a form letter or other mail that is sent in response to an unsolicited request, letter, or other inquiry.

§ 82057. Mayor. (82042)

“Mayor” of a city includes mayor of a city and county.

§ 82058. Measure. (82043)

“Measure” means any constitutional amendment or other proposition that is submitted to a popular vote at an election by action of a legislative body, or that is submitted or is intended to be submitted to a popular vote at an election by initiative, referendum or recall procedure, regardless of whether it qualifies for the ballot.

§ 82059. Multipurpose Organizations. (84222)

- (a) “Multipurpose organization” means an organization described in Internal Revenue Code sections 501, subdivisions (c)(3) through (c)(10) and that is exempt from taxation under Section 501(a) of the Internal Revenue Code, a federal or out-of-state political organization, a trade association, a professional association, a civic organization, a religious organization, a fraternal society, an educational institution, or any other association or group of persons acting in concert, that is operating for purposes other than making contributions or expenditures.
- (b) “Multipurpose organization” does not include a business entity, an individual, or a federal candidate’s authorized committee, as defined in Section 431 of Title 2 of the United States Code, that is registered and filing reports under the Federal Election Campaign Act of 1971 (Public Law 92-225).

§ 82060. Payment. (82044)

“Payment” means a distribution, transfer, loan, advance, deposit, gift or other rendering of money, property, services or anything else of value, be it tangible or intangible.

§ 82061. Payment to Influence Legislative or Administrative Action. (82045)

“Payment to influence legislative or administrative action” means any of the following types of payment:

- (a) **To Lobbyist.** Direct or indirect payment to a lobbyist for salary, fee, compensation for expenses, or any other purpose, by a person employing or contracting for the lobbyist’s services separately or jointly with other persons;
- (b) **In Support of Lobbyist.** Payment in support or assistance of a lobbyist or the lobbyist’s activities, including the direct payment of expenses incurred at the request or suggestion of the lobbyist;
- (c) **For Activity Expenses.** Payment that directly or indirectly benefits any elective state official, legislative official, or agency official or any such official’s immediate family member;
- (d) **To Employees.** Payment, including compensation or reimbursement for the services, time or expenses of an employee, for or in connection with direct communication with any elective state official, legislative official, or agency official;
- (e) **For Grassroots Lobbying.** Payment for or in connection with soliciting or urging other persons to enter into direct communication with any elective state official, legislative official, or agency official.

§ 82062. Period Covered. (82046)

- (a) **Campaign Statements.** Where this title requires filing a campaign statement and does not specify otherwise, “period covered” means the period beginning the day after the closing date of the most recent campaign statement that was required to be filed and ending with the closing date of the statement in question. If a person has not previously filed a campaign statement, the period covered begins on January 1.
- (b) **Other than Campaign Statements.** Where this title requires filing a statement or report other than a campaign statement and does not specify otherwise, “period covered” means the period beginning with the day after the closing date of the most recent statement or report that was required to be filed, and ending with the closing date of the statement or report in question. If the person filing the statement or report has not previously filed a statement or report of the same type, the period covered begins on the day on which the first reportable transaction occurred.

§ 82063. Person. (82047)

“Person” means an individual, proprietorship, firm, partnership, joint venture, syndicate, business trust, company, corporation, limited liability company, association, committee, and any other organization or group of persons acting in concert.

§ 82064. Placement Agent. (82047.3)

- (a) “Placement agent” means an individual directly or indirectly hired, engaged, or retained by, or serving for the benefit of or on behalf of, an external manager or an investment fund managed by an external manager, and who acts or has acted for compensation as a finder, solicitor, marketer, consultant, broker, or other intermediary in connection with the offer or sale to a state public retirement system in California or an investment vehicle either of the following:
- (1) In the case of an external manager within the meaning of paragraph (1) of subdivision (a) of Section 82031, the investment management services of the external manager.
 - (2) In the case of an external manager within the meaning of paragraph (2) of subdivision (a) of Section 82031, an ownership interest in an investment fund managed by the external manager.
- (b) Notwithstanding subdivision (a), an individual who is an employee, officer, director, equity holder, partner, member, or trustee of an external manager and who spends one-third or more of their time, during a calendar year, managing the securities or assets owned, controlled, invested, or held by the external manager is not a placement agent.
- (c) Notwithstanding subdivision (a), an employee, officer, or director of an external manager, or of an affiliate of an external manager, is not a placement agent for an offer or sale of investment management services described in subdivision (a) if all of the following apply:
- (1) The external manager is registered as an investment adviser or a broker-dealer with the Securities and Exchange Commission or, if exempt from or not subject to registration with the Securities and Exchange Commission, any appropriate state securities regulator.
 - (2) The external manager is participating in a competitive bidding process, such as a request for proposals, subject to Education Code section 22364, subdivision (a), or subdivision (a) of Section 20153 of this code, as applicable, or has been selected through that process, and is providing services under a contract executed as a result of that competitive bidding process.
 - (3) The external manager, if selected through a competitive bidding process described in paragraph (2), has agreed to a fiduciary standard of care, as defined by the standards of conduct applicable to the retirement board of a public pension or retirement system and set forth in Section 17 of Article XVI of the California Constitution, when managing a portfolio of assets of a state public retirement system in California.
- (d) For this section, “investment fund” has the same meaning as set forth in Section 7513.8.
- (e) For this section, “investment vehicle” means a corporation, partnership, limited partnership, limited liability company, association, or other entity, either domestic or foreign, managed by an external manager in which a state public retirement system in California is the majority investor and that is organized to invest with, or retain the investment management services of, other external managers.

§ 82065. Political Party Committee. (85205)

“Political party committee” means the state central committee or county central committee of an organization that meets the requirements for recognition as a political party under Elections Code section 5100.

§ 82066. Primarily Formed Committee. (82047.5)

“Primarily formed committee” means a recipient committee under Section 82012, subdivision (a), that is formed or exists primarily to support or oppose any of the following:

- (a) A single candidate.
- (b) A single measure.
- (c) A group of specific candidates being voted upon in the same city, county, or multicounty election.

(d) Two or more measures being voted upon in the same city, county, multicounty, or state election.

§ 82067. Principal Officer. (82047.6)

- (a) “Principal officer” means the individual primarily responsible for approving the political activities of a committee, including the following activities:
- (1) Authorizing the content of communications made by the committee.
 - (2) Authorizing expenditures, including contributions, on behalf of the committee.
 - (3) Determining the committee’s campaign strategy.
- (b) If two or more individuals share the primary responsibility for approving the political activities of a committee, each individual is a principal officer.

§ 82068. Public Moneys. (85206)

“Public moneys” has the same meaning as defined in Penal Code section 426.

§ 82069. Public Official. (82048)

- (a) **Defined.** Subject to the exceptions in subdivision (b), “public official” means every member, officer, employee, or consultant of a state or local government agency.
- (b) **Exceptions.** “Public official” does not include the following:
- (1) A judge or court commissioner in the judicial branch of government.
 - (2) A member of the Board of Governors and designated employees of the State Bar of California.
 - (3) A member of the Judicial Council.
 - (4) A member of the Commission on Judicial Performance if they are subject to Article 2.5 (commencing with Section 6035) of Chapter 4 of Division 3 of the Business and Professions Code as provided in Section 6038 of that article.
 - (5) A federal officer or employee serving in an official federal capacity at a state or local government agency.

§ 82070. Slate Mailer. (82048.3)

“Slate mailer” means a mass mailing that supports or opposes a total of four or more candidates or ballot measures.

§ 82071. Slate Mailer Organization. (82048.4)

- (a) **Defined.** Subject to the exceptions in subdivision (b), “slate mailer organization” means any person who, directly or indirectly, does both of the following:
- (1) Is involved in the production of one or more slate mailers and exercises control over the selection of the candidates and measures that the slate mailers support or oppose; and,
 - (2) Receives or is promised payments totaling \$500 or more in a calendar year for the production of one or more slate mailers.
- (b) **Exceptions.** A slate mailer organization does not include any of the following:
- (1) A candidate or officeholder or a candidate’s or officeholder’s controlled committee.
 - (2) An official committee of any political party.
 - (3) A legislative caucus committee.
 - (4) A committee primarily formed to support or oppose a candidate, officeholder, or ballot measure.
- (c) **Reporting of Contributions and Expenditures.** The production and distribution of slate mailers by a slate mailer organization will not be considered making contributions or expenditures for Section 82012, subdivisions (b) or (c). If a slate mailer organization makes contributions or expenditures other than by producing or distributing slate mailers, and it reports those contributions and expenditures under Sections 84501 and 84502, no additional campaign statements will be required of the slate mailer organization under Section 84100 or 84101.

§ 82072. Small Contributor Committee. (85203; 18503)

“Small contributor committee” means any committee that meets all of the following criteria:

- (a) It has been in existence for at least six months;
- (b) Within 36 months before making a contribution, it receives contributions from 100 or more persons;
- (c) No one person has contributed more than \$200 per calendar year to the committee; and
- (d) It makes contributions to five or more candidates every 36 months and each contribution equals or exceeds \$25.

§ 82073. Special District. (82048.5)

“Special district” means any agency of the state established for the local performance of governmental or proprietary functions within limited boundaries. “Special district” includes a county service area, a maintenance district or area, an improvement district or zone, an air pollution control district, or a redevelopment agency. “Special district” does not include a city, county, city and county, or school district.

§ 82074. Specific Office. (18520)

“Specific office” means a specific term of “elective office” as defined in Section 82028.

§ 82075. Sponsored Committee. (82048.7)

- (a) **Defined.** “Sponsored committee” means a committee, other than a candidate controlled committee, that has one or more sponsors. Any person, except a candidate or other individual, may sponsor a committee.
- (b) **Qualifications for a Sponsor.** A person sponsors a committee if any of the following apply:
 - (1) The committee receives 80% or more of its contributions from the person or its members, officers, employees, or shareholders.
 - (2) The person collects contributions for the committee by use of payroll deductions or dues from its members, officers, or employees.
 - (3) The person, alone or in combination with other organizations, provides all or nearly all of the administrative services for the committee.
 - (4) The person, alone or in combination with other organizations, sets the policies for soliciting contributions or making expenditures of committee funds.
- (c) **Multipurpose Organization as a Sponsor.** A sponsor that is a multipurpose organization, as defined in Section 82059, and that makes contributions or expenditures from its general treasury funds must comply with Sections 84520 and 84521.

§ 82076. Spouse. (18229)

“Spouse” includes registered domestic partners recognized by state law.

§ 82077. State Agency. (82049)

“State agency” means every state office, department, division, bureau, board and commission, and the Legislature.

§ 82078. State Candidate. (82050)

“State candidate” means a candidate seeking nomination or election to any elective state office.

§ 82079. State Measure. (82051)

“State measure” means any measure submitted or intended to be submitted to the voters of the state.

§ 82080. State Measure Proponent. (82047.7)

“State measure proponent” means “proponent” as defined in Elections Code section 9002.

§ 82081. Statewide Candidate. (82052)

“Statewide candidate” means a candidate who seeks election to any statewide elective office.

§ 82082. Statewide Election. (82052.5)

“Statewide election” means an election for statewide elective office.

§ 82083. Statewide Elective Office. (82053)

“Statewide elective office” means the office of Governor, Lieutenant Governor, Attorney General, Insurance Commissioner, Comptroller, Secretary of State, Treasurer, Superintendent of Public Instruction, and member of the State Board of Equalization.

§ 82084. Statewide Petition. (82054)

“Statewide petition” means a petition to qualify a proposed state measure.

§ 82085. Street Address. (18421.2)

“Street address” means either:

- (a) The street name, building number, city, state, and zip code.
- (b) The Army and Air Force Post Office (A.P.O.) or Fleet Post Office (F.P.O.) address assigned by the United States government to an individual or a dependent who resides with the individual when the individual is on government duty outside the United States and does not have a conventional street address.

Chapter 3. Campaign Organizations (§ 83100 - § 83201)

Article 1. Organization of Committees; Bank Account; Candidacy (§83100 - §83106)

§ 83100. Statement of Intention to be a Candidate. (85200)

- (a) **Elective State Office.** Before solicitation or receipt of any contribution or loan, anyone who intends to be a candidate for an elective state office, as defined by Section 82029, must file an original statement of intention to be candidate for a specific office, under penalty of perjury with the Secretary of State.
- (b) **Other Elective Offices.** Before solicitation or receipt of any contribution or loan, anyone who intends to be a candidate for any other elective office must file the statement of intention with the same filing officer with whom the individual would file an original campaign statement under subdivisions (b), (c), and (d) of Section 84304.
- (c) **Exception for Fees.** For this section, “contribution” and “loan” do not include any payments from the candidate’s personal funds for a candidate filing fee or a candidate statement of qualifications fee.

§ 83101. Candidate’s Campaign Bank Account. (85201)

- (a) After filing the statement of intention under Section 83100, a candidate who will receive contributions or make expenditures of \$2,000 or more must establish one campaign contribution account at a financial institution located in the state.
- (b) Under Section 83103, subdivision (e), candidates who raise contributions of \$2,000 or more in a calendar year must provide the name and address of the financial institution where the candidate has established a campaign

account and the account number on the committee statement of organization filed under Sections 83102 and 83104.

- (c) All contributions or loans made to the candidate, to a person on behalf of the candidate, or to the candidate's controlled committee must be deposited in the account.
- (d) Any personal funds utilized to promote the election of the candidate must be deposited in the account before expenditure.
- (e) All campaign expenditures must be made from the account.
- (f) Subdivisions (d) and (e) do not apply to a candidate's payment for a filing fee and statement of qualifications from the candidate's personal funds.
- (g) This section does not apply to a candidate who will not receive contributions and who makes expenditures from personal funds of less than \$2,000 in a calendar year to support the person's candidacy. Under this section, a candidate's payment for a filing fee and statement of qualifications is not included in calculating the total expenditures made.
- (h) If an individual raises contributions from others for the individual's campaign, but the amount raised or spent is less than \$2,000 in a calendar year, and does not qualify as a committee under Section 82012, that individual must still establish a campaign contribution account under subdivision (a), but need not file a committee statement of organization under Section 83102 or other statement of bank account information.

§ 83102. Recipient Committee Statement of Organization; Filing. (84101)

- (a) **Statement Required.** A recipient committee, as defined by Section 82012, subdivision (a), must file a statement of organization.
- (b) **Where and When to File.** The committee must file the original of the statement of organization with the Secretary of State and file a copy with the local filing officer, if any, with whom the committee is required to file the originals of its campaign reports under Section 84304. The original and copy of the statement of organization must be filed within 10 days after the committee has qualified under 82012, subdivision (a).
- (c) **Secretary of State's Duties.** The Secretary of State will assign a number to each committee that files a statement of organization and post the number on its website. The Secretary of State will send a copy of statements filed under this section to the county elections official of each county that the Secretary deems appropriate. A county elections official who receives a copy of a statement of organization from the Secretary of State under this section will send a copy of the statement to the clerk of each city in the county that the Secretary deems appropriate.
- (d) **File Within 24 Hours Near Election.** In addition to filing the statement of organization as required by subdivision (a), if a committee qualifies under Section 82012, subdivision (a) during the 16-day period before the date of an election where the committee is required to file preelection statements under Section 84102 or 84531, the committee must file a statement of organization by fax, online transmission, guaranteed overnight delivery, or personal delivery within 24 hours of qualifying as a committee. The information required by this subdivision must be filed with the filing officer with whom the committee is required to file the originals of its campaign reports under Section 84304.
- (e) **Independent Expenditures.** In addition to filing the statement of organization as required by subdivision (a), if an independent expenditure committee qualifies as a committee under Section 82012, subdivision (a) during the time period described in Section 82048 and makes independent expenditures of \$1,000 or more to support or oppose a candidate or candidates, the committee must file a statement of organization by fax, online transmission, guaranteed overnight delivery, or personal delivery within 24 hours of qualifying as a committee. The information required by this section must be filed with the filing officer with whom the committee is required to file the original of its campaign reports under Section 84304, and must be filed at all locations required for the candidate or candidates supported or opposed by the independent expenditures. The filings required by this section are in addition to filings that may be required by Section 84202.
- (f) **Exempt Payments.** For this section, in calculating if \$2,000 in contributions has been received, payments for a filing fee or for a statement of qualifications to appear in a sample ballot are not included if these payments were made from the candidate's personal funds.

§ 83103. Statement of Organization; Contents. (84102, 84106, 84107, 18402, 18450.3, 18531.62(c)(2), 18530.4(b), 18530.45(c), 18531.5(c)(1) and (3), and 18422)

The statement of organization required by Section 83102 must include all of the following:

- (a) **Committee Name and Information.** The name, street address, telephone number, and email address of the committee. A committee must use only one name on its statement of organization. Whenever identification of a committee is required by law, the identification must include the full name of the committee as required in the statement of organization. Committee names must include the information as specified by this title and Commission regulations.
- (1) **Controlled Committee.** The name of a committee controlled by one or more candidates under Section 82018 must include the last name of each candidate that controls the committee.
 - (2) **Candidate's Controlled Committee for Election to Office.** The name of a committee controlled by one or more candidates for purposes of the election of the controlling candidate or candidates must include, in addition to the last name of the controlling candidate(s), the office sought and year of the election.
 - (3) **Committee Primarily Formed to Support or Oppose Candidate.** The name of a non-candidate controlled committee primarily formed to support or oppose one or more candidate, must include the last name of each candidate whom the committee supports or opposes as listed on its statement of organization, the office sought and year of the election, and state whether the committee supports or opposes the candidate.
 - (4) **Ballot Measure Committee.** The name of a committee primarily formed to support or oppose a ballot measure must:
 - (A) Within 30 days of the designation of the numerical order of propositions appearing on the ballot, if supporting the measure, include the statement, "a committee for Proposition ____"; or, if opposing the measure, include the statement, "a committee against Proposition ____."
 - (B) Include the information required in advertisement disclosure Section 87202 and Commission regulations.
 - (5) **Sponsored Committee.** The name of a committee that is sponsored under Section 82075 must include the name of its sponsor. If a committee has more than one sponsor, and the sponsors are members of an industry or other identifiable group, the name of the committee must include a term identifying that industry or group. For a sponsored committee, the statement of organization must include the name, street address, and telephone number, and email address of each sponsor.
 - (6) **Other Committees.** The name of an officeholder committee, legal defense fund committee, recall committee, or multipurpose organization that registers as a committee, must include the information in its name specified by Commission regulations.
- (b) **Treasurer and Principal Officers.** The full name, street address, and telephone number, and email address of the treasurer and any other principal officers.
- (1) A committee with more than one principal officer must identify its principal officers as follows:
 - (A) A committee with three or fewer principal officers must identify all principal officers.
 - (B) A committee with more than three principal officers must identify no fewer than three principal officers.
 - (2) If no individual other than the treasurer is a principal officer, the treasurer must be identified as both the treasurer and the principal officer.
- (c) **Purpose.** The full name and office sought by a candidate, and the title and ballot number, if any, of any measure that the committee supports or opposes as its primary activity. A committee that does not support or oppose any candidates or ballot measures as its primary activity must provide a brief description of its political activities, including whether it supports or opposes candidates or measures and if such candidates or measures have common characteristics, such as a political party preference.
- (d) **Independent or Controlled.** A statement whether the committee is independent or controlled, including:
- (1) If the committee is controlled, the name of each candidate or state measure proponent who controls it, be it an individual, entity, or other person, or the name of any controlled committee with which it acts jointly.

- (2) If a committee is controlled by a candidate for partisan or voter-nominated office, the controlled committee must indicate the political party, if any, for which the candidate has disclosed a preference.
- (e) **Financial Institution.** For a committee that is a committee under Section 82012, subdivision (a) or (b), the name and address of the financial institution in which the committee has established an account and the account number.
- (f) **Additional Information.** Any other information required by the rules or regulations of the Commission consistent with this title and its purposes.

§ 83104. Statement of Organization; Amendment. (84103)

- (a) **Amend Within 10 Days.** If there is a change in any of the information required on a statement of organization, the committee must file an amendment within 10 days to reflect the change.
- (b) **Where to File.** The committee must file the original of the amended statement of organization with the Secretary of State. If the committee is required to file the originals of its campaign reports with a local filing officer under Section 84304, then the committee must file a copy of the amendment with the local filing officer.
- (c) **Amend Within 24 Hours Near Election.** A committee defined in Section 82012, subdivision (a) must, by fax, online transmission, guaranteed overnight delivery, or personal delivery within 24 hours, notify the filing officer with whom it is required to file the originals of its campaign reports under Section 84304 if:
 - (1) The change requiring the amendment occurs during the 16-day period before the date of the election where the committee is required to file preelection statements under Section 84102, and
 - (2) Any of the following information is changed:
 - (A) The name of the committee.
 - (B) The name of the treasurer or other principal officers.
 - (C) The name of any candidate or committee by which the committee is controlled or with which it acts jointly.

The notification must include the changed information, the date of the change, the name of the person providing the notification, and the committee's name and identification number. A committee may file a notification online only if the appropriate filing officer is capable of receiving the notification in that manner.

§ 83105. Treasurer; Assistant Treasurer. (84100; 18426.1)

- (a) **Treasurer.** Every recipient committee defined in Section 82012, subdivision (a) must have a treasurer. No expenditure may be made by or on behalf of a committee without the authorization of the treasurer or the treasurer's designated agents. No contribution or expenditure will be accepted or made by or on behalf of a committee if the office of treasurer is vacant.
- (b) **Assistant Treasurer.** Every recipient committee may designate one assistant treasurer on the committee's statement of organization. The assistant treasurer may sign and verify campaign statement(s) on behalf of the committee which they have used reasonable diligence to prepare and review, and signs to that effect under penalty of perjury as required by Section 84400.
 - (1) For statements signed by the assistant treasurer, the treasurer and assistant treasurer are jointly and severally liable for any violations for which the Political Reform Act would otherwise hold the treasurer liable.
 - (2) The assistant treasurer assumes the duties and responsibilities of the treasurer in the event of a temporary vacancy in the office or in the event the treasurer is unavailable.

§ 83106. Recipient Committee Annual Fees. (84101.5)

- (a) **Annual Fee.** Despite Section 90304, the Secretary of State will charge each committee that is required to file a statement of organization under Section 83102, subdivision (a), a fee of \$50 per year until the committee is terminated under Section 84450.

- (b) **Initial Payment Date.** A committee must pay the fee required by subdivision (a) no later than 15 days after filing its statement of organization.
- (c) **Annual Payment Date.** After the initial payment, the committee must:
 - (1) Annually pay the \$50 fee no later than April 30 of each year.
 - (2) A committee that is created and pays the initial fee in the last three months of a calendar year is not subject to the annual fee for the following calendar year.
- (d) **Failure to Pay Fee.** A committee that fails to pay a fee on time as required by this section is subject to a penalty equal to three times the amount of the fee.
- (e) **Enforcement.** The Commission will enforce the requirements of this section.

Article 2. Recordkeeping and Notices to Contributors (§ 83200 - §83201)

§ 83200. Recordkeeping. (84104)

Each candidate, treasurer, principal officer, and elected officer has a duty to maintain detailed accounts, records, bills, and receipts necessary to prepare campaign statements, to establish that campaign statements were properly filed, and to otherwise comply with this title. The filer must retain the detailed accounts, records, bills, and receipts for a period determined by the Commission. The Commission may not, however, require retention of records for a period longer than the five-year statute of limitations specified in Section 91114 or two years after the adoption of an audit report under Chapter 13, whichever is less.

§ 83201. Notification to Contributors. (84105; 18427.1)

- (a) **Notice at \$5,000.** A candidate or committee that receives contributions totaling \$5,000 or more from any person in a calendar year must inform the contributor within two weeks of receipt that the contributor may be required to file campaign reports, and include a reference to the filing requirements for multipurpose organizations under Sections 82059, 84520 and 84521.
- (b) **Notice at \$10,000.** A candidate or committee that receives a contribution of \$10,000 or more from any person during any period in which late-contribution reports are required to be filed under Section 84200, however, must provide the information to the contributor within one week.
- (c) **Exception.** he notification required by this section does not need to be sent to any contributor who has an identification number assigned by the Secretary of State issued under Section 83102.

Chapter 4. Campaign Disclosure; Filing Campaign Statements and Reports
(§ 84100 - § 84450)

Article 1. Periodic Campaign Statements (§ 84100 - § 84104)

§ 84100. Semiannual Statements; Who Files. (84200)

- (a) Except as provided in paragraphs (1) through (3), elected officers, candidates, and recipient committees under Section 82012, subdivision (a), must file semiannual statements each year by July 31 for the period ending June 30, and by January 31 for the period ending December 31.
 - (1) A candidate who, during the past six months has filed a declaration under Section 84302 that they will receive or spend less than \$2,000 is not required to file a semiannual statement for that six-month period.
 - (2) Elected officers with salaries less than \$200 a month, judges, judicial candidates, and their controlled committees need not file semiannual statements under this subdivision for any six-month period where they have not made or received any contributions or made any expenditures.
 - (3) A judge who is not listed on the ballot for reelection to, or recall from, any elective office during a calendar year need not file semiannual statements under this subdivision for any six-month period in that year if both the following apply:

(A) The judge has not received any contributions.

(B) The only expenditures made by the judge during the calendar year are contributions from the judge's personal funds to other candidates or committees totaling less than \$1,000.

- (b) All independent expenditure or major donor committees under Section 82012, subdivision (b) or (c), must file campaign statements each year by July 31 for the period ending June 30, and by January 31 for the period ending December 31, if they have made contributions or independent expenditures, including payments to a slate mailer organization, during the six-month period before a statement's closing date.

§ 84101. Preelection Statements; Who Files. (84200.5)

- (a) **Who Must File.** In addition to the campaign statements required by Section 84100, the following elected officers, candidates, and committees must file preelection statements under 84102:
- (1) **Candidates or Measures on the Ballot.** All candidates appearing on the ballot to be voted on at the next election, their controlled committees, and committees primarily formed to support or oppose an elected officer, candidate, or a measure appearing on the ballot for the next election.
 - (2) **Elected State Officers and Candidates Not on the Ballot.** All elected state officers and candidates for elective state office who are not appearing on the ballot at the next statewide primary or general election, and who, during the preelection reporting periods under Section 84102, contribute to any committee required to report receipts, expenditures, or contributions under this title, or make an independent expenditure of \$500 or more in connection with the statewide primary or general election.
 - (3) **State or County General Purpose Committees.** A state or county general purpose recipient committee formed under Section 82012, subdivision (a), other than a political party committee as defined in Section 82065, if it makes contributions or independent expenditures totaling \$500 or more in connection with the statewide primary or general election during the preelection reporting periods. But a state or county general purpose independent expenditure or major donor committee formed under Section 82012, subdivisions (b) or (c) does not need to file the Section 84102 preelection statements.
 - (4) **Political Party Committees.** A political party committee under Section 82065 must file the preelection statements in connection with a state election if the committee receives contributions totaling \$1,000 or more, or if it makes contributions or independent expenditures totaling \$500 or more, in connection with the election during the period covered by the preelection statement.
 - (5) **City General Purpose Committees.** A city general purpose recipient committee formed under Section 82012, subdivision (a), must file the applicable preelection statements specified in Section 84102 if it makes contributions or independent expenditures totaling \$500 or more in connection with a city election in the committee's jurisdiction during the period covered by the preelection statements. But a city general purpose independent expenditure or major donor committee formed under Section 82012, subdivision (b) or (c) need not file the Section 84102 preelection statements.
- (b) **CalPERS and CalSTRS.** During an election period for the Board of Administration of the Public Employees' Retirement System or the Teachers' Retirement Board, the following candidates and committees must file the preelection statements specified in Section 84531:
- (1) All candidates for these boards, their controlled committees, and committees primarily formed to support or oppose the candidates.
 - (2) A state or county general purpose recipient committee formed under Section 82012, subdivision (a), must file the preelection statements if it makes contributions or independent expenditures totaling \$500 or more during the period covered by the preelection statement to support or oppose a candidate, or a committee primarily formed to support or oppose a candidate on the ballot for the Board of Administration of the Public Employees' Retirement System or the Teachers' Retirement Board.
 - (3) But a general purpose independent expenditure or major committee formed under Section 82012, subdivisions (b) or (c) need not file the statements specified in Section 84531.

§ 84102. Preelection Statements; When to File. (84200.8)

Preelection statements must be filed as follows:

- (a) For the period ending 45 days before the election, the statement must be filed no later than 40 days before the election.
- (b) For the period ending 17 days before the election, the statement must be filed no later than 12 days before the election.
- (c) For runoff elections held within 60 days of the qualifying election, an additional preelection statement for the period ending 17 days before the runoff election must be filed no later than 12 days before the election.
- (d) All candidates being voted on in the election in connection with which the statement is filed, their controlled committees, and committees formed primarily to support or oppose a candidate or measure being voted on in that election must file the statements due 12 days before the election in subdivisions (b) and (c) by guaranteed overnight delivery service or by personal delivery.

§ 84103. Quarterly Campaign Statements; Ballot Measure Committees; When to File. (84202.3)

- (a) In addition to the campaign statements required by Section 84100, recipient committees under Section 82012, subdivision (a), that are primarily formed to support or oppose the qualification, passage, or defeat of a measure and state measure proponents who control a committee formed or existing primarily to support the qualification, passage, or defeat of a state ballot measure, must file campaign statements on the following dates:
 - (1) No later than April 30 for the period January 1 through March 31.
 - (2) No later than October 31 for the period July 1 through September 30.
- (b) This section does not apply to a committee during any semiannual period in which the committee is required to file preelection statements under Section 84101, subdivisions (a)(1) through (3).
- (c) This section does not apply to a committee following the election at which the measure has been voted upon unless the committee makes contributions or expenditures to support or oppose the qualification or passage of another ballot measure.

§ 84104. Odd-Year Reports of Contributions to Elected State Officers; When to File. (84202.7)

During an odd-numbered year, any committee that makes contributions totaling \$10,000 or more to elected state officers, their controlled committees, or committees primarily formed to support or oppose any elected state officer during a period specified below, must file campaign statements on the following dates:

- (a) No later than April 30 for the period of January 1 through March 31.
- (b) No later than October 31 for the period of July 1 through September 30.

Article 2. 24-Hour and Other Activity-Based Reports (§ 84200 - § 84205)

§ 84200. Late Contribution; Reports. (84203)

- (a) **Who Must File.** Each candidate or committee that makes or receives a late contribution, as defined in Section 82047, must report the late contribution to each filing officer with which the candidate or committee is required to file its next campaign statement under Section 84304.
- (b) **Contents of Report for Contributor.** The candidate or committee that makes the late contribution must report the following:
 - (1) Their full name and street address;
 - (2) The full name and street address of the person to whom the late contribution has been made;
 - (3) The office sought if the recipient is a candidate, or the ballot measure number or letter if the recipient is a committee primarily formed to support or oppose a ballot measure; and
 - (4) The date and amount of the late contribution.

- (c) **Contents of Report for Recipient.** The recipient of the late contribution must report the following:
 - (1) Their full name and street address;
 - (2) The date and amount of the late contribution, including whether the contribution was made in the form of a loan;
 - (3) The full name of the contributor, their street address, occupation, and the name of their employer, or if self-employed, the name of the business.
- (d) **Where and When to File.** A late contribution must be reported by fax, guaranteed overnight delivery, personal delivery, or online transmission, if available, within 24 hours of the time it is made in the case of the candidate or committee that makes the contribution, and received in the case of the recipient. If a late contribution must be reported to the Secretary of State, the report must be filed by online or electronic transmission only.
- (e) **Subsequent Reporting.** A late contribution must be reported on subsequent campaign statements without regard to reports filed under this section and reports filed under this section will be in addition to any other campaign statement required to be filed by this title.
- (f) **Contributions Returned within 24 hours.** A late contribution does not need to be reported nor will it be deemed accepted if it is not cashed, negotiated, or deposited and is returned to the contributor within 24 hours of its receipt.
- (g) **Exception.** The report required under this section does not need to be filed by a candidate or committee that has disclosed the late contribution under Section 84203, subdivision (a)(1).

§ 84201. Late In-Kind Contributions. (84203.3)

- (a) **Notice of Value.** Any candidate or committee that makes a late contribution that is an in-kind contribution must notify the recipient in writing of the value of the in-kind contribution. Written notice must be received by the recipient within 24 hours of the time the contribution is made.
- (b) **Reporting.** Nothing in this section relieves a candidate or committee that makes a late in-kind contribution, or the recipient of a late in-kind contribution, from the requirement to file late contribution reports under Section 84200. A report filed by the recipient of a late in-kind contribution, however, will be deemed timely if received by the filing officer within 48 hours of receipt of the contribution.

§ 84202. Late Independent Expenditures; Reports. (84204)

- (a) **File Within 24 Hours.** A committee that makes a late independent expenditure, as defined in Section 82048, must report the late independent expenditure by fax, guaranteed overnight delivery, personal delivery, or online transmission, if available, within 24 hours of the time it is made.
- (b) **Contents of Report.** A committee that makes a late independent expenditure must report the following:
 - (1) Its full name and street address;
 - (2) If the report is related to a candidate, the name, office, and district of the candidate;
 - (3) If the report is related to a measure, the number or letter of the measure, and the jurisdiction in which the measure is to be voted upon;
 - (4) The amount, the date, and a description of goods or services for which the late independent expenditure was made; and
 - (5) The information required by paragraphs (1) to (5) of Section 84300, subdivision (f), covering the period from the day after the closing date of the last campaign report filed to the date of the late independent expenditure. Or if the committee has not previously filed a campaign statement, covering the period from the previous January 1 to the date of the late independent expenditure. No information required by paragraphs (1) to (5) of Section 84300, subdivision (f) that is required to be reported with a late independent expenditure report by this subdivision is required to be reported on more than one late independent expenditure report.
- (c) **Where to File.** A committee that makes a late independent expenditure must file a late independent expenditure report in the places where it would be required to file campaign statements under this title as if it

were a committee formed or existing primarily to support or oppose the candidate or measure for or against which it is making the late independent expenditure. If a late independent expenditure is required to be reported to the Secretary of State, the report must be filed by online or electronic transmission only.

- (d) **Subsequent Reporting.** A late independent expenditure must be reported on subsequent campaign statements without regard to reports filed under this section and a report filed under this section is in addition to any other campaign statement required to be filed by this title.
- (e) **Exception.** Expenditures that have been disclosed by candidates and committees under Section 86300 are not required to be disclosed under this section.

§ 84203. Online Disclosure of Contributions. (85309)

In addition to any other report required by this title, a candidate for elective state office who is required to file reports under Section 84305, and a committee primarily formed to support or oppose one or more state ballot measures that is required to file reports under Section 84305, must file online or electronically a report with the Secretary of State disclosing receipt of the following:

- (a) **Report at \$1,000.** A contribution of \$1,000 or more received during the 90-day period preceding the date of the election or on the date of the election. These reports must disclose the same information required by Section 84200, subdivisions (a) through (j) and must be filed within 24 hours of receipt.
- (b) **Report at \$5,000.** A contribution of \$5,000 or more received at any time other than during the 90-day period preceding the election. These reports must disclose the same information required by Section 84200, subdivisions (a) through (j) and must be filed within 10 business days of receipt.

§ 84204. \$5,000 Ballot Measure Contributions and Expenditures Reports. (84204.5)

- (a) **Report at \$5,000.** In addition to any other report required by this title, a recipient committee under Section 82012, subdivision (a), that is required to file reports under Section 84305, must file online or electronically with the Secretary of State each time it makes contributions totaling \$5,000 or more, or each time it makes independent expenditures totaling \$5,000 or more to support or oppose the qualification or passage of a single state ballot measure.
- (b) **Timing and Content of Report.** The report must be filed within 10 business days of making the contributions or independent expenditures and must contain all of the following:
 - (1) **Committee.** The committee's full name, street address, and identification number.
 - (2) **Measure.** The measure's number or letter if the measure has qualified for the ballot and has been assigned a number or letter; the measure's title if the measure has not been assigned a number or letter but has been issued a title by the Attorney General; or the measure's subject if the measure has not been assigned a number or letter and has not been issued a title by the Attorney General.
 - (3) **Contributions.** For contributions, the contribution's date and amount and the name, address, and identification number of the committee to whom the contribution was made. The report must include the information required by paragraphs (1) to (5) of Section 84300, subdivision (f), on contributions or loans received from a person described in that subdivision, covering the period from the day after the closing date of the last campaign report filed to the date of the contribution requiring a report under this section, or if the committee has not previously filed a campaign statement, covering the period from the previous January 1 to the date of the contribution requiring a report under this section. No information described in paragraphs (1) to (5), inclusive, of Section 84300, subdivision (f), that is required to be reported under this subdivision is required to be reported in more than one report provided for in this subdivision for each contribution or loan received from a person described in Section 84300, subdivision (f).
 - (4) **Independent Expenditures.** For independent expenditures, the date, amount, and a description of the goods or services for which the expenditure was made. The report must include the information required by paragraphs (1) to (5) of Section 84300, subdivision (f), on contributions or loans received from a person described in that subdivision, covering the period from the day after the closing date of the last campaign report filed to the date of the expenditure, or if the committee has not previously filed a campaign

statement, covering the period from the previous January 1 to the date of the expenditure. No information described in paragraphs (1) to (5), inclusive, of Section 84300, subdivision (f), that is required to be reported under this subdivision is required to be reported in more than one report provided for in this subdivision for each contribution or loan received from a person described in Section 84300, subdivision (f).

(c) **Exceptions.** The following does not have to be reported under this section:

- (1) A committee primarily formed to support or oppose the qualification or passage of a state ballot measure does not need to file reports required by this section for expenditures made on behalf of the ballot measure or measures for which it is formed.
- (2) Independent expenditures that have been disclosed by a committee under Section 84202 or 86301 are not required to be disclosed under this section.

§ 84205. Top Ten Contributor Lists. (84223)

- (a) **Required to Maintain List of Top Ten.** A committee primarily formed to support or oppose a state ballot measure or state candidate that raises \$1,000,000 or more for an election must maintain an accurate list of the committee's top 10 contributors, as specified by Commission regulations. A current list of the top 10 contributors must be provided to the Commission for disclosure on the Commission's website under subdivision (e).
- (b) **Information to Maintain.** Except as provided in paragraph (4) of subdivision (c), the list of top 10 contributors must identify:
 - (1) The names of the 10 persons who have made the largest cumulative contributions to the committee;
 - (2) The total amount of each person's contributions;
 - (3) The city and state of the person;
 - (4) The person's committee identification number, if any, and
 - (5) Any other information deemed necessary by the Commission.
- (c) **Method to Determine Top Ten.** The committee's top 10 contributors must be determined as follows:
 - (1) A committee primarily formed to support or oppose a state ballot measure must count the cumulative amount of contributions received by the committee from a person for the period beginning 12 months before the date the committee made its first expenditure to qualify, support, or oppose the measure and ending with the current date.
 - (2) A committee primarily formed to support or oppose a state candidate must count the cumulative amount of contributions received by the committee from a person for the primary and general elections combined.
 - (3) The aggregation rules of Section 82017 and any implementing regulations adopted by the Commission will apply in identifying the persons who have made the top 10 cumulative contributions to a committee.
 - (4) A person who makes contributions to a committee in a cumulative amount of less than \$10,000 will not be identified or disclosed as a top 10 contributor to a committee under this section.
 - (5) The 10 persons who have made the largest cumulative contributions to a committee must be listed in order from largest contribution amount to smallest amount. If two or more contributors of identical amounts meet the threshold for inclusion in the list of top 10 contributors, the order of disclosure will be made beginning with the most recent contributor of that amount.
 - (6) In listing the top 10 contributors, a committee must use reasonable efforts to identify and state the individuals or corporations that are the true sources of the contributions made to the committee from other persons or committees.
- (d) **Updating Top Ten List.** A committee must provide an updated top 10 contributor list to the Commission when any of the following occurs:
 - (1) A new person qualifies as a top 10 contributor to the committee.
 - (2) A person who is an existing top 10 contributor makes additional contributions to the committee.
 - (3) A change occurs that alters the relative ranking order of the top 10 contributors.

- (e) **Requiring Additional Disclosure.** If any of the top 10 contributors identified on the list are recipient committees under Section 82012, subdivision (a), the Commission may require, by regulation, that the list also identify the top 10 contributors to those contributing committees.
- (f) **Posting.** The Commission will compile, maintain, and display on its website a current list of the top 10 contributors supporting and opposing each state ballot measure, as specified by Commission regulations. The Commission will post or update a top 10 contributor list within five business days or, during the 16 days before the election, within 48 hours of a contributor qualifying for the list or of any change to the list. The Commission will provide the top 10 contributor lists to the Secretary of State, upon the request of the Secretary of State, to post the contributor lists on the Secretary of State's website.

Article 3. Contents of Campaign Statement and Where to File (§ 84300 - § 84305)

§ 84300. Contents of Campaign Statement. (84211, 18421)

Each campaign statement required by this article must contain all of the following information:

- (a) **Total Contributions.** The total amount of contributions received during the period covered by the campaign statement and the total cumulative amount of contributions received.
- (b) **Total Expenditures.** The total amount of expenditures made during the period covered by the campaign statement and the total cumulative amount of expenditures made.
- (c) **Total Itemized Contributions.** The total amount of contributions received during the period covered by the campaign statement from persons who have given a cumulative amount of \$100 or more.
- (d) **Total Unitemized Contributions.** The total amount of contributions received during the period covered by the campaign statement from persons who have given a cumulative amount of less than \$100.
- (e) **Cash Balance.** The balance of cash and cash equivalents on hand at the beginning and the end of the period covered by the campaign statement. The balance of cash includes the combined balance of all campaign checking accounts and savings accounts, money market funds and certificates of deposit. The balance of cash equivalents includes the combined original cost of all investments and interests in real property purchased with campaign funds, which are not reported as cash.
- (f) **Contribution Information.** If the cumulative amount of contributions, including loans, received from a person is \$100 or more and a contribution or loan has been received from that person during the period covered by the campaign statement, all of the following:
 - (1) The person's full name.
 - (2) The person's street address.
 - (3) If an individual, the person's occupation.
 - (4) If an individual, the name of the person's employer, or if self-employed, the name of the business.
 - (5) The date and amount received for each contribution during the period covered by the campaign statement and if the contribution is a loan, the interest rate for the loan.
 - (6) The cumulative amount of contributions.
- (g) **Loan Information.** If the cumulative amount of loans received from or made to a person is \$100 or more during the period covered by the campaign statement, or is outstanding during the period covered by the campaign statement, all of the following:
 - (1) The person's full name.
 - (2) The person's street address.
 - (3) If an individual, the person's occupation.
 - (4) If an individual, the name of the person's employer, or if self-employed, the name of the business.
 - (5) The original date and amount of each loan.
 - (6) The due date and interest rate of the loan.
 - (7) The cumulative payment made or received to date at the end of the reporting period.
 - (8) The outstanding balance at the end of the reporting period.
 - (9) The cumulative amount of contributions.

- (h) **Loan Guarantor Information.** For each person, other than the filer, who is directly, indirectly, or contingently liable for repayment of a loan received or outstanding during the period covered by the campaign statement, all of the following:
- (1) The person's full name.
 - (2) The person's street address.
 - (3) If an individual, the person's occupation.
 - (4) If an individual, the name of the person's employer, or if self-employed, the name of the business.
 - (5) The amount of the person's maximum liability outstanding.
- (i) **Total Itemized Expenditures.** The total amount of expenditures made during the period covered by the campaign statement to persons who have received \$100 or more.
- (j) **Total Unitemized Expenditures.** The total amount of expenditures made during the period covered by the campaign statement to persons who have received less than \$100.
- (k) **Expenditure Information.** For each person to whom an expenditure of \$100 or more has been made during the period covered by the campaign statement, all of the following:
- (1) The person's full name.
 - (2) The person's street address.
 - (3) The amount of each expenditure.
 - (4) A brief description of the consideration for which each expenditure was made.
 - (5) Contributions and Independent Expenditures. In the case of a contribution to a candidate, elected officer, or committee or an independent expenditure to support or oppose a candidate or measure, the following information must also be disclosed:
 - (A) The date of the contribution or independent expenditure.
 - (B) The cumulative amount of contributions made to a candidate, elected officer, or committee.
 - (C) The cumulative amount of independent expenditures made relative to a candidate or measure.
 - (D) The full name of the candidate, and the office and district for which they seek nomination or election, or the number or letter of the measure.
 - (E) The jurisdiction in which the measure or candidate is voted upon.
 - (6) The information required in paragraphs (1) to (4) inclusive for each person, if different from the payee, who has provided consideration for an expenditure of \$500 or more during the period covered by the campaign statement.
 - (A) For subdivisions (i), (j), and (k) only, the terms "expenditure" or "expenditures" mean any individual payment or accrued expense, unless it is clear from surrounding circumstances that a series of payments or accrued expenses are for a single service or product.
- (l) **Miscellaneous Receipts.** The amount and source of any miscellaneous receipt of a controlled committee, an official committee of a political party, or an organization formed or existing primarily for political purposes.
- (m) **Committee Identification Number.** If a committee is listed under subdivision (f), (g), (h), (k), (l), or (q), the number assigned to the committee by the Secretary of State must be reported. If no number has been assigned, the full name and street address of the committee's treasurer must be reported.
- (n) **Semiannual Totals.** In a campaign statement filed by a candidate running in both a state primary and general election, the candidate's controlled committee, or a committee primarily formed to support or oppose such a candidate, the total amount of contributions received and the total amount of expenditures made between January 1 through June 30 and between July 1 through December 31.
- (o) **Filer and Treasurer's Name and Address.** The full name, residential or business address, and telephone number of the filer, or for a statement filed by a committee under Section 82012, subdivision (a), the name, street address, and telephone number of the committee and committee treasurer. For a Section 82012, subdivision (b) or (c) committee, the name that the filer uses on campaign statements must be the name the filer is identified by for other legal purposes or any name commonly known to the public.
- (p) **Related Committees.** If the campaign statement is filed by a candidate, the name, street address, and treasurer of any committee that the candidate knows has received contributions or made expenditures on behalf of their candidacy and whether the committee is controlled by the candidate.

- (q) **Returned Contributions.** A contribution does not need to be reported and it will not be considered accepted if it is not cashed, negotiated, or deposited, and is returned to the contributor before the closing date of the campaign statement on which it would be reported.
- (r) **Ballot Measure Committee Expenditures to Related Business.** If a committee primarily formed for the qualification of, support of, or opposition to, an initiative or ballot measure is required to report an expenditure to a business entity under subdivision (k) and if 50% or more of the business entity is owned by a candidate or person controlling the committee, by an officer or employee of the committee, or by a spouse of any of these individuals, the committee's campaign statement must also contain that person's name, the relationship of that person to the committee, and a description of that person's ownership interest or position with the business entity.
- (s) **Ballot Measure Committee Expenditures to Related Business.** If a committee primarily formed for the qualification of, support of, or opposition to, an initiative or ballot measure is required to report an expenditure to a business entity under subdivision (k), and if a candidate or person controlling the committee, an officer or employee of the committee, or a spouse of any of these individuals is an officer, partner, consultant, or employee of the business entity, the committee's campaign statement must also contain that person's name, the relationship of that person to the committee, and a description of that person's ownership interest or position with the business entity.
- (t) **Major Donor or Independent Expenditure Filing; Nature and Interests of Filer.** If the campaign statement is filed by a committee under Section 82012, subdivision (b) or (c), information sufficient to identify the nature and interests of the filer, including:
 - (1) If the filer is an individual, the name and address of the filer's employer, if any, or the filer's principal place of business if the filer is self-employed, and a description of the business activity in which the filer or the filer's employer is engaged.
 - (2) If the filer is a business entity, a description of the business activity in which it is engaged.
 - (3) If the filer is an industry, trade, or professional association, a description of the industry, trade, or profession which it represents, including a specific description of any portion or faction of the industry, trade, or profession which the association exclusively or primarily represents.
 - (4) If the filer is not an individual, business entity, or industry, trade, or professional association, a statement of the person's nature and purposes, including a description of any industry, trade, profession, or other group with a common economic interest which the person principally represents or from which its membership or financial support is principally derived.

**§ 84301. Expenditure by Agent or Independent Contractor; Subvendor Reporting.
(84303)**

- (a) A candidate or committee must report expenditures of \$500 or more, except for overhead or normal operating expenses, made by an agent or independent contractor, including, but not limited to, an advertising agency, on behalf of or for the benefit of a candidate or committee as if the expenditures were made directly by the candidate or committee.
- (b) A subagent or subcontractor who provides goods or services to or for the benefit of a candidate or committee must make known to the agent or independent contractor all of the information required to be reported by this section, and then the agent or independent contractor must inform the candidate or committee of all of the information required to be reported by this section no later than three working days before the campaign statement reporting the expenditure is required to be filed. However, an expenditure that is required to be reported as a late contribution by Section 84200 or a late independent expenditure by Section 84202 must be reported to the candidate or committee within 24 hours of the time that it is made.

§ 84302. Candidates Who Receive or Spend Less Than \$2,000. (84206)

- (a) **Short Form.** The Commission will provide by regulation a short form for filing reports required by this chapter for candidates or officeholders who receive contributions of less than \$2,000, and who make expenditures of less than \$2,000 in a calendar year.
- (b) **Exempt Payments.** For this section, when calculating if \$2,000 in expenditures have been made, payments for a filing fee or for a statement of qualification are not included when made from the candidate's personal funds.
- (c) **Filing Date.** A short form in connection with an election is due no later than the date the first preelection is required for the calendar year under 84102. A short form not in connection with an election is due by July 31.
- (d) **Written Notification of Change.** Every candidate or officeholder who files a short form under subdivision (a), and who subsequently receives contributions or makes expenditures totaling \$2,000 or more in a calendar year, must send written notification to the Secretary of State, local filing officer, and each candidate contending for the same office within 48 hours of receiving or expending a total of \$2,000. The written notification revokes the previously filed short form statement.

§ 84303. County Central Committee Candidates Who Receive or Spend Less Than \$2,000. (84207)

- (a) An elected member of, or a candidate for election to, a qualified political party's county central committee who receives contributions of less than \$2,000 and who makes expenditures of less than \$2,000 in a calendar year is not required to file any campaign statements required by this title.
- (b) Despite Sections 81020 and 81021, a local government agency may not impose filing requirements on a person described under subdivision (a).

§ 84304. Campaign Reports and Statements; Where to File. (84215)

- (a) **Where to File.** All candidates and elected officers and their controlled committees, except under paragraphs (4) and (5), must file one copy of the Section 84100 semiannual campaign statements with the elections official of the county in which they are domiciled, as defined in Elections Code section 349, subdivision (b). In addition, campaign statements must be filed at the following places:
 - (1) State. Statewide elected officers, including members of the State Board of Equalization, Members of the Legislature, Supreme Court justices, court of appeal justices, and superior court judges, candidates for those offices and their controlled committees, committees formed or existing primarily to support or oppose these candidates, elected officers, justices and judges, or statewide measures, or the qualification of state ballot measures, and all state general purpose committees and filers not specified in paragraph (2) through (5), inclusive, must file a campaign statement by online or electronic means, as specified in Section 84305, and must file the original and one copy of the campaign statement in paper with the Secretary of State.
 - (2) Multicounty. Elected officers in jurisdictions other than legislative districts, State Board of Equalization districts, or appellate court districts that contain parts of two or more counties, candidates for these offices, their controlled committees, and committees formed or existing primarily to support or oppose candidates or local measures to be voted upon in one of these jurisdictions must file the original and one copy with the elections official of the county with the most registered voters in the jurisdiction.
 - (3) County. County elected officers, candidates for county elected offices, their controlled committees, committees formed or existing primarily to support or oppose candidates or local measures to be voted upon in any number of jurisdictions within one county, other than those in paragraph (4), and county general purpose committees must file the original and one copy with the elections official of the county.
 - (4) City. City elected officers, candidates for city office, their controlled committees, committees formed or existing primarily to support or oppose candidates or local measures to be voted upon in one city, and city general purpose committees must file the original and one copy with the clerk of the city and are not required to file with the local elections official of the county where they are domiciled.

- (5) CalPERS and CalSTRS. Elected members of the Board of Administration of the Public Employees' Retirement System, elected members of the Teachers' Retirement Board, candidates for these offices, their controlled committees, and committees formed or existing primarily to support or oppose these candidates or elected members must file the original and one copy with the Secretary of State, and a copy must be filed at the relevant board's office in Sacramento. These elected officers, candidates, and committees need not file with the elections official of the county where they are domiciled.
- (b) **Number of Copies.** Despite any other provision of this section, a committee, candidate, or elected officer does not need to file more than the original and one copy, or one copy, of a campaign statement with any one county elections official, city clerk, or the Secretary of State.
- (c) **Filing to End of Calendar Year.** If a committee is required to file semiannual or preelection campaign statements under Section 84100 or 84101 in places designated in paragraphs (1) through (5) of subdivision (a), inclusive, it must continue to file these statements in those places, in addition to any others required by this title until the end of the calendar year.

§ 84305. Who Must File Online with Secretary of State. (84605; 18465.1)

- (a) The following persons must file online or electronically with the Secretary of State:
 - (1) Any candidate, including superior court, appellate court, and Supreme Court candidates and officeholders, committee, or other persons who are required under Chapter 4 and 4.5 to file statements, reports, or other documents in connection with a state elective office or state measure, if the total cumulative reportable amount of contributions received, expenditures made, loans made, or loans received is \$25,000 or more. In determining the cumulative reportable amount, all controlled committees, as defined by Section 82018, must be included. A major donor committee under Section 82012, subdivision (c), must file online or electronically if it makes contributions of \$25,000 or more in a calendar year.
 - (2) Any general purpose committees under Section 82035, including the general purpose committees of political parties, and small contributor committees under Section 82072, that cumulatively receive contributions or make expenditures totaling \$25,000 or more to support or oppose candidates for any elective state office or state measure.
 - (3) Any slate mailer organization with cumulative reportable payments received or made to produce slate mailers of \$25,000 or more.
 - (4) Any lobbyist, lobbying firm, lobbyist employer, or other persons required, under Chapter 10 (commencing with Section 90000), to file statements, reports, or other documents, provided that the total amount of any category of reportable payments, expenses, contributions, gifts, or other items is \$2,500 or more in a calendar quarter.
- (b) The Secretary of State will also disclose on the Internet any late contribution or late independent expenditure report under Sections 84200 and 84202, respectively, not covered by paragraph (1), (2), or (3) of subdivision (a) or any other law.
- (c) Committees and other persons that are not required to file online or electronically by this section may do so voluntarily.
- (d) Once a person or entity is required to file online or electronically, subject to subdivision (a) or (c), the person or entity is required to file all subsequent reports online or electronically.
- (e) It will be presumed that online or electronic filers file under penalty of perjury, even if the filing is made by a vendor or other service provider on behalf of the filer.
- (f) Persons filing online or electronically must also continue to file required disclosure statements and reports in paper format. The paper copy will continue to be the official filing for audit and other legal purposes until the Secretary of State, under Section 90406, determines the system is operating securely and effectively.
- (g) The Secretary of State will maintain at all times a secured, official version of all original online and electronically filed statements and reports required by this chapter. On determination by the Secretary of State, under Section 90406, that the system is operating securely and effectively, this online or electronic version will be the official version for audit and other legal purposes.

- (h) Except for statements related to a local elective office or a local ballot measure filed by a candidate for local elective office who is also a candidate for elective state office, a copy of a statement, report, or other document filed by online or electronic means with the Secretary of State may not be filed with a local filing officer.

Article 4. Signing Under Penalty of Perjury and Amending Statements (§ 84400 - § 84406)

§ 84400. Reports and Statements; Perjury; Verification. (81004)

- (a) All reports and statements filed under this title must be signed under penalty of perjury and verified by the filer. The verification must state that the filer has used all reasonable diligence in preparation, and that to the best of the filer's knowledge it is true and complete.
- (b) A report or statement filed a recipient committee, as defined under Section 82012, subdivision (a), must be signed and verified by the treasurer, and a report or statement filed by any other person must be signed and verified by the filer. If the filer is an entity other than an individual, the report or statement must be signed and verified by a responsible officer of the entity or by an attorney or certified public accountant acting as an agent for the entity.
- (c) Every person who signs and verifies any report or statement required under this title that contains material matters which the signer knows to be false is guilty of perjury.

§ 84401. Verification. (84213)

- (a) A candidate and state measure proponent must verify their campaign statement and the campaign statement of each committee subject to their control. The verification must be in accordance with Section 84400, except that it must state that to the best of their knowledge each controlled committee's treasurer used all reasonable diligence in the preparation of the statement. This section does not relieve any committee's treasurer from the Section 84400 obligation to verify each campaign statement filed by the committee.
- (b) If a committee is required to file a campaign statement or report disclosing an independent expenditure under this title, a principal officer of the committee or, in the case of a controlled committee, the candidate or state measure proponent or opponent who controls the committee must sign a verification on a report prescribed by the Commission. Despite any other provision of this title, the report containing the verification required by this subdivision must be filed only with the Commission. The verification will read as follows:

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.

§ 84402. Reports and Statements; Amendments. (81004.5)

Any report or statement filed under this title may be amended by the filer at any time. Amending an incorrect or incomplete report or statement may be considered evidence of good faith.

§ 84403. Candidates and Controlled Committees; Consolidated Statements. (84209)

A candidate or state measure proponent and any committee or committees that the candidate or state measure proponent controls may file consolidated campaign statements under this chapter. The consolidated statements must be filed in each place each of the committees and the candidate or state measure proponent would be required to file if separate statements were filed.

§ 84404. Filing Dates for Reports and Statements; Weekend or Holiday Extension. (18116)

- (a) Whenever this title requires that a statement or report be filed before or on a specified date or during or within a specified period, and the deadline falls on a Saturday, Sunday, or official state holiday, the filing deadline for such a statement or report will be extended to the next regular business day.
- (b) This extension does not apply to the following:
 - (1) Contribution reports required by Sections 84200, 84201, subdivision (b), or 84203 or the contributor's notice of a late in-kind contribution required by Section 84201, subdivision (a), when the due date for these types of reports falls on a Saturday, Sunday, or official state holiday immediately before an election.
 - (2) Independent expenditure reports required by Sections 84202 or 86301.

§ 84405. Combination of Statements. (84205)

The Commission may, by regulation or written advice, permit candidates and committees to file campaign statements combining statements and reports required by this title.

§ 84406. No Exemptions. (84400)

Despite any other the law, the Commission will have no power to exempt any person, including any candidate or committee, from any of the requirements of this chapter.

Article 5. Termination of Candidate and Committee Filing Obligations (§ 84450)

§ 84450. Termination. (84214)

Committees and candidates must terminate their filing obligation under regulations adopted by the Commission. These regulations will ensure that a committee or candidate will have no activity that must be disclosed under this chapter after the termination. These regulations will not require the filing of any campaign statements other than those required by this chapter. In no case must an independent expenditure or major donor committee that qualifies solely under Section 82012, subdivisions (b) or (c), be required to file any notice of its termination.

Chapter 4.5. Other Entities Covered by the Act (§ 84500 - § 84542)

Article 1. Slate Mailer Organizations (§ 84500 – § 84504)

§ 84500. Slate Mailer Organization; Statement of Organization. (84108)

- (a) **Requirements.** Every slate mailer organization must:
 - (1) Have a treasurer and comply with the requirements of Section 83105;
 - (2) File a Statement of Organization and comply with the requirements of Section 83102;
 - (3) Amend its Statement of Organization when required by Section 83104; and,
 - (4) Comply with the recordkeeping requirements in Section 83200.
- (b) **Contents of Statement of Organization.** A slate mailer organization's statement of organization must include:
 - (1) Organization's Information. The name, street address, telephone number, and email address of the organization.
 - (A) Where an individual or business entity qualifies as a slate mailer organization, the name of the slate mailer organization must include the name by which the individual or entity is identified for legal purposes.
 - (B) Whenever identification of a slate mailer organization is required by this title, the identification must include the full name of the slate mailer organization as contained in its statement of organization.

- (2) Treasurer and Principal Officers. The full name, street address, telephone number, and email address of the treasurer and other principal officers.
 - (3) Decision Makers. The full name, street address, telephone number, and email address of each person with final decision making authority as to which candidates or measures will be supported or opposed in the organization's slate mailers.
- (c) **Where and When to File.** The statement of organization must be filed with the Secretary of State within 10 days after the slate mailer organization receives or is promised \$500 or more for producing one or more slate mailers. If an entity qualifies as a slate mailer organization during the 16-day period before the date of an election, the slate mailer organization must file a statement of organization with the Secretary of State, by fax, guaranteed overnight delivery, or personal delivery within 24 hours of qualifying as a slate mailer organization

§ 84501. Slate Mailer Organization; Campaign Statements. (84218)

- (a) **Semiannual Statements.** A slate mailer organization must file semiannual campaign statements no later than July 31 for the period ending June 30, and no later than January 31, for the period ending December 31.
- (b) **Preelection Statements.** In addition to the semiannual statements required by subdivision (a), a slate mailer organization that produces a slate mailer supporting or opposing candidates or measures being voted on in an election must file the statements required by Section 84102 if, during the period covered by the preelection statement, the slate mailer organization either:
 - (1) Received payments totaling \$500 or more from any person for the support of or opposition to candidates or ballot measures in one or more slate mailers; or,
 - (2) Expends \$500 or more to produce one or more slate mailers.
- (c) **Where to File.** A slate mailer organization must file two copies of its campaign reports with the clerk of the county in which it is domiciled. A slate mailer organization is domiciled at the address listed on its statement of organization. If it is domiciled outside California, its domicile will be deemed to be Los Angeles County for this section. A slate mailer organization must also file campaign reports as follows:
 - (1) State or Multi-County. A 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 a campaign statement by online or electronic means, as specified in Section 84305, and must file the original and one copy of the campaign statement in paper with the Secretary of State.
 - (2) County. A slate mailer organization that produces one or more slate mailers supporting or opposing candidates or measures voted on in only one county, or in more than one jurisdiction within one county, must file the original and one copy with the elections official of the county.
 - (3) City. A slate mailer organization that produces one or more slate mailers supporting or opposing candidates or measures voted on in only one city must file the original and one copy with the clerk of the city and is not required to file with the local elections official of the county where they are domiciled.
- (d) **Number of Copies.** Despite subdivision (c), no slate mailer organization is required to file more than the original and one or two copies, as specified, of a campaign report with any one county or city clerk or with the Secretary of State.

§ 84502. Slate Mailer Organization; Semiannual Statements; Contents. (84219)

Whenever a slate mailer organization is required to file campaign reports under Section 84501, the campaign report must include the following information from the period covered by the campaign statement:

- (a) **Total Receipts.** The total amount of receipts during the period covered by the campaign statement and the total cumulative amount of receipts. For this section only, "receipts" means payments received by a slate mailer organization for production and distribution of slate mailers.
- (b) **Total Disbursements for Slate Mailers.** The total amount of disbursements made during the period covered by the campaign statement and the total cumulative amount of disbursements. For this section only,

“disbursements” means payment made by a slate mailer organization for the production or distribution of slate mailers.

- (c) **Payments from Candidates or Committees.** For each candidate or committee that is a source of receipts totaling \$100 or more:
 - (1) The name of the candidate or committee, identification of the jurisdiction and the office sought or ballot measure number or letter, and if the source is a committee, the committee’s identification number, street address, and the name of the candidate or measure on whose behalf or in opposition to which the payment is made.
 - (2) The date and amount received for each receipt totaling \$100 or more during the period covered by the campaign statement.
 - (3) The cumulative amount of receipts on behalf of or in opposition to the candidate or measure.
- (d) **Payments from Other Persons.** For each person other than a candidate or committee who is a source of receipts totaling \$100 or more during the period covered by the campaign statement:
 - (1) Identification of the jurisdiction, office or ballot measure, and name of the candidate or measure on whose behalf or in opposition to which the payment was made.
 - (2) Full name, street address, name of employer, or, if self-employed, name of business of the source of receipts.
 - (3) The date and amount received for each receipt totaling \$100 or more during the period covered by the campaign statement.
 - (4) The cumulative amount of receipts on behalf of or in opposition to the candidate or measure.
- (e) **Other Candidates or Measures in Slate Mailer.** For each candidate or ballot measure not reported under subdivision (c) or (d), but who was supported or opposed in a slate mailer sent by the slate mailer organization during the period covered by the report, the jurisdiction, office or ballot measure, and name of the candidate or measure who was supported or opposed.
- (f) **Total Disbursements.** The total amount of disbursements made during the period covered by the campaign statement to persons who have received \$100 or more.
- (g) **Total Unitemized Disbursements.** The total amount of disbursements made during the period covered by the campaign statement to persons who have received less than \$100.
- (h) **Itemized Disbursements.** For each person to whom a disbursement of \$100 or more has been made during the period covered by the campaign statement:
 - (1) The recipient’s full name.
 - (2) The recipient’s street address.
 - (3) The amount of each disbursement.
 - (4) A brief description of the consideration for which each disbursement was made.
 - (5) The information required in paragraphs (1) to (4), inclusive, for each person, if different from the payee, who has provided consideration for a disbursement of \$500 or more during the period covered by the campaign statement.
- (i) **Disbursements to Slate Mailer Organization Officers.** Cumulative disbursements, totaling \$1,000 or more, made directly or indirectly to any person listed in the slate mailer organization’s statement of organization.
 - (1) For this subdivision, a disbursement is made indirectly to a person if it is intended for the benefit of or use by that person or a member of the person’s immediate family, or if it is made to a business entity in which the person or member of the person’s immediate family is a partner, shareholder, owner, director, trustee, officer, employee, consultant, or holds any position of management or in which the person or member of the person’s immediate family has an investment of \$1,000 or more.
 - (2) This subdivision does not apply to any disbursement made to a business entity whose securities are publicly traded.
- (j) **Organization’s Information.** The full name, street address, telephone number and email address of the slate mailer organization and of the treasurer.

- (k) **General Purpose Committee.** If a slate mailer organization also qualifies as a general purpose committee under Section 82035, the campaign report must include, in addition to the information required by this section, the information required by Section 84300.

§ 84503. Slate Mailer Organization; Late Payments Received. (84220)

- (a) If a slate mailer organization receives a payment of \$2,500 or more for supporting or opposing any candidate or ballot measure in a slate mailer in the 90 days before an election and including the date of the election, the slate mailer organization must report the payment in the manner set forth in Section 84200.
- (b) The slate mailer organization must, in addition to reporting the information required by Section 84200, identify the candidates or measures whose support or opposition is being paid for, in whole or in part, by each late payment.

§ 84504. Slate Mailer Organization; Termination. (84221)

Slate mailer organizations must terminate their filing obligations in the same manner as recipient committees qualifying under Section 82012, subdivision (a).

Article 2. Multipurpose Organizations Making Contributions or Expenditures (§ 84520- 84521)

§ 84520. Multipurpose Organizations; Qualification as Committee. (84222(b)-(c))

- (a) A multipurpose organization that does not qualify as a committee under subdivision (b), and satisfies Section 82012, subdivisions (b) or (c), may qualify as an independent expenditure committee or major donor committee.
- (b) Except as provided in subparagraph (A) of paragraph (5), a multipurpose organization is a recipient committee within the meaning of Section 82012, subdivision (a), only under one or more of the following circumstances:
- (1) The multipurpose organization is a political committee registered with the Federal Election Commission, except as provided in Section 82059, or a political committee registered with another state, and the multipurpose organization makes contributions or expenditures in this state of \$2,000 or more.
 - (2) The multipurpose organization solicits and receives payments from donors of \$2,000 or more to make contributions or expenditures.
 - (3) The multipurpose organization accepts payments from donors of \$2,000 or more subject to a condition, agreement, or understanding with the donor that all or a portion of the payments may be used for making contributions or expenditures.
 - (4) The multipurpose organization has existing funds from a donor and a subsequent agreement or understanding is reached with the donor that all or a portion of the funds may be used for making contributions or expenditures of \$2,000 or more. The date of the subsequent agreement or understanding is deemed to be the date of receipt of the payment.
 - (5) The multipurpose organization makes contributions or expenditures totaling more than \$50,000 in a period of 12 months or more than \$100,000 in a period of four consecutive calendar years.
 - (A) A multipurpose organization will not qualify under this paragraph as a committee as defined in Section 82012, subdivision (a), if the multipurpose organization makes contributions or expenditures using only available non-donor funds. A multipurpose organization that makes contributions or expenditures with non-donor funds must briefly describe the source of the funds used on its major donor or independent expenditure report.
 - (B) For this paragraph, “non-donor funds” means investment income, including capital gains, or income earned from providing goods, services, or facilities, whether related or unrelated to the multipurpose organization’s program, sale of assets, or other receipts that are not donations.

§ 84521. Multipurpose Organizations; Registration and Reporting. (84222(d)-(f))

- (a) **Federal and Out-of-State PACs.** A multipurpose organization that is a committee under Section 84520, subdivision (b)(1) must comply with the registration and reporting requirements of Chapters 3 and 4, subject to the following:
- (1) The multipurpose organization need not comply with Section 84300, subdivision (k) for contributions and expenditures made to influence federal or out-of-state elections, which must instead be reported as a single expenditure and be described as such on the campaign statement.
 - (2) A multipurpose organization registered with the Federal Election Commission is not subject to Section 84300, subdivisions (d) and (f), but must disclose the total amount of contributions received under Section 84300, subdivision (a) and must disclose the multipurpose organization's name and identification number registered with the Federal Election Commission on the campaign statement.
- (b) **Other Multipurpose Organizations.** Any other multipurpose organization that is a committee under paragraph (2), (3), (4), or (5) of Section 84520, subdivision (b) must comply with the registration and reporting requirements of Chapters 3 and 4, subject to the following:
- (1) The multipurpose organization must register in the calendar year in which it satisfies any of the criteria in Section 84520, subdivision (b).
 - (2) Statement of Organization. The statement of organization filed under Section 83102 must:
 - (A) Indicate that the organization is filing under this section as a multipurpose organization;
 - (B) State the organization's nonprofit tax exempt status, if any; and
 - (C) Describe the organization's mission or most significant activities and describe the organization's political activities. However, a multipurpose organization may comply with the requirement to describe the mission or significant activities and political activities by referencing where the organization's Internal Revenue Service Return of Organization Exempt From Income Tax form may be accessed.
 - (3) Except as provided in this subparagraph, the registration of a multipurpose organization that meets the criteria of paragraph (5) of Section 84520, subdivision (b) will terminate automatically on December 31 of the calendar year in which the multipurpose organization is registered.
 - (A) The multipurpose organization will not be required to file a semiannual statement under Section 84100, subdivision (b), unless the multipurpose organization has undisclosed contributions or expenditures to report, in which case termination will occur automatically upon filing the semiannual statement that is due no later than January 31.
 - (B) After the multipurpose organization's registration has terminated, the multipurpose organization's reporting obligations are complete, unless the organization qualifies as a recipient committee under Section 82012, subdivision (a), again in the following calendar year under Section 84520, subdivision (b).
 - (C) Despite this subdivision, a multipurpose organization may elect to remain registered as a committee by submitting written notification to the Secretary of State before the end of the calendar year.
 - (4) A multipurpose organization must report all contributions received that satisfy the criteria of paragraph (2), (3), or (4) of Section 84520, subdivision (b) in the manner required by Section 84300, subdivision (f), and for the balance of its contributions or expenditures must further report contributors based on a last in, first out accounting method.
 - (5) A multipurpose organization reporting under this subdivision must disclose total contributions received in an amount equal to the multipurpose organization's total contributions and expenditures made in the reporting period. When a multipurpose organization reports donors based on the last in, first out accounting method, it must attribute to and include the information required by Section 84300, subdivision (f) for any donor who donates \$1,000 or more in a calendar year, except for the following:
 - (A) A donor who designates or restricts the donation for purposes other than contributions or expenditures.
 - (B) A donor who prohibits the multipurpose organization's use of its donation for contributions or expenditures.

- (C) A private foundation, as defined by Internal Revenue Code section 509, subdivision (a), that provides a grant that does not constitute a taxable expenditure for Internal Revenue Code section 4945, subdivisions (d)(1) through (d)(2).
- (6) A multipurpose organization that qualifies as a committee under Section 84520, subdivision (b)(5) will not be required to include contributions or expenditures made in a prior calendar year on the reports filed for the calendar year in which the multipurpose organization qualifies as a committee.
- (7) If a multipurpose organization qualifies as a committee solely under Section 84520, subdivision (b)(5) and the committee is required to report donors based on a last in, first out accounting method under paragraph (4), the multipurpose organization will not be required to disclose donor information for a donation received by the multipurpose organization before July 1, 2014. This paragraph will not apply to a donation made by a donor who knew that the multipurpose organization would use the donation to support or oppose a candidate or ballot measure in the state by requesting that the donation be used for that purpose or by making the donation in response to a message or solicitation indicating the multipurpose organization's intent to use the donation for that purpose.
- (8) A contributor identified and reported in the manner provided in paragraph (4) that is a multipurpose organization and receives contributions that satisfy the criteria in Section 84520, subdivision (b) will be subject to the requirements of this subdivision.
- (9) The Commission will adopt regulations establishing notice requirements and reasonable filing deadlines for donors reported as contributors based on the last in, first out accounting method.
- (c) **Multipurpose Organization Reporting on Sponsored Committee's Statement.** A multipurpose organization that is the sponsor of a committee as defined in Section 82075, and that elects to report its contributions and expenditures on its sponsored committee's campaign statement, must report as follows:
- (1) The sponsored committee must report all contributions and expenditures made from the sponsor's treasury funds on statements and reports filed by the committee. The sponsor must use a last in, first out accounting method and disclose the information required by subdivision (f) of Section 84300 for any person who pays dues, assessments, fees, or similar payments of \$1,000 or more to the sponsor's treasury funds in a calendar year and must disclose all contributions and expenditures made, as required by subdivision (k) of Section 84300, on the sponsored committee's campaign statements.
- (2) The sponsored committee must report all other contributions and expenditures in support of the committee by the sponsor, its intermediate units, and the members of those entities. A sponsoring organization makes contributions and expenditures in support of its sponsored committee when it provides the committee with money from its treasury funds, with the exception of establishment or administrative costs. For dues, assessments, fees, and similar payments channeled through the sponsor or an intermediate unit to a sponsored committee, the original source of the dues, assessments, fees, and similar payments is the contributor.
- (3) A responsible officer of the sponsor, as well as the treasurer of the sponsored committee, must verify the committee's campaign statement under Section 84400.
- (d) **Last In, First Out Accounting Method.** For this section, "last in, first out accounting method" means an accounting method by which contributions and expenditures are attributed to the multipurpose organization's contributors in reverse chronological order beginning with the most recent of its contributors or, if there are

Article 3. Public Employees' Retirement Board and Teachers' Retirement Board Candidates (§ 84530 - § 84531)

§ 84530. Public Employees' Retirement Board and Teachers' Retirement Board Candidates. (84225)

This title applies to candidates for election to the Board of Administration of the Public Employees' Retirement System, the Teachers' Retirement Board, and to committees formed or existing primarily to support or oppose those candidates. The Commission may adopt regulations to modify the reporting and disclosure requirements for these candidates and committees consistent with this title and its purposes.

§ 84531. Time for Filing Preelection Statements for Candidates for the Board of Administration of the Public Employees' Retirement System and Teachers' Retirement Board. (84200.9)

Preelection statements for an election to the Board of Administration of the Public Employees' Retirement System or the Teachers' Retirement Board must be filed as follows:

- (a) For the period ending five days before the beginning of the ballot period, as determined by the relevant board, a statement must be filed no later than two days before the beginning of the ballot period.
- (b) For the period ending five days before the deadline to return ballots, as determined by the relevant board, a statement must be filed no later than two days before the deadline to return ballots.
- (c) In the case of a runoff election, for the period ending five days before the deadline to return runoff ballots, as determined by the relevant board, a statement must be filed no later than two days before the deadline to return runoff ballots.
- (d) All candidates being voted upon, their controlled committees, and committees primarily formed to support or oppose a candidate being voted upon in that election must file the statements specified in subdivisions (b) and (c) by guaranteed overnight delivery service or by personal delivery.

Article 4. LAFCO Proposal Requirements (§ 84540 - § 84542)

§ 84540. Applicability to LAFCO Proposals. (84250)

All requirements of this title applicable to a measure, as defined in Section 82058, also apply to a LAFCO proposal, as defined in Section 82046, except as provided in Section 84542.

§ 84541. Payment for Political Purposes. (84251)

A payment made to influence or to attempt to influence the actions of voters, or a local agency formation commission, for or against the qualification, adoption, or passage of a LAFCO proposal, is made for "political purposes," under Sections 82014 and 82030.

§ 84542. Campaign Reporting. (84252, 18417)

A committee primarily formed to support or oppose a LAFCO proposal must file all statements required under Chapters 3 and 4, but instead of the statements required by Sections 84100 and 84103, the committee must file monthly campaign statements from the time a petition is circulated until a measure is placed on the ballot or, if a measure is not placed on the ballot, until the committee is terminated under Section 84450. The committee must file an original and one copy of each statement on the 15th day of each calendar month, covering the prior calendar month, with the clerk of the county in which the measure may be voted on. If the petition results in a measure that is placed on the ballot, the committee must file campaign statements required by Chapters 3 through 4.5.

Chapter 5. Contributions, Limits, and Loans (§ 85100 - § 85702)

Article 1. Disclosing Source of Contributions (§ 85100 - § 85105)

§ 85100. No Cash Contributions or Expenditures of \$100 or More. (84300)

- (a) No contribution of \$100 or more may be made or received in cash.
 - (1) A cash contribution is not deemed received if it is not negotiated or deposited and is returned to the contributor before the closing date of the campaign statement on which it would otherwise be reported.

- (2) If a cash contribution, other than a “late contribution” as defined in Section 82047, is negotiated or deposited, it will not be deemed received if it is refunded within 72 hours of receipt.
- (3) A “late contribution” as defined in Section 82047, is not deemed received if it is returned to the contributor within 48 hours of receipt.
- (b) No expenditure of \$100 or more may be made in cash.
- (c) No contribution of \$100 or more, other than an in-kind contribution, may be made unless it is in the form of a written instrument containing the name of the donor and the payee, and is drawn from the account of the donor or the intermediary, under Section 85103.
- (d) The value of all in-kind contributions of \$100 or more must be reported in writing to the recipient if the recipient requests it in writing.

§ 85101. Anonymous Contributions; Prohibition. (84304)

No person may make an anonymous contributions or contributions to a candidate, committee or any other person totaling \$100 or more in a calendar year. An anonymous contribution of \$100 or more may not be kept and must be promptly paid to the Secretary of State for deposit in California’s General Fund.

§ 85102. Contributions Must Be Made Under Contributor’s Legal Name. (84301)

No contribution may be made, directly or indirectly, by any person in a name other than the person’s legal name.

§ 85103. Contributions by Intermediary or Agent. (84302)

- (a) **Disclose Both Intermediary and Contributor.** No person may make a contribution on behalf of another, or while acting as the intermediary or agent of another, without disclosing to the recipient of the contribution both:
 - (1) The intermediary’s own full name, street address, and occupation, and the name of the intermediary’s employer, if any, or the intermediary’s principal place of business if self-employed; and
 - (2) The contributor’s full name, street address, and occupation, and the name of the contributor’s employer, if any, or the contributor’s principal place of business if self-employed.
- (b) **Report Both Intermediary and Contributor.** The recipient of the contribution must include the information required under paragraphs (1) and (2) of subdivision (a) in the recipient’s campaign statement.

§ 85104. Prohibition on Earmarking. (85704)

A person is prohibited from making any contribution to a committee on the condition or with the agreement that it will be contributed to a particular candidate unless it is fully disclosed under Section 85103.

§ 85105. Laundered Contributions. (85701)

Any candidate or committee that receives a contribution in violation of Section 85102 must pay the amount of the contribution to the General Fund of the state.

Article 2. Prohibitions on Contributions (§ 85200 - § 85204)

§ 85200. Public Funds; Prohibition. (85300, 18530)

- (a) **Prohibition.** A public officer is prohibited from expending and a candidate is prohibited from accepting any public moneys for the purpose of seeking elective office.
- (b) **Exception.** This prohibition does not apply to charter city and county public officers and candidates.

§ 85201. Transmittal of Campaign Contributions in State Office Buildings; Prohibition. (84309, 18439)

- (a) A person is prohibited from receiving, personally delivering, or attempting to deliver a contribution in the State Capitol, any state office building, or any office where the state pays the majority of the rent other than a legislative district office.
- (b) Under this section, “personally delivering” means delivery of a contribution in person or causing a contribution to be delivered in person by an agent or intermediary.

§ 85202. No Commingling Contributions with Personal Funds. (84307)

A contribution must not be commingled with the personal funds of the recipient or any other person.

§ 85203. Prohibition on Contributions from Lobbyists to State Candidates. (85702)

An elected state officer or candidate for elected state office is prohibited from accepting a contribution from a lobbyist, and a lobbyist is prohibited from making a contribution to an elected state officer or candidate for elected state office, if that lobbyist is registered to lobby the governmental agency that the candidate is seeking election to or in which the elected officer serves.

§ 85204. Foreign Entities; No Contributions or Expenditures on Ballot Measures. (85320)

- (a) **Prohibition on Making.** No foreign government or foreign principal may make, directly or through another person, any contribution, expenditure, or independent expenditure in connection with the qualification of, support for, or opposition to, any state or local ballot measure.
- (b) **Prohibition on Accepting.** No person or committee may solicit or accept a contribution from a foreign government or foreign principal in connection with the qualification of, support for, or opposition to any state or local ballot measure.
- (c) **Foreign Principal.** Under this section, a “foreign principal” includes the following:
 - (1) A foreign political party.
 - (2) A person outside the United States, unless either of the following is established:
 - (A) The person is an individual and U.S. citizen.
 - (B) The person is not an individual and is organized under or created by the laws of the United States or of any place subject to the jurisdiction of the United States with its principal place of business within the United States.
 - (3) A partnership, association, corporation, organization, or other combination of persons organized under the laws of or having its principal place of business in a foreign country.
 - (4) A domestic subsidiary of a foreign corporation if the decision to contribute or expend funds is made by an officer, director, or management employee of the foreign corporation who is not a U.S. citizen or a lawfully admitted permanent resident of the United States.
- (d) **Lawful Permanent Resident.** This section does not prohibit a contribution, expenditure, or independent expenditure made by a lawfully admitted permanent resident.
- (e) **Penalties.** A violation of this section is a misdemeanor and subject to a fine in an amount equal to the amount contributed or expended.

Article 3. Receiving and Returning Contributions. (§ 85300 - § 85302)

§ 85300. Contributions Received by Agents of Candidates or Committees; Report Promptly. (84306)

- (a) All contributions received by a person acting as a candidate's agent must be reported promptly to the candidate or any of their designated agents. All contributions received by a person acting as a committee's agent must be reported promptly to the committee's treasurer or any of the treasurer's designated agents.
- (b) "Promptly" under this section means not later than the closing date of any campaign statement the candidate or committee receiving the contribution is required to file.

§ 85301. Returning Contributions. (85319)

A candidate for elective office may return all or part of any contribution to the donor at any time, whether or not other contributions are returned, except a contribution that the candidate made to his or her own controlled committee for elective office.

§ 85302. Return of Contributions; Missing Donor Information. (85700)

- (a) A candidate or committee must return any contribution of \$100 or more for which the candidate or committee does not have in its records the name, address, occupation, and employer of the contributor within 60 days of receipt.
- (b) A candidate or committee may return a contribution under subdivision (a) after the date it was reported under this title.

Article 4. Loans (§ 85400 - § 85401)

§ 85400. Loans as Contributions; Loans of Campaign Funds Made by a Candidate or Committee. (84216 & 84216.5)

- (a) **Receipt of a Loan.** Despite Section 82014, a loan received by a candidate or committee is a contribution unless the loan is received from a commercial lending institution in the ordinary course of business, or it is clear from the surrounding circumstances that it is not made for political purposes. Receipt of a loan, whether or not there is a written contract for the loan, must be reported under Section 84300 when any of the following apply:
 - (1) The loan is a contribution.
 - (2) The loan is received by a committee.
 - (3) The loan is received by a candidate and is used for political purposes.
- (b) **Making a Loan.** A loan of campaign funds, whether or not there is a written contract for the loan, made by a candidate or committee must be reported under Section 84300.

§ 85401. Limit on State Candidate's Loans to Own Campaign. (85307)

- (a) The provisions of this title regarding loans apply to extensions of credit, but not to loans made to a candidate by a commercial lending institution in the lender's regular course of business on terms available to members of the general public for which the candidate is personally liable.
- (b) Despite subdivision (a), a candidate for elective state office may not personally loan to their campaign, including the proceeds of a loan obtained by the candidate from a commercial lending institution, an amount for which the outstanding balance exceeds \$100,000.
- (c) A candidate may not charge interest on any loan the candidate made to their own campaign.

Article 5. Contribution Limits (§ 85500 - § 85508)

§ 85500. Limits on Contributions from Persons to State Candidates. (85301)

- (a) **Contribution Limits.** The limit on contributions that a person, other than a small contributor committee or political party committee, may make to a candidate for elective state office, and the limit on contributions a candidate for elective state office may accept from a person, other than a small contributor committee or a political party committee, are as follows:
- (1) For a candidate for State Legislature: \$3,000 per election.
 - (2) For a candidate for statewide elective office except a candidate for Governor: \$5,000 per election.
 - (3) For a candidate for Governor: \$20,000 per election.
- (b) **Personal Funds.** This section does not apply to a candidate's contributions of his or her personal funds to his or her own campaign.

§ 85501. Limits on Contributions from Small Contributor Committees to State Candidates. (85302)

The limit on contributions that a small contributor committee may make to a candidate for elective state office, and the limit on contributions a candidate for elective state office may accept from a small contributor committee are as follows:

- (a) For a candidate for State Legislature: \$6,000 per election.
- (b) For a candidate for statewide elective office except a candidate for Governor: \$10,000 per election.
- (c) For a candidate for Governor: \$20,000 per election.

§ 85502. Limits on Contributions to Committees and Political Party Committees. (85303)

- (a) **Committee Limit.** The limit on contributions that a person may make to a committee that is not a political party committee, and the limit on contributions such a committee may accept, is \$5,000 per calendar year for the purpose of making contributions to candidates for elective state office.
- (b) **Political Party Committee Limit.** The limit on contributions that a person may make to a political party committee, and the limit on what a political party committee may accept, is \$25,000 per calendar year for the purpose of making contributions for the support or defeat of candidates for elective state office. Despite Section 85503, this limit applies to contributions made to a political party used for making expenditures, at the request of or in cooperation with a candidate for elective state office, for communications to party members related to the candidate's candidacy for elective state office.
- (c) **Contributions for Other Purposes.** Except as provided in Section 85504, nothing in this chapter limits a person's contributions to a committee or political party committee provided the contributions are used for purposes other than making contributions to candidates for elective state office.
- (d) **Transfer of Surplus Funds to Political Party.** This chapter does not limit a candidate for elected state office from transferring contributions received by the candidate in excess of any amount necessary to defray the candidate's expenses for election related activities or holding office to a political party committee, provided those transferred contributions are used for purposes consistent with paragraph (4) of Section 86212, subdivision (b).

§ 85503. Communications to Members of an Organization. (85312)

- (a) **Not Contributions or Expenditures.** Under this title, payments for communications to members, employees, shareholders, or families of members, employees, or shareholders of an organization for the purpose of supporting or opposing a candidate or a ballot measure are not contributions or expenditures, provided those payments are not made for general public advertising such as broadcasting, billboards, and newspaper advertisements.

(b) **Reportable.** But payments made by a political party for communications to members who are registered as expressing a preference for that party on their affidavit of registration under Elections Code sections 2150, 2151, and 2152 that would otherwise qualify as contributions or expenditures must be reported in accordance with Chapter 4 (beginning with Section 84100) of this title.

§ 85504. Electioneering Communications Identifying State Candidates; Reporting; Contribution Limit. (85310)

- (a) **Making Payment.** Any person who makes a payment or a promise of payment totaling \$50,000 or more for a communication that clearly identifies a candidate for elective state office, but does not expressly advocate the election or defeat of the candidate, and that is disseminated, broadcast, or otherwise published within 45 days of an election, must:
- (1) File a report online or electronically with the Secretary of State disclosing the name of the person, address, occupation, and employer, and amount of the payment.
 - (2) The report must be filed within 48 hours of making the payment or the promise to make the payment.
- (b) **Receiving Payment.**
- (1) Any person who receives a payment or a promise of a payment from other persons totaling \$5,000 or more to make an electioneering communication described in subdivision (a) must disclose on the report the name, address, occupation and employer, and date and amount received from the other person.
 - (2) A person who receives or is promised a payment that is otherwise reportable under paragraph (1) does not need to report the payment if the person is in the business of providing goods or services and receives or is promised payment to provide those goods or services.
- (c) **Contribution Limit.** Any payment received by a person who makes an electioneering communication described in subdivision (a) is subject to the limits in Section 85502, subdivision (b), if the communication is made at the request of or in cooperation with the clearly identified candidate.

§ 85505. Limits on Contributions by State Candidates. (85305)

A candidate for elective state office or a committee controlled by that candidate may not make any contribution to any other candidate for elective state office in excess of the limits in Section 85500, subdivision (a)(1).

§ 85506. Spouses' Contributions Separate; Under 18 Presumed Aggregated. (85308)

- (a) **Spouses.** Contributions made by spouses may not be aggregated.
- (b) **Child.** A contribution made by a child under 18 years of age is presumed to be a contribution from the parent or guardian of the child.

§ 85507. Contributions Received for Primary and General Elections. (85318)

- (a) **Fundraising for Both Elections.** A candidate for elective state office may raise contributions for a general election before the primary election for the same elective state office if the candidate sets aside these contributions and uses them for the general election.
- (b) **Refunding General Election Contributions.** If the candidate for elective state office is defeated in the primary election, or otherwise withdraws from the general election, the general election funds must be refunded to the contributors on a pro rata basis less any expenses associated with raising and administering general election contributions.
- (c) **Separate Accounts.** Despite the one-bank account per election rule of Section 83101, candidates for elective state office may establish separate campaign contribution accounts for the primary and general elections.
- (d) **Special Elections.** For purposes of this section:
- (1) General election includes a special runoff election; and,
 - (2) Primary election includes a special election.

§ 85508. Special Elections and Special Runoff Elections as Separate Elections. (85314, 85204.5)

- (a) **Limits Apply.** The contribution limits of this chapter apply to special elections and special runoff elections. A special election and a special runoff election are separate elections for the contribution and voluntary expenditure limits of this title.
- (b) **Time Periods.** For special elections:
 - (1) “Special election cycle” means the day on which the office becomes vacant until the day of the special election.
 - (2) “Special runoff election cycle” means the day after the special election until the day of the special runoff election.

Article 6. Post-Election Fundraising Restrictions; Transfer and Carryover of Contributions. (§ 85600 - § 85601)

§ 85600. Post-Election Fundraising Restrictions. (85316(a))

Except as provided in Section 85700, a candidate for elective state office may only accept a contribution for an election after the date of the election if it does not exceed net outstanding debt from the election, and the contribution does not exceed the contribution limit for that election.

§ 85601. Transfers of Funds Between a Candidate’s Own Committees. (85306, 85317, 18537.1)

- (a) **Same Candidate, Different Elective State Office.** A candidate for elective state office may transfer contributions from a controlled committee raised in connection with one election for elective state office to a controlled committee for a different elective state office for the same candidate.
 - (1) The transferred contributions must be attributed to specific contributors using a “last in, first out” or “first in, first out” accounting method.
 - (2) After contributions are attributed to a specific contributor, the transferred contributions must be aggregated with all other contributions from the same contributor and must not exceed the contribution limits in Section 85500 or 85501.
- (b) **Same Candidate, Same Elective State Office.** A candidate for elective state office may transfer contributions raised in connection with an election for elective state office to the candidate’s controlled committee established for a subsequent election to the same elective state office.
 - (1) The transferred contributions may be used to pay campaign expenditures incurred in the subsequent election for the same office.
 - (2) The contributions are transferred without attribution to specific contributors from the prior election.

Article 7. Officeholder Accounts, Recall Committees, and Legal Defense Funds; Application of Contribution Limits. (§ 85700 - § 85702)

§ 85700. State Officeholder Accounts. (85316(b), 18531.62)

- (a) Notwithstanding Section 85600, an elected state officer may accept contributions after the date of the election to pay expenses associated with holding the office, provided the contributions are not expended for any contribution to any state or local committee.
 - (1) Contributions received under this subdivision must be deposited into a bank account established solely for the purposes specified in this subdivision.
 - (2) No person may make, and no elected state officer may receive a contribution under this subdivision per calendar year totaling more than the following:
 - (A) For an elected state officer of the Assembly or Senate: \$3,000.

- (B) For a statewide elected state officer other than the Governor: \$5,000.
- (C) For the Governor: \$20,000.
- (3) No elected state officer may receive contributions under paragraph (2) that, in the aggregate, total more than the following amounts per calendar year:
 - (A) For an elected state officer of the Assembly or Senate: \$50,000.
 - (B) For a statewide elected state officer other than the Governor: \$100,000.
 - (C) For the Governor: \$200,000.
- (4) Any contribution received under this section is deemed a contribution to that candidate for election to any state office that the candidate may seek during the term of office to which the candidate is currently elected, including, but not limited to, reelection to the office currently held, and is subject to any applicable contribution limit under this title. If a contribution received under this section exceeds the allowable contribution limit for the office sought, the candidate must return the excess amount to the contributor on a basis determined by the Commission. None of the expenditures made by elected state officers under this section are subject to the voluntary expenditure limits in Section 86100.
- (5) The Commission will adjust the calendar year contribution limits and aggregate contribution limits in this section in January of every odd-numbered year to reflect any increase or decrease in the Consumer Price Index. Those adjustments will be rounded to the nearest \$100.

§ 85701. Elected State Officer Recall Committees. (85315)

- (a) **Establishing Committee to Oppose Recall.** Despite any other provision of this chapter, an elected state officer may establish a committee to oppose the qualification of a recall measure or recall election. This committee may be established when the elected state officer receives a notice of intent to recall under Elections Code section 11021. An elected state officer may accept contributions to oppose the qualification of a recall measure, and if qualification is successful, the recall election, that are not subject to the contributions limits under this title. Voluntary expenditure limits do not apply to expenditures made to oppose the qualification of a recall measure or to oppose the recall election.
- (b) **Terminating Committee.** After the failure of a recall petition or after the recall election, the committee formed by the elected state officer must complete its activities and terminate. Any remaining funds are treated as surplus funds and must be spent within 30 days for a purpose specified in Section 86212, subdivision (b).

§ 85702. Legal Defense Fund. (85304, 85304.5)

- (a) **Legal Defense Fund.** A candidate for elective office or an elected officer may establish a separate account to defray attorney's fees and other related legal costs incurred for their legal defense if they are subject to one or more civil, criminal, or administrative proceedings arising directly out of the conduct of an election campaign, the electoral process, or the performance of the officer's governmental activities and duties. These funds may only be used to defray attorney fees and other related legal costs.
- (b) **Funding Account.** The separate account may be funded as follows:
 - (1) State Candidate or Officer. A candidate for elective state office or an elected state officer may receive contributions to this account that are not subject to the contribution limits set forth in this chapter.
 - (2) Local Candidate or Officer. A candidate for an elective office other than an elective state office, or an elected officer other than an elected state officer, may receive contributions to the separate account subject to any limitations provided by local ordinance.
- (c) **Reporting of Contributions.** All contributions to the separate account must be reported in a manner prescribed by the Commission.
- (d) **Disposition of Remaining Funds.** Once the legal dispute is resolved, the candidate or elected officer must dispose of any funds remaining in the separate accounts after all expenses associated with the dispute are discharged for one or more of the purposes set forth in paragraphs (1) to (5), inclusive, of Section 86212, subdivision (b).

(e) **Attorney's Fees and Related Costs.**

- (1) For purposes of this section, the term "attorney's fees and other related legal costs" includes only the following:
 - (A) Attorney's fees and other legal costs related to the defense of the candidate or officer.
 - (B) Administrative costs directly related to compliance with the requirements of this title.
- (2) "Attorney's fees and other related legal costs" does not include expenses for fundraising, media or political consulting fees, mass mailing or other advertising, or, except as expressly authorized by subdivision (c) of Section 86201, a payment or reimbursement for a fine, penalty, judgment or settlement, or a payment to return or disgorge contributions made to any other committee controlled by the candidate or officer.

Chapter 6. Expenditures. (§ 86100 - § 86303)

Article 1. Voluntary Expenditure Ceilings. (§ 86100 - § 86105)

§ 86100. Voluntary Expenditure Ceilings. (85400)

- (a) A candidate for elective state office who voluntarily accepts expenditure limits may not make campaign expenditures in excess of the following:
 - (1) For an Assembly candidate:
 - (A) \$400,000 in the primary or special election
 - (B) \$700,000 in the general or special runoff election.
 - (2) For a Senate candidate:
 - (A) \$600,000 in the primary or special election
 - (B) \$900,000 in the general or special runoff election.
 - (3) For a candidate for the State Board of Equalization:
 - (A) \$1,000,000 in the primary election;
 - (B) \$1,500,000 in the general election.
 - (4) For a statewide candidate other than a candidate for Governor or the State Board of Equalization:
 - (A) \$4,000,000 in the primary election
 - (B) \$6,000,000 in the general election.
 - (5) For a candidate for Governor:
 - (A) \$6,000,000 in the primary election
 - (B) \$10,000,000 in the general election.
- (b) This section does not apply to the Board of Administration of the Public Employees' Retirement System.
- (c) For purposes of this section, "campaign expenditures" has the same meaning as "election-related activities" defined in Section 82014.
- (d) A campaign expenditure made by a political party on behalf of a candidate may not be attributed to the limitations on campaign expenditures set forth in this section.

§ 86101. Candidate Accepting or Rejecting Expenditure Ceilings. (85401)

- (a) **Candidate Statement of Intention.** Each candidate for elective state office must file a statement of acceptance or rejection of the voluntary expenditure limits set forth in Section 86100 when the candidate files the Section 83100 statement of intention to be a candidate.
- (b) **Changing Decision Before Deadline.** A candidate may, until the deadline for filing nomination papers set forth in Section 8020 of the Elections Code, change their statement of acceptance or rejection of voluntary expenditure limits provided he or she has not exceeded the voluntary expenditure limits. A candidate may not change his or her statement of acceptance or rejection of voluntary expenditure limits more than twice after the candidate's initial filing of the statement of intention for that election and office.

- (c) **Candidates Who Did Not Exceed Primary Limits.** Any candidate for elective state office who declined to accept the voluntary expenditure limits but nevertheless does not exceed the limits in the primary, special primary, or special election, may file a statement of acceptance of the expenditure limits for a general or special runoff election within 14 days after the primary, special primary, or special election.
- (d) **Decision is Final.** Despite Section 84402 or any other provision of this title, a candidate may not change their voluntary expenditure limit statement other than as specified by this section and Section 86102.

§ 86102. Lifting Expenditure Limits; Opponent’s Use of Personal Funds. (85402, 18543)

- (a) **Opponent Spending Personal Funds.** Any candidate for elective state office who has filed a statement accepting the voluntary expenditure limits is not bound by those limits if an opposing candidate for the same office, whether in the primary or special primary or general or special general election, contributes personal funds to their own campaign in excess of the Section 86100 limits.
- (b) **Notification.** The Commission, through regulation, will require timely notification by candidates for elective state office who make personal contributions to their own campaign.

§ 86103. Violations of Voluntary Expenditure Limits. (85403)

Any candidate who files a statement of acceptance under Section 86101 and makes campaign expenditures in excess of the limits will be subject to the remedies in Chapter 13.

§ 86104. Accepting Voluntary Spending Limits; Ballot Pamphlet Designation. (85600)

The Secretary of State must designate in the state ballot pamphlet those candidates for statewide elective office, defined in Section 82093, who have agreed to the voluntary expenditure limits in Section 86100. Local elections officers must designate in the voter information portion of the sample ballot those candidates for State Senate and Assembly who have agreed to the voluntary expenditure limits in Section 86100.

§ 86105. Accepting Voluntary Spending Limits; Candidate Access to Ballot Pamphlet Statement. (85601)

- (a) **Accepting Limits; Statement.** A candidate for statewide elective office defined in Section 82083 or State Senate or Assembly who accepts the voluntary expenditure limits in Section 86100 may purchase the space to place a statement that does not exceed 250 words. The statement may not refer to any opponent of the candidate.
 - (1) The statement of a candidate for statewide elective office will appear in the state ballot pamphlet. The statement must be submitted under timeframes and procedures set forth by the Secretary of State for preparation of the state ballot pamphlet.
 - (2) The statement of a candidate for State Senate or Assembly will appear in the voter information portion of the sample ballot. The statement must be submitted under the timeframes and procedures in the Elections Code for preparation of the voter information portion of the sample ballot.
- (b) **Not Accepting Limits.** Despite Section 90103, subdivision (f), or Elections Code section 9084, subdivision (e), the Secretary of State may not include in the state ballot pamphlet a statement from a candidate who has not agreed to the voluntary expenditure limits in Section 86100.

Article 2. Use of Campaign Funds. (§ 86200 - §86214)

§ 86200. Contributions Held in Trust; Candidates. (89510)

- (a) A candidate for elective state office may only accept contributions within the limits provided in Chapter 5.
- (b) All contributions deposited into the campaign account are considered to be held in trust for expenses associated with the election of the candidate or for expenses associated with holding office.

§ 86201. Campaign Funds Held by Candidates and Committees; Definitions. (89511)

- (a) **Application.** This article applies to campaign funds held by candidates for elective office, elected officers, controlled committees, ballot measure committees, committees opposed to a candidate or measure, and any committee that qualifies as a recipient committee under Section 82012, subdivision (a).
- (b) **Definitions.** For purposes of this article, the following terms are defined as:
 - (1) “Campaign funds” means any contributions, cash, cash equivalents, and other assets received or possessed by a recipient committee as defined by Section 82012, subdivision (a).
 - (2) “Committee” means a controlled committee, ballot measure committee, committee opposed to a candidate or measure, and any committee that qualifies as a committee under Section 82012, subdivision (a).
 - (3) “Substantial personal benefit” means an expenditure of campaign funds that results in a direct personal benefit with a value of more than \$200 to a candidate, elected officer, or any individual or individuals with authority to approve the expenditure of campaign funds held by a committee.

§ 86202. Expenditures Associated with Seeking or Holding Office; Political, Legislative or Governmental Purpose. (89512)

- (a) **Reasonably Related.** The following are lawful executions of the trust imposed by Section 86200:
 - (1) An expenditure to seek office if it is reasonably related to a political purpose; and
 - (2) An expenditure associated with holding office if it is reasonably related to a legislative or governmental purpose.
- (b) **Directly Related.** Expenditures that confer a substantial personal benefit must be directly related to a political, legislative, or governmental purpose.
- (c) **Expenditures for Fines and Penalties.** Except as expressly authorized by this article, an expenditure for a fine, penalty, judgment, or settlement is not within the lawful execution of the trust imposed by Section 86200.

§ 86203. Expenditures by Committees Not Controlled by Candidates; Political, Legislative or Governmental Purpose. (89512.5)

- (a) **Reasonably Related.** Subject to subdivision (b), any expenditure by a committee not subject to the trust imposed by Section 86200, subdivision (b), must be reasonably related to a political, legislative, or governmental purpose of the committee.
- (b) **Directly Related.** Any expenditure by a committee that confers a substantial personal benefit on anyone with authority to approve the expenditure of campaign funds held by the committee must be directly related to a political, legislative, or governmental purpose of the committee.

§ 86204. Use of Campaign Funds for Specific Activities. (89513)

This section sets forth specific expenditures and governs the use of campaign to pay for them. This section also guides the interpretation of the standard imposed by Section 86202 as applied to other expenditures not specifically in this section.

- (a) **Travel.** Except when directly related to a political, legislative, or governmental purpose, campaign funds may not be used to pay or reimburse the candidate, the elected officer, or any individual or individuals with authority to approve the expenditure of campaign funds held by a committee, or employees or staff of the committee, or the elected officer’s governmental agency for travel expenses and necessary accommodations.
 - (1) Under this section payments or reimbursements for travel and necessary accommodations are considered “directly related to a political, legislative, or governmental purpose” if the payments would meet standards similar to those under Internal Revenue Code sections 162 and 274 for deductions of travel expenses under the federal income tax law.

- (2) Under this section, payments or reimbursement for travel by the candidate's or elected officer's household when traveling to the same destination to accompany the candidate or elected officer are considered used for the same purpose as the candidate's or elected officer's travel.
- (3) Expenditure of campaign funds to pay or reimburse a candidate, elected officer, their representative, or a member of the candidate's household for travel expenses and necessary accommodations must be reported under Section 84300.
- (4) When campaign funds are used to pay or reimburse for travel expenses and necessary accommodations, any mileage credit earned or awarded under an airline bonus mileage program is deemed personally earned by or awarded to the individual traveler and is not subject to reporting under Section 84300.
- (b) **Professional Services; Employer Health Care Benefits; But Not Health Related Expenses.** Campaign funds may not be used to pay for or reimburse the cost of professional services unless the services are directly related to a political, legislative, or governmental purpose.
 - (1) Committee expenditures for professional services reasonably required by the committee to assist it in the performance of its administrative functions are directly related to a political, legislative, or governmental purpose.
 - (2) Health related expenses for a candidate, elected officer, or any individual or individuals with authority to approve the expenditure of campaign funds held by a committee, or members of their household may not be paid with campaign funds. "Health related expenses" includes, but is not limited to, examinations by physicians, dentists, psychiatrists, psychologists, or counselors, expenses for medications, treatments or medical equipment, and expenses for hospitalization, health club dues, and special dietary foods.
 - (3) Campaign funds may be used to pay employer costs of health care benefits of a bona fide employee or independent contractor of the committee.
- (c) **Fines, Parking Citations, Penalties, Judgements and Settlements.**
 - (1) Campaign funds may not be used to pay or reimburse fines, penalties, judgments, or settlements, unless they result from:
 - (A) Parking citations incurred in the performance of an activity directly related to a political, legislative, or governmental purpose.
 - (B) Any other action for which payment of attorney's fees from contributions would be permitted under this title. However, campaign funds may not be used to pay a fine, penalty, judgment, or settlement relating to an expenditure of campaign funds resulting in either of the following:
 - (i) A personal benefit to the candidate or officer not reasonably related to a political, legislative, or governmental purpose.
 - (ii) A substantial personal benefit to the candidate or officer not directly related to a political, legislative or governmental purpose.
 - (2) Campaign funds may not be used to pay a restitution fine imposed under Penal Code section 86.
- (d) **Specialty Clothing.** Campaign funds may not be used for campaign, business, or casual clothing except specialty clothing that is not suitable for everyday use. This includes, but is not limited to, formal wear, if this attire is to be worn by the candidate or elected officer and is directly related to a political, legislative, or governmental purpose.
- (e) **Tickets to Attend Political Fundraiser.** Except where prohibited by law, campaign funds may be used to purchase tickets or reimburse the costs of purchasing tickets for the attendance of a candidate, elected officer, or the candidate's immediate family, or an officer, director, employee, or staff of the committee or the elected officer's governmental agency for political fundraising events.
- (f) **Tickets to Attend Entertainment/Sporting Event.** Campaign funds may not be used to pay for or reimburse for the costs of tickets for entertainment or sporting events for the candidate, elected officer, or members of the candidate's immediate family, or an officer, director, employee, or staff of the committee unless their attendance at the event is directly related to a political, legislative, or governmental purpose. Subdivision (g) governs the purchase of tickets for entertainment or sporting events for the benefit of persons other than the candidate, elected officer, or their immediate family.

- (g) **Personal Gift.** Campaign funds may not be used for personal gifts unless the gift is directly related to a political, legislative, or governmental purpose. Refunding a campaign contribution does not constitute making a gift.
 - (1) Nothing in this section prohibits the use of campaign funds to reimburse or otherwise compensate a public employee for services rendered to a candidate or committee while on vacation, leave, or otherwise outside of compensated public time.
 - (2) An election victory celebration or similar campaign event, or gifts with a total cumulative value of less than \$250 in a single year made to an individual employee, a committee worker, or an employee of the elected officer's agency, are directly related to a political, legislative, or governmental purpose. Under this paragraph, a gift to a member of a person's immediate family is a gift to that person.
- (h) **Loans.** Campaign funds may not be used to make loans other than to organizations under Section 86207, or, unless prohibited, to a candidate for elective office, political party, or committee.
- (i) **Household.** For purposes of this section, "household" includes the candidate's or elected officer's spouse, dependent children, and parents who reside with the candidate or elected officer.

§ 86205. Use of Personal Funds by Incumbent Elected Officers; Reimbursement. (89511.5)

- (a) **Using Personal Funds for Officeholder Expenses.** An incumbent elected officer may utilize personal funds for expenditures authorized by Section 86200, subdivision (b), without first depositing those funds in the candidate's controlled committee's campaign bank account, if both of the following conditions are met:
 - (1) The expenditures are not campaign expenses.
 - (2) The committee treasurer is provided with a dated receipt and a written description of the expenditure.
- (b) **Reimbursement.** An incumbent elected officer may be reimbursed for expenditures of the incumbent's personal funds, from either the controlled committee campaign bank account established under Section 83101 for election to the incumbent term of office, or from a controlled committee campaign bank account established under Section 83101 for election to a future term of office, if all the following conditions are met:
 - (1) The expenditures are not campaign expenses.
 - (2) The incumbent elected officer, before reimbursement, provides the treasurer of the committee with a dated receipt and a written description of each expenditure.
 - (3) Reimbursement is paid within 90 days for cash expenditures, or within 90 days of the end of the billing period in which it was included for a credit card or charge account.
- (c) **Reporting Expenditures and Reimbursements.** When the elected officer's controlled committee is notified that expenditures totaling \$100 or more in a fiscal year have been made by the incumbent elected officer, the committee, under Section 84300, subdivision (k), must report the expenditures and reimbursements on the campaign statement for the period in which either were made.
- (d) **Nonmonetary Contribution.** If reimbursement is not paid within the time authorized by this section, the expenditure is reported on the campaign statement as a nonmonetary contribution received on the 90th day after the expenditure is paid for a cash expenditure, or within 90 days of the end of the billing period in which it was included for an expenditure charged to a credit card or charge account.
- (e) **Bank Account.** This section does not authorize an incumbent elected officer to make expenditures from any campaign bank account for expenses other than those associated with the incumbent's election to the specific office for which the account was established and expenses associated with holding that office.

§ 86206. No Use of Campaign Funds for Compensation of Candidate or Elected Officer and Spouse or Domestic Partner of Candidate. (89518, 84307.5)

Campaign funds may not be used for the following:

- (a) **Candidate or Elected Officer.** To compensate a candidate or elected officer for the performance of political, legislative, or governmental activities, except to reimburse out-of-pocket expenses incurred for political, legislative, or governmental purposes.

- (b) **Individual Who Authorizes Campaign Expenditures.** To compensate anyone with authority to approve the expenditure of campaign funds for the performance of political, legislative, or governmental activities, except under Section 86204, subdivision (b), and for reimbursement of out-of-pocket expenses incurred for political, legislative, or governmental purposes.
- (c) **Spouse.** To compensate the spouse or domestic partner of an elected officer, or a candidate for elective office, for services rendered from campaign funds held by a controlled committee of the elected officer or candidate for elective office.

§ 86207. Use of Campaign Funds for Donations and Loans. (89515)

Campaign funds may be used for donations or loans to bona fide charitable, educational, civic, religious, or similar tax exempt nonprofit organizations, if both of the following apply:

- (a) **Reasonably Related.** The donation or loan is reasonably related to a political, legislative, or governmental purpose; and
- (b) **No Material Financial Effect.** No substantial part of the proceeds will have a material financial effect on the candidate, elected officer, campaign treasurer, or anyone with authority to approve the expenditure of campaign funds held by a committee, or member of their immediate family.

§ 86208. Use of Campaign Funds for Vehicle Purchase, Lease, and Expenses. (89516)

Despite Sections 86202 and 86204, this section governs the use of campaign funds for vehicle expenses.

- (a) **Purchase.** Campaign funds may not be used to purchase a vehicle unless both of the following apply:
 - (1) Title to the vehicle is held by the committee and not the candidate, elected officer, campaign treasurer, or anyone with authority to approve the expenditure of campaign funds held by a committee, or a member of their immediate family.
 - (2) The use of the vehicle is directly related to a political, legislative, or governmental purpose.
- (b) **Lease.** Campaign funds may not be used to lease a vehicle unless the use of the vehicle is directly related to a political, legislative, or governmental purpose; and either
 - (1) The lessor is a state or local government agency; or
 - (2) The lessee is the committee, or a state or local government agency, and the lessee is not the candidate, elected officer, or a member of their immediate family.
- (c) **Operating Costs.** Campaign funds may be used to pay for or reimburse the operating costs, including, but not limited to, insurance, maintenance, and repairs, for any vehicle eligible for campaign funds under this section.
- (d) **Reimbursement for Use of Own Vehicle.** Campaign funds may be used to reimburse a candidate, elected officer, their immediate family, or anyone with authority to approve the expenditure of campaign funds held by a committee, or an employee or member of the staff of the committee or of the elected officer's governmental agency, for the use of their vehicle at the rate approved by the Internal Revenue Service under Internal Revenue Code section 162, in connection with deductible mileage expenses under the federal income tax law, if both of the following requirements are met:
 - (1) The vehicle use is directly related to political, governmental, or legislative purposes.
 - (2) The specific purpose and mileage in connection with each expenditure is documented in a manner approved by the Internal Revenue Service in connection with deductible mileage expenses.
- (e) **Directly Related.** Under this section, use of a vehicle is considered directly related to a political, legislative, or governmental purpose as long as its use for other purposes is only incidental.

§ 86209. Use of Campaign Funds for Real Property, Appliances, or Equipment. (89517)

- (a) Campaign funds may not be used for payment or reimbursement for the lease of real property or for the purchase, lease, or refurbishment of any appliance or equipment, where the lessee or sublessor is, or the legal title resides, in whole or in part, in a candidate, elected officer, campaign treasurer, or anyone with authority to approve the expenditure of campaign funds, or member of their immediate family.

- (b) Campaign funds may not be used to purchase real property. Except as prohibited by subdivision (a), campaign funds may be used to lease real property for up to one year at a time where use is directly related to political, legislative, or governmental purposes.
- (c) Under this section, real property, appliance, or equipment is considered to be directly related to a political, legislative, or governmental purpose as long as its use for other purposes is only incidental.

§ 86210. Use of Campaign Funds for Security System Installed in Response to Threats. (89517.5)

- (a) Despite Section 86209, campaign funds may be used to pay, or reimburse the state, for the costs of installing and monitoring an electronic security system in the home and office of a candidate or elected officer who has received threats to their physical safety, provided that:
 - (1) The threats arise from their activities, duties, or status as a candidate or elected officer; and
 - (2) The threats have been reported to and verified by an appropriate law enforcement agency. Verification is determined solely by the law enforcement agency to which the threat was reported.
- (b) The candidate or elected officer must report any expenditure of campaign funds made under this section to the Commission. The report to the Commission must include the date the candidate or elected officer informed the law enforcement agency of the threat, the name and phone number of the law enforcement agency, and a brief description of the threat.
- (c) No more than \$5,000 in campaign funds may be used, cumulatively, by a candidate or elected officer under this subdivision.
- (d) The candidate or elected officer must reimburse the campaign fund account for the costs of the security system upon sale of the property where the security equipment is installed, based on the fair market value of the security equipment at the time of sale.

§ 86211. Use of Campaign Funds for Attorney’s Fees. (89514; 89511)

- (a) Expenditures of campaign funds for attorney’s fees and other costs in connection with administrative, civil, or criminal litigation are directly related to a political, legislative, or governmental purpose if any of the following apply:
 - (1) The litigation is directly related to activities of a committee that are consistent with its primary objectives; or
 - (2) The litigation arises directly out of a committee’s activities; or
 - (3) The litigation arises out of a candidate’s or elected officer’s activities, duties, or status as a candidate or elected officer, including, but not limited to, enjoining or defending against defamation, defense of a violation of state or local campaign, disclosure, or election laws, and an election contest or recount.
- (b) For purposes of this section, “attorney’s fees and other costs” includes only the following:
 - (1) Attorney’s fees and other legal costs related to the defense of the candidate or officer.
 - (2) Administrative costs directly related to compliance with the requirements of this title.
- (c) “Attorney’s fees and other costs” does not include expenses for fundraising, media or political consulting fees, mass mailing or other advertising, or, except as expressly authorized by Section 86203, subdivision (c), a payment or reimbursement for a fine, penalty, judgment or settlement, or a payment to return or disgorge contributions made to any other committee controlled by the candidate or officer.

§ 86212. Use of Surplus Campaign Funds. (89519)

- (a) **When Campaign Funds Become Surplus.** Ninety (90) days after leaving an elective office, or 90 days following the end of the postelection reporting period after the defeat of a candidate for elective office, whichever occurs last, campaign funds under the control of the former candidate or elected officer are considered surplus campaign funds and must be disclosed under Chapter 4.
- (b) **Use of Surplus Funds.** Surplus campaign funds may only be used for:
 - (1) The payment of outstanding campaign debts or elected officer’s expenses.

- (2) The repayment of contributions.
 - (3) Donations to any bona fide charitable, educational, civic, religious, or similar tax-exempt, nonprofit organization, where no substantial part of the proceeds will have a material financial effect on the former candidate or elected officer, any member of their immediate family, or their campaign treasurer.
 - (4) Contributions to a political party committee, if the campaign funds are not used to support or oppose candidates for elective office. A political party may use the campaign funds, however, to conduct partisan voter registration, partisan get-out-the-vote activities, and slate mailers as defined in Section 82079.
 - (5) Contributions to support or oppose any federal or out of state candidate, or any ballot measure.
 - (6) The payment for professional services reasonably required to assist the committee's performance of its administrative functions, including payment for attorney's fees subject to the requirements of Section 86211.
- (c) **Candidate Must Reimburse Cost of Security System.** The use of surplus campaign funds for an electronic security system is subject to requirements under Section 86210. In addition, payments made under this subdivision must be made during the two years following the date that campaign funds become surplus campaign funds. The candidate or elected officer must reimburse the surplus fund account for the fair market value of the security system during this period. Campaign funds become surplus campaign funds upon sale of the property on which the system is installed, or before the closing of the surplus campaign fund account, whichever comes first. The electronic security system is the property of the campaign committee of the candidate or elected officer.

§ 86213. Violations. (89520)

Only the remedies in Sections 91106, 91117 and 91118 apply to violations of this article.

§ 86214. Campaign Funds; Prohibited Use Under Elections Code. (89522)

This chapter does not permit any expenditures of campaign funds prohibited by Elections Code section 18680.

Article 3. Independent Expenditures. (§ 86300 - §86303)

§ 86300. Independent Expenditures; Coordination. (85500)

- (a) **Coordinated Expenditure is a Contribution.** An expenditure is not independent if made in coordination with the candidate. A coordinated expenditure is a contribution from the person making the expenditure to the candidate on whose behalf or for whose benefit the expenditure is made.
- (b) **Circumstances of Coordination.** An expenditure is coordinated with a candidate under any of the following circumstances:
 - (1) The expenditure is made with the cooperation of, or in consultation with, the candidate on whose behalf or for whose benefit the expenditure is made, or any controlled committee or any agent of the candidate.
 - (2) The expenditure is made in concert with, or at the request or suggestion of, the candidate on whose behalf or for whose benefit, the expenditure is made, or any controlled committee or any agent of the candidate.
 - (3) The expenditure is made under any arrangement, coordination, or direction between the candidate and the person making the expenditure.

§ 86301. Independent Expenditures; 24-Hour Disclosure. (85500)

In addition to any other report required by this title, a committee, including a political party committee, that is required to file reports under Section 84305 and makes independent expenditures of \$1,000 or more during the 90-day period preceding the date of the election or on the date of the election in connection with a candidate for elective state office or a state ballot measure, must file a report electronically with the Secretary of State disclosing the independent expenditure. This report must disclose the same information required by Section 84202, subdivision (b), and must be filed within 24 hours of the time the independent expenditure is made.

§ 86302. Internet Display of Independent Expenditures; 24-Hour Disclosure Report. (85505)

- (a) **Public Disclosure.** For a candidate for elective state office or a statewide ballot measure, the Secretary of State will include on their office's Internet website, any independent expenditure as defined by Section 82040 and reported under Section 86301. This information will be linked to the part of the website that the Secretary of State maintains for that candidate or ballot measure.
- (b) **Form Requirements.** All forms created for filing the report electronically under Section 86301 will include a separate field for the filer to input the legislative district number and the number or letter of a statewide ballot measure.

§ 86303. Prohibition on Independent Expenditures by Candidate or Officeholder Controlled Committees. (85501)

A controlled committee of a candidate may not make independent expenditures and may not contribute funds to another committee to make independent expenditures to support or oppose other candidates.

Chapter 7. Advertisements: Disclaimers and Prohibitions. (§ 87100 - § 87400)

Article 1. Disclaimers on Mass Mailings and Telephone Calls. (§ 87100 – § 87101)

§ 87100. Disclaimers on Mass Mailings. (84305)

- (a) **Sender's Name and Information.** Except as provided in subdivision (b), any mass mailings sent by a candidate or committee must include the name, street address, and city of the candidate or committee on the outside of each piece of mail and on at least one of the inserts included in each piece of mail. A post office box may be stated instead of a street address if the candidate or committee's address is a matter of public record with the Secretary of State.
- (b) **Single Candidate or Committee Sender.** If the sender of the mass mailing is a single candidate or committee, the name and address of the candidate or committee needs to be shown only on the outside of each piece of mail.
- (c) **Controlled Committee Sender.** If the sender of a mass mailing is a controlled committee, the name of the person controlling the committee must be included in addition to the information required by subdivision (a).
- (d) **Print Requirements.** All information required by this section must be in no less than 6-point type and in a color or print that contrasts with the background so as to be easily legible.

§ 87101. Disclosure Requirements for Telephone Calls. (84310)

- (a) **Paid for the call.** A candidate, committee, or slate mailer organization that directly or indirectly spends campaign funds to pay for 500 or more similar telephone calls made by an individual, or individuals, or by electronic means that advocate support of, or opposition to, a candidate, ballot measure, or both, must disclose during each call the name of the candidate, committee, or slate mailer organization that paid for the call.
- (b) **Authorized the call.** Instead of disclosing the candidate, committee, or slate mailer organization that paid for the call, the person that authorized the call may be disclosed if: (1) the person that authorized the call, and in whose name it is placed, has filing obligations under this title, and (2) the name announced in the call is the full name used by the person in any statement or report required to be filed under this title or is the name by which the person is commonly known.
- (c) **Recordkeeping.** A candidate, committee, or slate mailer organization that pays for telephone calls under subdivision (a) must maintain a record of the script of the call for the time period under Section 83200. If any

of the calls under subdivision (a) were recorded messages, a copy of the recording must be maintained for that period.

- (d) **Telephone Calls by Candidates or Volunteers.** This section does not apply to telephone calls made by a candidate, the campaign manager, or individuals who are volunteers for a candidate or committee.

Article 2. Disclaimers on Ballot Measure and Independent Expenditure Advertisements. (§ 87200 - §87210)

§ 87200. Advertisement; Definition. (84501, 18450.1)

- (a) “Advertisement” means any general or public communication that is authorized and paid for by a person or committee to support or oppose a candidate for elective office or a ballot measure or ballot measures, and is disseminated by radio, telephone, print, television, video, or other electronic media.
- (b) “Advertisement” does not include:
- (1) Communications from an organization to its members under Section 85503. This exemption does not apply to a political party.
 - (2) Small tangible campaign items where inclusion of the disclaimer is not feasible or practical, such as normal-sized campaign buttons, bumper stickers, t-shirts, and pens.
 - (3) Any other communication as determined by Commission regulations.

§ 87201. Cumulative Contributions; Definition. (84502)

“Cumulative contributions” means the cumulative amount of contributions received by a committee beginning 12 months before the date the committee made its first expenditure to qualify, support, or oppose the ballot measure and ending within seven days of the time the advertisement is sent to the printer, broadcaster or otherwise disseminated.

§ 87202. Ballot Measure Committee Name. (84504)

- (a) **Name Requirements.** Any committee that is primarily formed to support or oppose one or more ballot measures must name and identify itself based on the following:
- (1) Using a name or phrase that clearly identifies the economic or special interests of its major donors of \$50,000 or more;
 - (2) If the major donors of \$50,000 or more share a common employer, the identity of the employer must also be disclosed;
 - (3) If candidates or their controlled committees, as a group or individually, meet the contribution thresholds as major donors, they must be identified by the controlling candidate’s name.
- (b) **Use of Name.** The name as determined by this section must be used by the committee in all:
- (1) Legally required references to the committee, including its statement of organization filed under Section 83102;
 - (2) Advertisements or other paid public statements.

§ 87203. Disclaimer; Ballot Measure Ads. (84503)

- (a) **\$50,000 Donors.** Any advertisement for or against any ballot measure that is paid for by a ballot measure committee must include a disclosure statement identifying any person whose cumulative contributions are \$50,000 or more to the committee.
- (b) **Top Two Donors.** If there are more than two donors of \$50,000 or more, the ballot measure committee is only required to disclose the highest and second highest, in that order. If more than two donors meet this disclosure threshold at identical contribution levels, the highest and second highest must be the two most recent donors.

§ 87204. Ballot Measure Ads; Paid Spokesperson Disclosure. (84511)

- (a) **Application.** This section applies to a committee that either:
 - (1) Makes an expenditure of \$5,000 or more to an individual for that individual's appearance in an advertisement that supports or opposes the qualification, passage, or defeat of a ballot measure; or
 - (2) Makes an expenditure of any amount to an individual for the individual's appearance in an advertisement that supports or opposes the qualification, passage, or defeat of a ballot measure, and 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.
- (b) **Required Report.** Within 10 days of the expenditure, a committee described in subdivision (a) must file a report that includes the following:
 - (1) An identification of the measure that is the subject of the advertisement.
 - (2) The date of the expenditure.
 - (3) The amount of the expenditure.
 - (4) The name of the recipient of the expenditure.
 - (5) For a committee described in paragraph (2) of subdivision (a), the occupation of the recipient of the expenditure.
- (c) **Paid Spokesperson Disclosure.** An advertisement paid for by a committee described in paragraph (1) of subdivision (a) must include a disclosure statement stating "(spokesperson's name) is being paid by this campaign or its donors."
- (d) **Occupational Spokesperson Disclosure.** An advertisement paid for by a committee described in paragraph (2) of subdivision (a) must include:
 - (1) A disclosure statement stating "Persons portraying members of an occupation in this advertisement are compensated spokespersons not necessarily employed in those occupations."
 - (2) A committee may omit the disclosure statement required by this subdivision if both of the following are satisfied for each individual identified in the report filed under subdivision (b) for the advertisement:
 - (A) The occupation identified in the report is substantially similar to the occupation portrayed in the advertisement.
 - (B) The committee maintains credible documentation of the appropriate license, certification, or other training as evidence that the individual is entitled to engage in the occupation identified in the report and portrayed in the advertisement, and makes that documentation available to the Commission immediately upon request.
- (e) **Requirements of Disclosure Statements.** All disclosure statements required by this section must appear in a highly visible font shown continuously if the advertisement consists of printed or televised material, or be spoken in a clearly audible format if the advertisement is a radio broadcast or telephonic message.

§ 87205. Disclaimer; Independent Expenditure Ads. (84506)

- (a) **Disclaimer.** An advertisement supporting or opposing a candidate or ballot measure paid for by an independent expenditure must include a disclosure statement that identifies both:
 - (1) The name of the committee making the independent expenditure.
 - (2) The names of the persons from whom the committee has received its two highest cumulative contributions of \$50,000 or more during the 12-month period before the expenditure. If the committee can show that contributions are spent in the order they are received and that the contributions received from the two highest contributors have been used for expenditures unrelated to the candidate or ballot measure featured in the communication, the committee must disclose the contributors making the next largest cumulative contributions of \$50,000 or more.
- (b) **Acronyms.** If an acronym is used to identify any committee names under this section, the names of any sponsoring organization of the committee must appear on print or electronic media advertisements or spoken in broadcast advertisements.

§ 87206. Disclaimer; Independent Expenditure Ads; Not Authorized by Candidate. (84506.5)

- (a) **Disclaimer.** An advertisement supporting or opposing a candidate that is paid for by an independent expenditure must include the following statement: “This advertisement was not authorized or paid for by a candidate for this office or a committee controlled by a candidate for this office.”
- (b) **Mailed Advertisements.** In addition to the requirements of Section 87207, a mailed advertisement under this section must also comply with the following:
- (1) The disclosure statement in subdivision (a) must be printed on the advertisement within one quarter of an inch of the recipient’s name and address.
 - (2) The text of the disclosure statement must be contained in a box with an outline with a line weight of at least 3.25 pt.
 - (A) The box’s background color must be in a contrasting color to the advertisement’s background.
 - (B) The box’s outline must be in a contrasting color to both the advertisement’s background color and the box’s background color.
 - (C) The color of the text must be in a contrasting color to the box’s background color.

§ 87207. Disclaimer; Legible and Audible. (84507)

Unless otherwise specified, any disclosure statement required by this article must be printed in no less than 14-point, bold, sans serif type font and in a legible and conspicuous manner as defined by the Commission or, if the communication is broadcast, the information must be spoken so as to be clearly audible and understood by the public and otherwise appropriately conveyed for the hearing impaired.

§ 87208. Disclaimer; Small Ad. (84508)

If disclosure of two major donors is required by Sections 87203 or 87205, the committee must disclose, in addition to the committee name, only its highest major contributor if an advertisement is:

- (a) An electronic broadcast of 15 seconds or less; or
- (b) A newspaper, magazine, or other public print media advertisement that is 20 square inches or less.

§ 87209. Avoidance of Disclosure. (84505)

In addition to the requirements of Sections 87202, 87203, 87205, and 87206, the committee placing the advertisement or persons acting in concert with that committee are prohibited from creating or using a noncandidate-controlled committee or a nonsponsored committee to avoid disclosure or that results in the avoidance of the disclosure of any individual, industry, business entity, controlled committee, or sponsored committee as a major funding source.

§ 87210. Amended Disclaimers. (84509)

When a committee files an amended campaign statement under Section 84402, the committee must change its advertisements to reflect the changed disclosure information.

Article 3. Slate Mailer Disclaimer Requirements. (§ 87300 - § 87301)

§ 87300. Slate Mailer Identification and Disclaimer Requirements. (84305.5)

- (a) **Disclaimers.** If a slate mailer organization or committee primarily formed to support or oppose one or more ballot measures sends a slate mailer it must include:
- (1) **Name and Address.** The name, street address, and city of the slate mailer organization or committee primarily formed to support or oppose one or more ballot measures on the outside of each piece of slate mail and on at least one of the inserts in each piece of slate mail in no less than 8-point roman type, which must be in a color or print that contrasts with the background so as to be easily legible. A post office box

may be stated instead of a street address if the street address of the organization or the committee is a matter of public record with the Secretary of State.

- (2) Notice to Voters. The following notice: “Notice to Voters. THIS DOCUMENT WAS PREPARED BY [name of slate mailer organization or committee primarily formed to support or oppose one or more ballot measures], NOT AN OFFICIAL POLITICAL PARTY ORGANIZATION. Appearance in this mailer does not necessarily imply endorsement of others appearing in this mailer, nor does it imply endorsement of, or opposition to, any issues set forth in this mailer. Appearance is paid for and authorized by each candidate and ballot measure which is designated by an *.”
 - (A) The notice must be located at the top or bottom of the front side or surface of at least one insert, or at the top or bottom of one side or surface of a postcard or other self-mailer.
 - (B) The notice must be in at least 8-point roman boldface type, in a color or print that contrasts with the background so as to be easily legible, and in a printed or drawn box and set apart from any other printed matter.
- (3) Designation of Candidates and Measures that Paid to Appear. Each candidate and each ballot measure that has paid to appear in the slate mailer must be designated by an “*” and this symbol may not be used if a candidate or ballot measure has not paid to appear.
 - (A) The “*” required by this subdivision must be of the same type size, style, color or contrast, and legibility as used for the name of the candidate or the ballot measure name or number and position advocated, to which the “*” designation applies except that in no case may the “*” be required to be larger than 10-point boldface type.
 - (B) The designation must immediately follow the candidate’s name, or the name or number and position advocated on the ballot measure where the designation appears in the slate of candidates and measures.
 - (C) If there is no slate listing, the designation must appear at least once in at least 8-point boldface type, immediately following the candidate’s name, or the name or number and position advocated on the ballot measure.
 - (D) The payment of any sum made reportable by subdivision (c) of Section 84502 by or at the request of or in cooperation with a candidate or committee, whose name or position appears in the mailer, to the slate mailer organization or committee primarily formed to support or oppose one or more ballot measures, will constitute a payment to appear and authorization to appear in the mailer.
- (b) **Political Party Designation.** Any candidate’s name appearing in the slate mailer who is a member of a political party differing from the political party that the mailer represents or appears to represent by other indicators must be accompanied, immediately below the name, by the candidate’s party designation, in no less than 9-point roman type that must be in a color or print that contrasts with the background so as to be easily legible. The designation is not required in the case of candidates for nonpartisan office.

§ 87301. Slate Mailers May Not Use Government or Public Safety Logos Without Authorization. (84305.7)

- (a) **Government Logo.** If a slate mailer organization sends a slate mailer or other mass mailing that displays a logo, insignia, emblem, or trademark that is identical or substantially similar to that of a governmental agency, and that would reasonably be understood to imply the participation or endorsement of that governmental agency, the slate mailer organization must obtain the express written consent of the relevant governmental agency before use in a slate mailer or other mass mailing.
- (b) **Public Safety Logo.** If a slate mailer organization sends a slate mailer or other mass mailing that displays a logo, insignia, emblem, or trademark that is identical or substantially similar to that of a nongovernmental organization that represents law enforcement, firefighting, emergency medical, or other public safety personnel, and that would reasonably be understood to imply the participation or endorsement of that nongovernmental organization, the slate mailer organization must obtain the express written consent of the nongovernmental organization before use in the slate mailer or other mass mailing.

- (c) **Members of Organization.** If a slate mailer organization sends a slate mailer or other mass mailing that identifies itself or its source material as representing a nongovernmental organization with a name that includes the term “peace officer,” “reserve officer,” “deputy,” “deputy sheriff,” “sheriff,” “police,” “highway patrol,” “California Highway Patrol,” “law enforcement,” “firefighter,” “fire marshal,” “paramedic,” “emergency medical technician,” “public safety,” or any other term that would reasonably be understood to imply that the organization is composed of, or affiliated with, law enforcement, firefighting, emergency medical, or other public safety personnel, the slate mailer or mass mailing must disclose the total number of members in the organization identified in the slate mailer or mass mailing as follows:
- (1) On the outside of each piece of mail,
 - (2) On at least one of the included inserts,
 - (3) In no less than 12-point roman type,
 - (4) In a color or print that contrasts with the background so as to be easily legible.

Article 4. Newsletter or Mass Mailing. (§ 87400)

§ 87400. No Newsletter or Mass Mailing at Public Expense. (89001;18901; 18901.1)

Except as permitted by Commission regulations, no newsletter or other mass mailing may be sent at public expense if the item does any of the following:

- (a) Features an elected officer affiliated with the agency that produces or sends the mailing;
- (b) Includes the name, office, photograph, or other reference to an elected officer affiliated with the agency which produces or sends the mailing, and is prepared or sent in cooperation, consultation, coordination, or concert with the elected officer; or
- (c) Expressly advocates the election or defeat of a clearly identified candidate or the qualification, passage, or defeat of a clearly identified measure, or when taken as a whole and in context, unambiguously urges a particular result in an election.

Chapter 8. Gifts, Travel, Honoraria and Fundraising. (§ 88100 - § 88400)

Article 1. Gifts. (§ 88100- 88102)

§ 88100. Gift Limits. (89503)

- (a) **Individuals Subject to Gift Limits.** The following individuals are prohibited from accepting gifts from any single source in any calendar year that are valued at more than the current gift limit as set by Commission regulation:
- (1) Elected state officers, elected officers of a local government agency, and other individuals specified in Section 89200.
 - (2) Candidates for elective state office, for judicial office, and for elective office in a local government agency.
 - (A) A person is considered a candidate under this subdivision when the person has filed a statement of organization as a committee for election to a state or local office, a declaration of intent, or a declaration of candidacy, whichever occurs first.
 - (B) A person is not considered a candidate under this subdivision after the person is sworn into the elective office, or, if the person lost the election, after the person has terminated their campaign statement filing obligations for that office under Section 84450, or after certification of the election results, whichever occurs first.
 - (3) Members of a state board or commission, and designated employees of a state or local government agency, if the member or employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests.

- (b) **Exempt Individuals.** This section does not apply to a judge or a part-time member of any public institution of higher education's governing board that is not an elective office.
- (c) **Exempt Gifts.** This section does not prohibit or limit the following:
 - (1) Payments, advances, or reimbursements for travel, including related transportation, lodging and meals, permitted by Section 88200.
 - (2) Wedding gifts and gifts exchanged between individuals on birthdays, holidays, and other similar occasions, provided the exchange is not substantially disproportionate in value.
- (d) **Adjustment of Limit.** The Commission will adjust the gift limit amount by regulation on January 1 of each odd-numbered year to reflect changes in the Consumer Price Index, rounded to the nearest \$10. The gift limit amount in 2017 is [\$460], as adjusted from the base limit of \$250 enacted in 1990.
- (e) **Additional Gift Limits.** The limits on gifts in this section are in addition to the limits on gifts from lobbyist and lobbying firms in Section 90031.

§ 88101. Receipt and Acceptance of Gift. (18941, 18943)

Except as further defined by Commission regulations, a gift is both "received" and "accepted" when the public official, or the official's family member, knowingly takes actual possession of the gift, is provided the benefit of the gift, or takes any action exercising direction or control over the gift.

§ 88102. Source of Gift; Use of Intermediary or Agent; Disclosure Requirements. (87210, 87313 & 18945)

- (a) **Source of Gift.** The person who makes the gift to the official is the source of the gift unless that person is acting as an intermediary or agent.
- (b) **Use of Intermediary or Agent.** If a person makes a gift, as specified below, on behalf of another or while acting as the intermediary or agent of another, to an individual who is required to disclose the gift on a statement of economic interests, the gift giver must disclose to the recipients of the gift both their own full name, street address and business activity, if any, and the same information of the actual donor. The recipients must disclose the information of both the intermediary or agent and the actual donor on their statement of economic interests. This applies to:
 - (1) **Designated Employees.** If the person makes a gift of \$50 or more in a calendar month to an individual whom the gift giver knows or has reason to know may be required to disclose the gift under a conflict of interest code.
 - (2) **High Level Filers.** If the person makes a gift of \$50 or more in a calendar month to an individual listed in Section 89200.

Article 2. Travel. (§ 88200-88202)

§ 88200. Travel Exempt from Gift Limits but Reportable. (89506)

- (a) **Exempt Travel; Public Purpose.** Payments, advances, or reimbursements for travel, including related transportation, lodging and meals, that are reasonably related to a legislative or governmental purpose, or to an issue of state, national, or international public policy, are not subject to the gift limits under this chapter if either of the following applies:
 - (1) **Travel for Speech.** The travel is connected with a speech given by the individual, and the related lodging and meal expenses are limited to the day immediately before, the day of, and the day after the speech, and the travel is within the United States.
 - (2) **Travel Paid for by Government or 501(c)(3) Organization.** The travel is provided by a government, a governmental agency, a foreign government, a governmental authority, a bona fide public or private educational institution as defined in Revenue and Taxation Code Section 203, a nonprofit organization that is tax-exempt under Internal Revenue Code Section 501(c)(3), or by a person domiciled outside the

United States who substantially satisfies the requirements for tax-exempt status under Internal Revenue Code Section 501(c)(3).

- (b) **Reportable.** Although not subject to limits, the travel under subdivision (a) is considered a gift and must be reported on the recipient's statement of economic interests.
- (c) **Inapplicable.** This section does not apply to payments, advances, or reimbursements for travel, including related transportation, lodging and meals permitted or limited by Code of Civil Procedure Section 170.9.

§ 88201. Travel Not Considered a Gift. (89506(d))

The following travel is not subject to limits or reportable as a gift on the recipient's statement of economic interests:

- (a) **Paid by Campaign.** Travel paid for from campaign funds, as permitted by Article 2 (beginning with Section 86200) of Chapter 6 of this title, or that is a contribution.
- (b) **Paid by Agency.** Travel provided by the agency of a local elected officeholder, an elected state officer, member of a state board or commission, an individual specified in Section 89200, or a designated employee.
- (c) **For Business, Trade or Profession.** Travel that is reasonably necessary with a bona fide business, trade, or profession and that satisfies the criteria for federal income tax deduction for business expenses in Internal Revenue Code Sections 162 and 274 unless the sole or predominant activity of the business, trade, or profession is making speeches.
- (d) **Otherwise Exempt.** Travel that is not considered a gift by any other provision of this title.

§ 88202. Nonprofit Organization Funding Elected Official's Travel; Disclosure Requirements. (89506(f))

- (a) **Qualifying Nonprofits.** If a nonprofit organization regularly organizes and hosts travel for elected officials, and that nonprofit organization has paid for travel related to elected state or local officials as described in subdivision (a) of Section 88200 that totals more than \$10,000 in a calendar year, or that totals more than \$5,000 in a calendar year for an individual, the nonprofit organization must disclose to the Commission the names of donors who did both of the following in the preceding year:
 - (1) Donated \$1,000 or more to the nonprofit organization; and
 - (2) Accompanied an elected official either personally or through an agent, employee, or representative, for any portion of travel described in Section 88200, subdivision (a).
- (b) **Regularly Organizes and Hosts; Definition.** Under this section, an organization "regularly organizes and hosts travel for elected officials" if the sum of its expenses relating to any of the following types of activities of elected officials was greater than one-third of its total expenses reflected on the organization's Internal Revenue Service Form 990, or the equivalent, filed most recently within the last 12 months:
 - (1) Travel.
 - (2) Study tours.
 - (3) Conferences, conventions, and meetings.
- (c) **Donor as Source of Travel Gift.** This section does not preclude a finding that a nonprofit organization is acting as an intermediary or agent of a donor, and if that a determination is made, all of the following apply:
 - (A) The donor to the nonprofit organization is the source of the gift.
 - (B) The donor must be identified as a financial interest under Section 89101.
 - (C) The gift must be reported as required by Section 89208.
 - (D) The gift is subject to the gift limits in Section 88100.
- (d) **Scope.** Under this section, a nonprofit organization includes an organization that is exempt from taxation under Internal Revenue Code section 501, subdivision (c)(3) or (c)(4).

Article 3. Honoraria. (§ 88300 - § 88301)

§ 88300. Honorarium; Definitions. (89501)

- (a) **Honorarium Defined.** “Honorarium” means, except as provided in subdivision (b), any payment made in consideration for any speech given, article published, or attendance at any public or private conference, convention, meeting, social event, meal, or like gathering.
- (b) **Exemptions.** The term “honorarium” does not include:
 - (1) **Earned Income.** Earned income for personal services that are customarily provided in connection with the practice of a bona fide business, trade, or profession, such as teaching, practicing law, medicine, insurance, real estate, banking, or building contracting, unless the sole or predominant activity of the business, trade, or profession is making speeches. The Commission will adopt regulations to implement this subdivision.
 - (2) **Returned Payments.** Any payment that is not used and, within 30 days after receipt, is either returned to the donor or delivered to the State Controller for donation to the General Fund, or in the case of a public official for local government agency, delivered to the public official’s agency for donation to an equivalent fund, without being claimed as a deduction from income for tax purposes.
 - (3) **Specified Travel Payments.** Any payment, advance, or reimbursements for travel, including related transportation, lodging and meals, as provided for under Sections 88200 and 88201.

§ 88301. Honorarium Prohibited for Elected officers and Candidates for Office. (89502)

- (a) **Honoraria Ban.** The following individuals are prohibited from accepting any honorarium:
 - (1) Elected state officers, elected officers of a local government agency, and other individuals specified in Section 89200.
 - (2) Candidates for elective state office, for judicial office, and for elective office in a local government agency.
 - (A) A person is considered a candidate under this subdivision upon filing a statement of organization as a committee for election to a state or local office, a declaration of intent, or a declaration of candidacy, whichever occurs first.
 - (B) A person is not considered a candidate under this subdivision after that person is sworn into the elective office, or, if the person lost the election after the person has terminated their campaign statement filing obligations for that office under Section 84450, or after certification of the election results, whichever occurs first.
 - (3) Members of a state board or commission and designated employees of a state or local government agency, if the member or employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests.
- (b) **Exempt Individuals.** This section does not apply to a judge or a part-time member of any public institution of higher education’s governing board that is not an elective office.

Article 4. Fundraising for Legislative, Governmental or Charitable Causes (§ 88400)

§ 88400. Elected Officers and PUC Members Fundraising for Legislative, Governmental or Charitable Causes; Reporting. (82015)

- (a) **Reporting Payments Solicited by Elected Officers for Charitable or Governmental Purposes.** Payments solicited by an elected officer for legislative, governmental or charitable purposes under Section 82014(c)(1)(C), must be reported under this section within 30 days after the date on which the payment or payments equal or exceed \$5,000 in the aggregate from the same source in the same calendar year in which they are made.

- (b) **Reporting Payments Solicited by PUC Members for Charitable or Governmental Purposes.** A payment made after solicitation by a member of the Public Utilities Commission, made principally for legislative, governmental, or charitable purposes under Section 82014(f)(2), must be reported under this Section within 30 days after the date on which the payment or payments equal or exceed \$5,000 in the aggregate from the same source in the same calendar year in which they are made.
- (c) **Requirements of Reports.** The reports under subdivisions (a) and (b) must comply with the following requirements:
 - (1) The report must be filed by the elected officer with the elected officer's agency or by the member with the Public Utilities Commission, and will be a public record subject to inspection and copying under Section 90305.
 - (2) The report must contain the following information: name of payor, address of payor, amount of the payment, date or dates the payment or payments were made, the name and address of the payee, a brief description of the goods or services provided or purchased, if any, and a description of the specific purpose or event for which the payment or payments were made.
 - (3) Once the \$5,000 aggregate threshold from a single source has been reached for a calendar year, all payments for the calendar year made by that source must be disclosed within 30 days after the date the threshold was reached or the payment was made, whichever occurs later.
 - (4) Within 30 days after receipt of the report:
 - (A) State agencies must forward a copy of these reports to the Commission
 - (B) Local agencies must forward a copy of these reports to the filing officer with whom elected officers of that agency file their campaign statements. And
 - (C) The Public Utilities Commission must forward a copy of these reports to the Commission.

Chapter 9. Conflicts of Interest: Prohibition, Required Disclosure and Codes
(§ 89100 - § 89407)

Article 1. Conflicts of Interest Prohibition. (§ 89100 - § 89110)

§ 89100. State and Local Public Officials; Prohibition on Conflicts. (87100)

Public officials are prohibited from making, participating in, or in any way attempting to use their official position to influence a governmental decision in which they know or have reason to know they have a financial interest.

§ 89101. Financial Interests That May Give Rise to a Conflict. (87103)

- (a) **Financial Interests.** A public official has a financial interest in a decision under Section 89100 if it is reasonably foreseeable that the decision will have a material financial effect, distinguishable from its effect on the public generally, on the official, a member of their immediate family, or on any of the following interests:
 - (1) **Business Entity.** Any business entity in which the public official has a direct or indirect investment worth \$2,000 or more, or in which the public official is a director, officer, partner, trustee, employee, or holds any position of management.
 - (2) **Real Property.** Any real property in which the public official has a direct or indirect interest worth \$2,000 or more.
 - (3) **Source of Income.** Any source of income aggregating \$500 or more in value provided to, received by, or promised to the public official within 12 months before the time when the decision is made. A source of income does not include gifts or loans by a commercial lending institution made in the regular course of business on terms available to the public without regard to official's position.
 - (4) **Donor of Gift.** Any donor, or any intermediary or agent for a donor, of a gift or gifts aggregating \$250 or more in value provided to, received by, or promised to the public official within 12 months before the time when the decision is made. The value of gifts specified by this subdivision will be adjusted

biennially by the Commission and will be the same amount as the gift limit determined by the Commission under Section 88100, subdivision (d).

(b) **Indirect Investment or Interest; Definition.** For this section, indirect investment or interest means any investment or interest owned by any of the following:

- (1) The spouse or dependent child of a public official,
- (2) An agent on behalf of a public official, or
- (3) A business entity or trust in which the official, the official's agent, spouse, or dependent child own directly, indirectly, or beneficially a 10% or greater interest.

§ 89102. Source of Income Exception; Income from Retail Sales. (87103.5)

(a) **Exceptions.** Despite Section 89101, a retail customer of a business entity engaged in retail sales of goods or services to the public generally is not a source of income to an official if either:

- (1) The official owns a 10% or greater interest in the business entity and both of the following apply:
 - (A) The retail customers of the business entity make up a significant segment of the public generally, and
 - (B) The amount of income received by the business entity from the customer is not distinguishable from the amount of income received from its other retail customers; or
- (2) The official is in a jurisdiction with a population of 10,000 or less in a county with 350 or fewer retail businesses and all of the following apply:
 - (A) The official owns a 10% or greater interest in the entity.
 - (B) The business entity's retail customers make up a significant segment of the public generally.
 - (C) The amount of income received by the business entity from the customer does not exceed 1% of the gross sales revenues that the business entity earned during the 12 months before the decision is made.

(b) **Definitions.** For paragraph (2) of subdivision (a):

- (1) Population in a jurisdiction is established by the United States Census.
- (2) The number of retail businesses in a county is established by the previous quarter's Covered Employment and Wages Report (ES-202) of the Labor Market Information Division of the California Employment Development Department.

§ 89103. Source of Income Exception; Payments to Government Agencies for Application Fees. (87103.6)

Despite Section 89101, any person who makes a payment to a state or local government agency to pay for the estimated reasonable costs to process any application, approval, or other action, including holding public hearings and evaluating or preparing any report or document, is not a source of income to a public official of the agency because of the payments.

§ 89104. Source of Income Exception; Professional Engineers and Surveyors as Consultants. (87100.1)

- (a) A registered professional engineer or licensed land surveyor who provides professional services as a consultant to a state or local government, either directly or through a firm in which they are employed or a principal, does not have a financial interest in a government decision under Section 89100 if the consultant:
 - (1) Provides professional engineering or land surveying services independently of the control and direction of the agency; and
 - (2) Does not exercise agency decision-making authority as a contract city or county engineer or surveyor.
- (b) For this section, the consultant provides professional engineering or land surveying services independently of the control and direction of the agency if the consultant is in charge of the work under Business and Professions Code section 6703 or 8703.
- (c) Subdivision (a) does not apply to the portion of the work recommended under the actual formula to spread the costs of an assessment district's improvements if both of the following apply:

- (1) The engineer or surveyor has received income of \$250 or more for professional services in connection with any parcel included in the benefit assessment district within 12 months before the creation of the district; and
- (2) The district includes parcels in addition to those for which the engineer or surveyor received the income.
- (d) For subdivision (c), the recommendation of the actual formula does not include preliminary site studies, preliminary engineering, plans, specifications, estimates, compliance with environmental laws and regulations, or the collection of data and information, utilized in applying the formula.

§ 89105. Legally Required Participation in Governmental Decision. (87101)

- (a) **Legally Required.** Section 89100 does not prohibit a public official from making or participating in a governmental decision if the official’s participation is legally required for the action or decision to be made.
- (b) **Not Legally Required.** If a public official’s vote is needed only to break a tie, the official’s participation is not legally required under this section.
- (c) **Regulation.** The scope of legally-required participation will be provided by Commission regulation.

§ 89106. Manner of Disqualification. (87105)

- (a) **Manner.** A public official who holds an office specified in Section 89200 who has a financial interest in a decision within the meaning of Section 89100 must, upon identifying a conflict of interest or a potential conflict of interest and immediately before the consideration of the matter, do all of the following:
 - (1) Publicly identify the financial interest that gives rise to the conflict of interest or potential conflict of interest in detail sufficient to be understood by the public. Disclosure of the exact street address of a residence is not required;
 - (2) Recuse themselves from discussing and voting on the matter, or otherwise acting in violation of Section 89100; and
 - (3) Leave the room until after the discussion, vote, and any other disposition of the matter is concluded, unless the matter has been placed on the portion of the agenda reserved for uncontested matters.
- (b) **Public Comment Allowed.** Despite paragraph (3) of subdivision (a), a public official may speak on the issue during the time that the general public speaks on the issue.
- (c) **Exempt.** This section does not apply to members of the Legislature.

§ 89107. Additional Requirements. (87102)

The requirements of Section 89100 are in addition to the requirements of Articles 2 through 4 of this chapter, and any conflict of interest code adopted under Article 3.

§ 89108. Applicability of Enforcement Provisions. (87102)

Except as provided in Sections 89109 and 89110, the remedies provided in Chapter 13 (commencing with Section 91000) will not be applicable to Members of the Legislature and elected state officers for violations or threatened violations of this article.

§ 89109. State Legislature; Prohibited Use of Position to Influence Decisions. (87102.5, 87102.6)

- (a) **Prohibition.** Members of the Legislature are prohibited from making, participating in making, or in any way attempting to use their official position to influence any of the following governmental decisions in which they know or have reason to know they have a financial interest:
 - (1) Any state governmental decision, other than any action or decision before the Legislature, made in the course of their duties as a member;
 - (2) Approval, modification, or cancellation of any contract to which either house or a committee of the Legislature is a party;

- (3) Introduction as a lead author of any legislation that the member knows or has reason to know is non-general legislation;
 - (4) Any vote in a legislative committee or subcommittee on what the member knows or has reason to know is non-general legislation;
 - (5) Any roll call vote on the Senate or Assembly floor on an item that the member knows is non-general legislation; or
 - (6) Any action or decision before the Legislature in which all of the following occur:
 - (A) The member has received any salary, wages, commissions, or similar earned income within the preceding 12 months from a lobbyist employer;
 - (B) The member knows or has reason to know the action or decision will have a direct and significant financial impact on the lobbyist employer; and
 - (C) The action or decision will not have an impact on the public generally or a significant segment of the public in a similar manner.
 - (7) Any action or decision before the Legislature on legislation that the member knows or has reason to know will have a direct and significant financial impact on any person, distinguishable from its impact on the public generally or a significant segment of the public, from whom the member has received any compensation within the preceding 12 months for appearing, agreeing to appear, or taking any other action on behalf of that person, before any government agency or board.
- (b) **Reason to Know Standard.** A Member of the Legislature has reason to know that an action or decision will have a direct and significant financial impact on a person for which disqualification may be required under subdivision (a) if either of the following apply:
- (1) With the knowledge of the member, the person has attempted to influence the member’s vote on the action or decision.
 - (2) Facts have been brought to the member’s personal attention indicating that the action or decision will have a direct and significant impact on the person.
- (c) **Non-General Legislation.** A Member of the Legislature has reason to know that legislation is non-general legislation if facts have been brought to their personal attention indicating that it is non-general legislation. “Non-general legislation” means:
- (A) Legislation that is not of a general nature under Section 16 of Article IV of the California Constitution where both of the following apply:
 - (i) It is reasonably foreseeable that the legislation will have direct and significant financial impact on one or more identifiable persons, or one or more identifiable pieces of real property.
 - (ii) It is not reasonably foreseeable that the legislation will have a similar impact on the public generally or on a significant segment of the public.
 - (B) The Budget Bill as a whole is not “non-general legislation.”
 - (C) Legislation that contains at least one provision that constitutes non-general legislation is non-general legislation, even if the legislation also contains other provisions that are general and do not constitute non-general legislation.
- (d) **Definitions.** For this section, the following definitions apply:
- (1) “Any action or decision before the Legislature” means any vote in a committee or subcommittee, or any roll call vote on the floor of the Senate or Assembly.
 - (2) “Financial interest” means an interest as defined in Section 89101.
 - (3) “Legislation” means a bill, resolution, or constitutional amendment.
 - (4) “Public generally” includes an industry, trade, or profession.
 - (5) “Significant segment of the public” includes:
 - (A) Any recognized subgroup or specialty of the industry, trade, or profession;
 - (B) A legislative district, county, city, or special district;
 - (C) More than a small number of persons or pieces of real property.
 - (6) “Similar impact” means legislation, administrative action, or other governmental action impacts in a similar manner all members of the public, or all members of a significant segment of the public, where it

has a direct financial effect, but not necessarily the exact same level of effect. The financial effect on individual members of the public or the significant segment of the public can vary as to the impact on the other members of the public or the significant segment of the public, as long as they still share some direct financial effect.

- (e) **Exceptions.** The prohibitions specified in subdivision (a) do not apply to a vote on the Budget Bill as a whole, or to a vote on a consent calendar, a motion for reconsideration, a waiver of any legislative rule, or any purely procedural matter.
- (f) **Immunity.** Written advice given to a Member of the Legislature on their duties under this section by the Legislative Counsel will have the same effect as advice given by the Commission under Section 90217, subdivision (b), if both of the following apply:
 - (1) The member has made the same written request based on the same material facts to the Commission for advice under Section 90217 on their duties under this section, as the written request and facts presented to the Legislative Counsel.
 - (2) The Commission has not provided written advice under the member's request before the member acts in good faith reliance on the Legislative Counsel's advice.
- (g) **Enforcement.** Only the administrative remedies provided in Sections 91116 through 91118 apply to any violation of this section.

§ 89110. Elected State Officer; Prohibited Use of Position to Influence Decisions. (87102.8)

- (a) **Prohibition.** Elected state officers are prohibited from making, participating in, or in any way attempting to use their official position to influence any governmental decision before their agency, where the officer knows or has reason to know that they have a financial interest.
- (b) **Reason to Know Standard.** An elected state officer knows or has reason to know that they have a financial interest in any governmental decision before their agency when:
 - (1) The governmental decision will have a direct and significant financial impact on a lobbyist employer from which the elected state officer has received any salary, wages, commissions, or similar earned income within the preceding 12 months and the action or decision will not have an impact on the public generally or a significant segment of the public in a similar manner; or
 - (2) The action or decision will have a direct and significant financial impact on any person, distinguishable from its impact on the public generally or a significant segment of the public, from whom the officer has received any compensation within the preceding 12 months for appearing, agreeing to appear, or taking any other action on behalf of that person, before any government agency or board.
- (c) **Definitions.** The following apply to this section:
 - (1) "Elected state officer," as defined in the California Constitution, Article V, Section 14, Subdivision (f), means the Governor, Lieutenant Governor, Attorney General, Controller, Insurance Commissioner, Secretary of State, Superintendent of Public Instruction, Treasurer, and member of the State Board of Equalization.
 - (2) The definitions of "public generally" and "significant segment of the public" contained in Section 89109.
- (d) **Enforcement.** Only the administrative remedies provided in Sections 91116 through 91118 apply to any violation of this section.

Article 2. Required Disclosure on Statements of Economic Interests (SEI). (§ 89200 - § 89210)

§ 89200. High Level Filers. (87200)

This article is applicable to elected state officers, judges and commissioners of courts of the judicial branch of government, members of the Public Utilities Commission, members of the State Energy Resources Conservation and Development Commission, members of the Fair Political Practices Commission, members of the California Coastal Commission, members of the High-Speed Rail Authority, members of city and county planning

commissions, members of the board of supervisors, district attorneys, county counsels, county treasurers, and chief administrative officers of counties, mayors, city managers, city attorneys, city treasurers, chief administrative officers and members of city councils of cities, and other public officials who manage public investments, and to candidates for any of these offices at any election.

§ 89201. Candidates. (87201)

- (a) **Filing Date.** Every candidate for an office specified in Section 89200, other than a justice of an appellate court or the Supreme Court, must file no later than the final filing date of a declaration of candidacy, a candidate statement of economic interests disclosing their investments, their interests in real property, and any income received during the immediately preceding 12 months from the date of the declaration of candidacy.
- (b) **Exception.** his statement will not be required if the candidate has filed, within 60 days before the filing of their declaration of candidacy, an assuming office or annual statement for the same jurisdiction under Section 89202 or 89203.

§ 89202. Officials - Elected and Appointed; Assuming Office Statement. (87202)

- (a) **Disclosure and Filing Date.** Every official specified in Section 89200 must file a statement of economic interests disclosing their investments, their interests in real property held on the date of assuming office and income received during the 12 months before assuming office as follows:
 - (1) Elected. Every person who is elected to an office must file the statement within 30 days of assuming office.
 - (2) Appointed or Nominated. Every person who is appointed or nominated to an office, including alternates and designees, must file the statement within 30 days of assuming office. If the person is subject to confirmation by the Commission on Judicial Appointments or the State Senate, the person must file the statement within 10 days of the appointment or nomination.
- (b) **Annual Statement for Same Jurisdiction.** The statement under this section will not be required if the person has filed, within 60 days before assuming office, an annual statement for the same jurisdiction under Section 89203.
- (c) **Assuming Office in December or January.** Every elected state officer who assumes office during the month of December or January must file an annual statement under Section 89203 instead of this section, except that:
 - (1) The period covered for reporting investments and interests in real property must begin on the date the person filed their declarations of candidacy; and
 - (2) The period covered for reporting income must begin 12 months before the date the person assumed office.

§ 89203. High Level Filers; Annual Statements. (87203)

Every person who holds an office specified in Section 89200 must, each year at a time specified by Commission regulations, file an annual statement disclosing their investments, their interests in real property, and their income during the period since the closing date of their last statement filed under this section or Section 89202. The statement must include any investments and interests in real property held at any time during the period covered by the statement, whether or not they are still held at the time of filing.

§ 89204. High Level Filers; Leaving Office Statement. (87204)

Every person who leaves an office specified in Section 89200 must, within 30 days after leaving the office, file a leaving office statement disclosing their investments, their interests in real property, and their income during the period since the previous assuming office or annual statement filed under Sections 89202 or 89203. The statement must include any investments and interests in real property held at any time during the period covered by the statement, whether or not they are still held at the time of filing.

§ 89205. Individuals Completing and Beginning Terms of Office. (87205)

An individual who completes a term of an office specified in Section 89200 and within 45 days begins a term of the same office or another such office of the same jurisdiction is not required to file an assuming or leaving office statement of economic interests, but must continue to file an annual statement as specified in Section 89203.

§ 89206. Disclosure of Investment or Interest in Real Property. (87206)

- (a) **Required Disclosure.** If an investment or an interest in real property is required to be disclosed under this article, the disclosure must include:
- (1) A statement of the nature of the investment or interest.
 - (2) The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged.
 - (3) The real property's address or other precise location.
 - (4) A statement whether the fair market value of the investment or interest in real property:
 - (A) Is at least \$2,000, but not more than \$10,000,
 - (B) Greater than \$10,000, but not more than \$100,000,
 - (C) Greater than \$100,000, but not more than \$1,000,000, or
 - (D) Greater than \$1,000,000.
 - (5) In the case of an annual or leaving office statement filed under Sections 89203 or 89204, if the investment or interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the date of acquisition or disposal.
- (b) **Personal Residence Excluded.** For disclosure under this article, "interest in real property" does not include the filer's principal residence or any other property that the filer utilizes exclusively as the personal residence of the filer.

§ 89207. Disclosure of Leasehold Interests and Value. (18729)

- (a) **Required Disclosure.** When an official is required to disclose a leasehold interest as defined in Section 82042, the official must:
- (1) Identify the interest as a leasehold interest.
 - (2) Disclose the number of years remaining on the lease.
 - (3) Provide the leased property's address or other precise location.
 - (4) If the lease became effective or terminated during the period covered by the statement, provide the exact date the lease became effective or terminated.
 - (5) Disclose the value of the leasehold interest as specified in Section 89206, subdivision (a)(4).
- (b) **Value is Rent Owed.** The value of a leasehold interest is the amount of rent owed during a 12-month period. The 12-month period is computed as follows:
- (1) In the case of an annual or leaving office statement, the first day of the 12-month period is the first day of the reporting period or the first day of the lease, whichever occurs later.
 - (2) In the case of an assuming office or candidate's statement, the first day of the 12-month period is the date the statement is due.
- (c) **Rent or Fair Market Value.** If the value of an official's leasehold interest is less than \$2,000 when the rent owed is computed under subdivision (b), but the official knows that the fair market value of the leasehold during the 12-month period exceeds \$ 2,000, the value of the leasehold is the fair market value, rather than the rent owed, during the 12-month period.

§ 89208. Disclosure of Income Including Loans, Gifts and Travel. (87207, 18940.1, 18945.2)

- (a) **Disclosure of Income.** If income is required to be reported under this article, the statement must contain:
- (1) The name and address of each source of income aggregating \$500 or more in value, and a general description of the business activity, if any, of each source.

- (2) A statement whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source:
 - (A) Is at least \$500, but not more than \$1,000,
 - (B) Greater than \$1,000, but not more than \$10,000,
 - (C) Greater than \$10,000, but not more than \$100,000, or
 - (D) Greater than \$100,000.
- (3) A description of the consideration, if any, for which the income was received.
- (4) In the case of a loan, the annual interest rate, the security, if any, given for the loan, and the term of the loan.
- (5) If the filer's pro rata share of income received from a business entity, including income from a sole proprietorship, is required to be disclosed under this article, the statement must contain:
 - (A) The name, address, and a general description of the business activity of the business entity.
 - (B) The name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from that person was equal to or greater than \$10,000 during a calendar year.
- (b) **Disclosure of Gifts.** If a gift is required to be disclosed under this article because it is received from a source that the official is required to identify under the official's filing obligations, the statement must contain:
 - (1) The name, address, and business activity, if any, of each source of a gift, and any intermediary or agent under 88102, aggregating \$50 or more in value, including each person who donated \$50 or more to the overall value of a group gift. If an official is required to report a person from a group gift, the official must aggregate that gift with any other gifts made by that person. A gift from a single organization is not a group gift from the members of that organization.
 - (2) The amount and the date on which the gift was received.
- (c) **Disclosure of Payments for Travel.** If a payment for travel, including an advance or reimbursement, is required to be disclosed under this title, it must be disclosed on one of the following schedules included in the filer's statement of economic interests:
 - (1) Income. If the filer provided services that were equal to or greater in value than the payment, it must be disclosed as income if \$500 or more was received from a single source during the period covered by the statement. When reporting travel payments as income, the filer must describe the services provided in exchange for the payment.
 - (2) Travel Reimbursement. If the payment is a reportable gift, the filer may elect to report it on a separate travel reimbursement schedule.
 - (3) Gift. A filer who chooses not to use the travel reimbursement schedule must disclose payments for travel as a gift, and must include the travel destination.

§ 89209. Disclosure of Investments and Interests in Real Property; Incorporation by Reference. (87208)

Except in annual statements required by Section 89203, investments and interests in real property that have been disclosed on a statement of economic interests filed in the same jurisdiction within the previous 60 days may be incorporated by reference.

§ 89210. Business Positions. (87209)

- (a) **Disclosure of Positions.** When a statement is required to be filed under this article, every individual specified in Section 89200 must disclose any business positions held by that individual.
- (b) **Definition.** For this section, "business position" means any business entity in which the filer is a director, officer, partner, trustee, employee, or holds any position of management, if the business entity or any parent, subsidiary, or otherwise related business entity has an interest in real property in the jurisdiction, or does business or plans to do business in the jurisdiction or has done business in the jurisdiction at any time during the two years before the date the statement is required to be filed.

Article 3. Conflict of Interest Codes Adopted by Agencies. (§ 89300 - §89313)

§ 89300. Agency Requirement. (87300)

In order to avoid conflicts of interest under Article 1, every agency must adopt and publicize a conflict of interest code under this article that lists designated employees who are required to file statements of economic interests. A conflict of interest code has the force of law and any violation of a code by a designated employee is deemed a violation of this chapter.

§ 89301. Creating Codes. (82011, 87301)

- (a) **Localized Level of Government.** Conflict of interest codes should be created at the most localized level of government possible, but without precluding intra-departmental review. Any question about the level of a department that should be deemed an “agency” under Section 89300 will be resolved by the code reviewing body.
- (b) **Code Reviewing Body.** The following are the “code reviewing bodies” for the listed agencies:
 - (1) The Commission: For a state agency other than an agency in the judicial branch of government, or any local government agency with jurisdiction in more than one county.
 - (2) The Board of Supervisors: For any county agency other than the board of supervisors, any agency of the judicial branch of government, and any local government agency, other than a city agency, with jurisdiction wholly within the county.
 - (3) The City Council: For any city agency other than the city council.
 - (4) The Attorney General: For the Commission.
 - (5) The Chief Justice or the Chief Justice’s Designee: For members of the Judicial Council, Commission on Judicial Performance, and Board of Governors of the State Bar of California.
 - (6) The Board of Governors of the State Bar of California: For the State Bar of California.
 - (7) The Chief Justice, the administrative presiding judges of the courts of appeal, and the presiding judges of superior and municipal courts, or their designees: For any agency of the judicial branch of government subject to the immediate administrative supervision of that court.
 - (8) The Judicial Council of California: For any state agency within the judicial branch of government not included under subdivisions (5), (6), and (7).

§ 89302. Requirements for Code Approval. (87309)

To be approved by a code reviewing body or the Commission, or upheld by a court, a conflict of interest code must:

- (a) Provide reasonable assurance that all foreseeable potential conflict of interest situations will be disclosed or prevented;
- (b) Provide to each affected person a clear and specific statement of their duties under the code; and
- (c) Adequately differentiate between designated employees with different powers and responsibilities.

§ 89303. Required Provisions in Code. (87302, 87311.5(b))

- (a) **Required Provisions.** Each conflict of interest code must contain the following provisions:
 - (1) Designated Employees. A list of positions within the agency, other than those specified in Section 89200, that require the employee to make or participate in making decisions that may foreseeably have a material effect on any financial interest of the employee.
 - (2) Reportable financial interests. For each listed position, the specific types of investments, business positions, interests in real property, and sources of income that may foreseeably be materially affected by any decision made or participated in by the designated employee and must be reported on the designated employee’s statement of economic interests. The information disclosed under reportable investments, interests in real property, and income must be the same as under Article 2.

- (3) Dates for Designated Employees to File Initial, Assuming Office, Annual and Leaving Office Statements. A requirement that each designated employee, other than those specified in Section 89200, must file a statement of economic interest disclosing reportable financial interests as follows:
- (A) Initial Statements. An initial statement under a new conflict of interest code must be filed by each designated employee within 30 days after the effective date of the code, disclosing reportable investments, business positions, and interests in real property held on the effective date of the code and income received during the 12 months before the effective date of the code.
 - (B) Assuming Office. Each new designated employee must file a statement within 30 days after assuming office, or if subject to State Senate confirmation, 30 days after being appointed or nominated, disclosing reportable investments, business positions, and interests in real property held on, and income received during the 12 months before, the date of assuming office or the date of being appointed or nominated, respectively.
 - (C) Annual Statement. Each designated employee must file an annual statement, at the time specified in the conflict of interest code, disclosing reportable financial interests held or received at any time during the previous calendar year or since the date the designated employee took office if during the calendar year.
 - (D) Leaving Office. Every designated employee who leaves office must file, within 30 days of leaving office, a statement disclosing reportable financial interests held or received at any time during the period between the closing date of the last statement required to be filed and the date of leaving office.
- (4) Disqualification. A rule setting forth any circumstances under which designated employees or categories of designated employees must disqualify themselves from making, participating in the making, or using their official position to influence the making of any decision.
- (A) Mandatory. Disqualification is required when it is reasonably foreseeable that the designated employee's financial interest as defined in Section 89101 may be affected materially by the decision.
 - (B) Legally Required Participation. A designated employee is not disqualified from any matter if the employee's participation is legally required for the action or decision to be made, as provided by Commission regulation.
 - (C) Exempt Agencies. The Judicial Council, the Commission on Judicial Performance, and the Board of Governors and designated employees of the State Bar of California are not subject to this paragraph.
- (b) **Filing Exception for Employees Who Resign Shortly After Being Appointed.** For any position listed under subdivision (a), an individual will not have assumed or left office for purposes of this section, if:
- (1) The individual resigns the position within 12 months following initial appointment, or within 30 days of the date the filing officer mailed the individual notice of his or her filing obligation, whichever is earlier;
 - (2) During the period between appointment and resignation, the individual does not make, participate in making, or use the position to influence any decision of the agency or receive, or become entitled to receive, any form of payment by virtue of being appointed to the position; and,
 - (3) Within 30 days of the date of a notice mailed by the filing officer, the individual must do both of the following:
 - (A) File a written resignation with the appointing power.
 - (B) File a written statement with the filing officer on a form prescribed by the Commission and signed under penalty of perjury, stating that the individual, during the period between appointment and resignation, did not make, participate in the making, or use the position to influence any decision of the agency or receive, or become entitled to receive, any form of payment by virtue of being appointed to the position.

§ 89304. Designated Employee; Broad or Indefinable Duties. (87310)

If a designated employee's duties are so broad or indefinable that an agency cannot comply with Section 89302, the designated employee must comply with the requirements of Article 2 of this chapter.

§ 89305. Code Requirement for Public Pension and Retirement System Agencies. (87314)

- (a) **Appendix Listing Agency Positions that Manage Public Investments.** A board, commission, or agency of a public pension or retirement system must attach to its conflict of interest code an appendix entitled “Agency Positions that Manage Public Investments for Purposes of Section 89200 of the Government Code.” The appendix must list each position with the board, commission, or agency for which an individual occupying the position is required to file a statement of economic interests as a public official who manages public investments within the meaning of Section 89200. The board, commission, or agency must post the appendix on its internet website in a manner that makes it easily identifiable and accessible by persons who view that website.
- (b) **Definitions.** The following definitions apply to this section:
- (1) “Public official who manages public investments” includes a salaried or unsalaried member of a committee, board, commission, or other entity that exists as, or within, a governmental agency and that possesses decision making authority.
 - (2) A committee, board, commission, or other entity “possesses decision making authority” if any of the following apply:
 - (A) The entity may make a final governmental decision.
 - (B) The entity may compel a governmental decision or prevent a governmental decision, either by virtue of possessing exclusive power to initiate the decision or by having veto authority that may not be overridden.
 - (C) The entity makes substantive recommendations that are, and over an extended period of time have been, regularly approved, without significant amendment or modification, by another public official or governmental agency.
 - (3) A committee, board, commission, or other entity does not possess decision making authority if it is formed for the sole purpose of researching a subject and preparing a report or recommendation for submission to another governmental entity that has final decision making authority.

§ 89306. Commission Assistance. (87312)

The Commission will, upon request, provide technical assistance to agencies in the preparation of conflict of interest codes. Such assistance may include the preparation of model provisions for various types of agencies. Any assistance by the Commission does not relieve an agency of its responsibility to adopt a conflict of interest code appropriate to its individual circumstances.

§ 89307. Review and Preparation of Codes; Notice. (87311; 87311.15)

- (a) **State Agencies.** The preparation of proposed conflict of interest codes by state agencies, and the review of proposed conflict of interest codes by the Commission and by the Attorney General, are subject to the Administrative Procedure Act.
- (b) **Local Agencies.** The preparation and review of conflict of interest codes by local agencies must be carried out under procedures that guarantee to the agency’s officers, employees, members and consultants, and to the jurisdiction’s residents, adequate notice and a fair opportunity to present their views.
- (c) **Judicial Branch Agencies.** The preparation and review of the conflict of interest code of an agency in the judicial branch is not subject to the Administrative Procedure Act, but must be carried out under procedures that guarantee to the agency’s officers, employees, members and consultants, and to the jurisdiction’s residents, adequate notice and a fair opportunity to present their views.

§ 89308. Submission of Codes and Amendments; Code Reviewing Body. (87303)

- (a) **Approval Required.** All conflict of interest codes and amendments must be approved by the code reviewing body and are not effective until approved.
- (b) **Deadline to Submit.** Each agency must submit:

- (1) A proposed conflict of interest code to the code reviewing body by the deadline established for the agency by the code reviewing body. A new agency must submit its code no later than six months after it comes into existence.
- (2) Any amendments to the code reviewing body by the deadlines established under Section 89313.
- (c) **Action by Code Reviewing Body.** Within 90 days after receiving the proposed code or receiving any proposed amendments or revisions, the code reviewing body must do one of the following:
 - (1) Approve the proposed code as submitted.
 - (2) Revise the proposed code and approve it as revised.
 - (3) Return the proposed code to the agency for revision and resubmission within 60 days. Once resubmitted, the code reviewing body must either approve the revised code or revise it and approve it.
- (d) **Adopted Code.** When a proposed conflict of interest code or amendment is approved by the code reviewing body it is deemed adopted and the agency must finalize and disseminate it.

§ 89309. Failure to Submit, Adopt or Amend a Proposed Code. (87304)

- (a) **Action by Code Reviewing Body.** If any agency fails to submit a proposed conflict of interest code or amendments by an established deadline, the code reviewing body may issue any appropriate order directed to the agency or take any other appropriate action, including the adoption of a conflict of interest code for the agency.
- (b) **Action by the Commission.** If the code reviewing body does not issue an appropriate order or take other action within 90 days of an established deadline imposed on the agency, the Commission may issue any appropriate order directed to the agency or take any other appropriate action, including the adoption of a conflict of interest code for the agency. The Commission will consult with the agency before ordering the adoption of a conflict of interest code for the agency.

§ 89310. Order to Adopt; Superior Court. (87305)

- (a) **Action in Superior Court.** If a conflict of interest code or amendment has not been adopted six months after the deadline for submission to the code reviewing body, the Commission, the agency, the code reviewing body, any officer, employee, member or consultant of the agency, or any resident of the jurisdiction, may file an action in superior court.
- (b) **Order by Superior Court.** The superior court may prepare a conflict of interest code and order its adoption by the agency or grant any other appropriate relief.
- (c) **Parties.** The agency and the code reviewing body will be parties to any action filed under this section.

§ 89311. Amendments to Conflict of Interest Codes. (87306 & 87307)

- (a) **Mandatory Amendments.** Every agency must amend its conflict of interest code when required by changed circumstances. These circumstances include the creation of new positions that must be designated under Section 89303, subdivision (a), and relevant changes in the duties assigned to existing positions.
 - (1) Amendments or revisions must be submitted to the code reviewing body within 90 days after the changed circumstances requiring the amendments have become apparent.
 - (2) If after nine months following the occurrence of those changes the conflict of interest code has not been amended or revised, the superior court may issue any appropriate order in an action brought under Section 89312.
- (b) **Petitioned Amendments.** An agency may amend its conflict of interest code in response to a petition submitted by an officer, employee, member or consultant of the agency, or a resident of the jurisdiction.
 - (1) If the agency fails to act upon such a petition within 90 days, the petition will be deemed denied. Within 30 days after the denial of a petition, the petitioner may appeal to the code reviewing body.
 - (2) The code reviewing body will either dismiss the appeal or issue an appropriate order to the agency within 90 days.

- (3) If a designated employee appeals, the code reviewing body may, in its discretion, suspend or modify the disclosure obligations of the appellant and persons similarly situated pending resolution of the appeal.
- (c) **Discretionary Amendments.** An agency may amend its conflict of interest code at any time upon its own initiative subject to this title.

§ 89312. Biennial Agency Review. (87306(b) & 87306.5)

- (a) **State Agencies.** Every state agency must submit to the code reviewing body a biennial report identifying changes in its code, including all new positions designated under Section 89303, subdivision (a), changes in the list of reportable sources of income, and relevant changes in the duties assigned to existing positions. These reports must be submitted no later than March 1 of each odd-numbered year.
- (b) **Local Agencies.** Every local agency is subject to the following:
 - (1) **Biennial Review.** No later than July 1 of each even-numbered year, the code reviewing body must direct every local agency that has adopted a conflict of interest code under this title to review its code and, if amendments are required due to changed circumstances, submit an amended conflict of interest code to the code reviewing body.
 - (2) **Statement Confirming No Amendments.** Upon review of its code, if no amendment is required, the local agency head must submit a written statement to that effect to the code reviewing body no later than October 1 of the same year.

§ 89313. Judicial Review. (87308)

The Commission, the agency, an officer, employee, member or consultant of the agency, or a resident of the jurisdiction may seek judicial review of any code reviewing body’s action.

Article 4. Filing Statements of Economic Interests. (§ 89400 - § 89407)

§ 89400. Statements of Economic Interests—Where to File. (87500)

- (a) **Officials Who File with Their Agencies.** The following officials must file their original statements of economic interests with their agencies, and each agency must make and retain a copy, and forward the original to the Commission. The Commission is the filing officer.
 - (1) A statewide elected officer;
 - (2) A member of the Legislature or State Board of Equalization;
 - (3) A member of the Public Utilities Commission, the State Energy Resources Conservation and Development Commission, a planning commissioner, and the California Coastal Commission;
 - (4) A member of a state licensing or regulatory board, bureau, or commission.
- (b) **Officials of All Other State Boards, Commissions and Bodies.** For persons appointed to other state boards, commissions, or similar multimember bodies, they must file their original statement with the respective board, commission, or body. The original must be handled as set forth in the conflict of interest code of the respective board, commission, or body. If the board, commission, or body is not required by its conflict of interest code to send the original to the Commission, it must forward a copy to the Commission.
- (c) **Candidates.** The following candidates must file their original statement and one copy with the person with whom the candidate’s declaration of candidacy is filed, who must retain a copy and forward the original to the Commission. The Commission is the filing officer.
 - (1) A candidate for statewide elective office;
 - (2) A candidate for the Legislature or the State Board of Equalization;
 - (3) A candidate for the office of judge.
- (d) **County Officials and Candidates Who File with County Clerks.** For a person holding the office of chief administrative officer and candidates for and persons holding the office of district attorney, county counsel, county treasurer, and member of the board of supervisors, they must file their original statement with the

county clerk, who must make and retain a copy and forward the original to the Commission. The Commission is the filing officer.

- (e) **City Officials and Candidates Who File with City Clerks.** For a person holding the office of city manager or, if there is no city manager, the chief administrative officer, and candidates for and persons holding the office of city council member, city treasurer, city attorney, and mayor, they must file their original statement with the city clerk, who must make and retain a copy and forward the original to the Commission. The Commission is the filing officer.
- (f) **Fair Political Practices Commission.** For members of the Commission, they must file their original with the Commission, which must make and retain a copy and forward the original to the Attorney General's office. The Attorney General is the filing officer.
- (g) **Judicial Officers.** For judges and court commissioners, they must file their original statement with the clerk of the court, who must make and retain a copy and forward the original to the Commission. The Commission is the filing officer.
- (h) **Agencies, Boards and Commissions not under state or local jurisdictions.** For heads of agencies, members of boards or commissions not under a department of state government, and members of boards or commissions not under the jurisdiction of a local legislative body, they must file their original statement with the agency, board or commission, which must make and retain a copy and forward the original to the code reviewing body.
 - (1) The code reviewing body is the filing officer. The code reviewing body may require that the original be filed directly with it and that no copy be retained by the agency, board or commission; or
 - (2) If the Commission is the code reviewing body for the local government agency, board or commission, then the agency, board or commission is the filing officer, unless, at its discretion, the Commission elects to act as the filing officer. In this instance, the original must be filed with the agency, board, or commission, which must make and retain a copy and forward the original to the Commission.
- (i) **Designated Employees of the Legislature.** Designated employees must file their original statement with the house of the Legislature in which they are employed. Each house of the Legislature may require that the original statements be filed directly with the Commission, and that no copies be retained by that house.
- (j) **Multiagency Filers.** For designated employees under contract to more than one joint powers insurance agency and who elect to file a multiagency statement under Section 89401, they must file their original statement with the Commission, which will be the filing officer, and file with each agency with which they are under contract, a statement declaring that their original is on file with the Commission and available upon request.
- (k) **All other persons.** For persons not mentioned above, they must file their original statement with the agency or with the code reviewing body, as provided by the code reviewing body in the agency's conflict of interest code.

§ 89401. Filers for Multiple Joint Powers Insurance Agencies. (87350)

- (a) Despite any other provision of this title, a person required to file more than one statement of economic interests because of that person's status as a designated employee for more than one joint powers insurance agency, may elect to file one expanded statement in lieu of filing separate statements for each agency. Such expanded statement must disclose:
 - (1) All investments in entities doing business in the state;
 - (2) All interests in real property located within the state; and
 - (3) All income received during the applicable time period.
- (b) The filer must notify the Commission when filing an expanded statement under this Section.

§ 89402. Filing Required by Candidates for Elective Office. (87302.3)

- (a) **Required Disclosure.** Every candidate for an elective office, other than those specified in Section 89200, that is designated in a conflict of interest code must file a statement of economic interests disclosing their

reportable financial interests held or received during the preceding 12 months as required under the code for that office.

- (b) **When and Where to File.** The statement must be filed with the election official with whom the candidate's declaration of candidacy or other nomination documents to appear on the ballot are required to be filed and must be filed no later than the final filing date for the declaration or nomination documents.
- (c) **Exempt Candidates.** This section does not apply to either of the following:
 - (1) A candidate for an elective office designated in a conflict of interest code who has filed an initial, assuming office, or annual statement under that conflict of interest code within 60 days before the deadline specified in subdivision (b).
 - (2) A candidate for an elective office who has filed a statement for the office under Section 89403 within 60 days before the deadline specified in subdivision (b).

§ 89403. Filing by Members of Boards and Commissions of Newly Created Agencies. (87302.6)

Despite the filing dates in Section 89303, a member of a newly created agency's board or commission must file a statement at the same time and in the same manner as those individuals required to file under Section 89200. A member must file their statement as provided under Section 89303 once the agency adopts an approved conflict of interest code.

§ 89404. Statements of Economic Interests—Electronic Filing. (87500.2)

- (a) An agency may permit the electronic filing of a statement of economic interests required by this title, including amendments, in accordance with regulations adopted by the Commission.
- (b) In consultation with interested agencies, the Commission will use common database integration features in developing database design requirements for all electronic filings that may be used.
- (c) An agency that intends to permit electronic filing of a statement of economic interests must submit a proposal, which must include a description of the electronic filing system that the agency proposes to use, to the Commission for approval and certification.
 - (1) An agency may not charge an individual to electronically file a statement of economic interests.
 - (2) The Commission will review an agency's proposal for compliance with the system requirement regulations adopted under subdivisions (a) and (b) and the requirements of subdivision (d). If the proposed system complies with these requirements, the Commission will approve and certify the agency's electronic filing system as soon as practicable after receiving the agency's submitted proposal.
- (d) An agency's proposed electronic filing system must meet the following requirements:
 - (1) A statement of economic interests filed electronically must include an electronic transmission that is submitted under penalty of perjury and that conforms to Civil Code section 1633.11, subdivision (b).
 - (2) The agency's filing officer must issue to a person who electronically files their statement of economic interests or amendment an electronic confirmation notifying the filer that their statement of economic interests or amendment was received.
 - (A) The confirmation must include the date and the time that the statement of economic interests or amendment was received by the filing officer and the method by which the filer may view and print the data received by the filing officer.
 - (B) A copy retained by the filer of a statement of economic interests or amendment that was electronically filed and the confirmation issued under subparagraph (A) that shows that the filer timely filed their statement of economic interests or amendment will create a rebuttable presumption that the filer timely filed their statement of economic interests or amendment.
 - (3) The agency must utilize an electronic filing system that includes layered security to ensure data integrity. The system must have the capability to uniquely identify a filer electronically when they access the electronic filing system. The operational process for the system must include industry best practices to ensure that the security and integrity of the data and information contained in the statement of economic interests are not jeopardized or compromised.

- (4) The agency must provide the public with a copy of an official's statement of economic interests upon request, in accordance with Section 90305. The copy of the electronically filed statement of economic interests must be identical to the statement of economic interests published by the Commission and must include the date that the statement was filed.
- (e) The Commission may adopt regulations to require that an agency redact information on a statement of economic interests before posting the statement of economic interests on the Internet.
- (f) The Commission may conduct discretionary audits of an agency's approved and certified electronic filing system to evaluate its performance and compliance with the requirements of this section.
- (g) The Commission will accept an electronic copy of a statement of economic interests that is forwarded to it by an agency that has received an electronically filed statement from a filer under this section.

§ 89405. Statements of Economic Interests—Development of Electronic Filing System for the Commission. (87500.3)

- (a) The Commission may develop and operate an online system for filing statements of economic interests required by Article 2 (commencing with Section 89200) and Article 3 (commencing with Section 89300). Consistent with Section 89406, the online system must enable a filer to comply with this chapter's requirements relating to the filing of statements of economic interests and must include both of the following:
 - (1) A means or method where a filer may electronically file, free of charge, a statement of economic interests that includes an electronic transmission that is submitted under penalty of perjury in conformity with Section 84400, and Civil Code Section 1633.11, subdivision (b).
 - (2) Security safeguards, include firewalls, data encryption, secure authentication, and all necessary hardware and software and industry best practices to ensure that the security and integrity of the data and information contained in each statement of economic interests are not jeopardized or compromised.
- (b) A system developed under subdivision (a) must:
 - (1) Issue to a person who electronically files their statement of economic interests, or an amendment to a statement of economic interests, an electronic confirmation that notifies the filer that their statement of economic interests or amendment was received. The confirmation must include the date and time that the statement of economic interests or amendment was received and the method by which the filer may view and print the data received.
 - (2) A paper copy retained by the filer of a statement of economic interests or amendment that was electronically filed and the confirmation issued under paragraph (1) that shows that the filer timely filed their statement of economic interests or amendment will create a rebuttable presumption that the filer filed their statement of economic interests or amendment on time.
- (c) If the Commission develops an online system under subdivision (a), it will conduct public hearings to receive input on the implementation of that system, maintain ongoing coordination among affected state and local agencies as necessary, and develop training and assistance programs for state and local filing officers and filers on use of the online system for filing statements of economic interests.
- (d) Except as provided in paragraph (2), the Commission:
 - (1) May make all the data filed on a system developed under subdivision (a) available on the Commission's internet website in an easily understood format that provides the greatest public access, and will provide assistance to those seeking public access to the information.
 - (2) Must redact private information, including, but not limited to, filers' signatures, from the data that is made available on the Internet under this subdivision. The Commission will develop and implement a policy on redaction of private information under this paragraph, and must conduct one or more public hearings to receive input on the development of that policy.

§ 89406. Statements of Economic Interests—Specifying Persons Authorized to File Electronically with the Commission. (87500.4)

- (a) If the Commission establishes an online system under Section 89405, the Commission will specify which categories of persons described in Section 89400 may file statements of economic interests electronically through the established online system.
- (b) If the Commission, under subdivision (a), specifies that persons described in Section 89400 may file statements of economic interests electronically through the established online system:
 - (1) The Commission, upon authorization by the filing officer designated by Section 89400, will assume the duties of the filing officer for each filer within each category of filers authorized to file electronically through the online system, regardless whether the filer elects to file their statement of economic interests electronically or on paper with the Commission. A filing officer who does not authorize the Commission to assume their duties as described in this paragraph must continue to perform the duties prescribed in Section 90300. The filing officer duties assumed by the Commission for each filer in each authorized category must include all of the following:
 - (A) Notifying the filer of their filing obligation.
 - (B) Receiving the filer’s statement of economic interests.
 - (C) Ensuring compliance with filing requirements in the event the filer fails to file in a timely manner or is required to amend their statement of economic interests.
 - (D) Distributing to filing officers the copies of the completed statement of economic interests of a person who is required by this chapter to file more than one statement of economic interests for each period, and who, despite being authorized to file the statement with the Commission electronically, elects to file the statement with the Commission using a paper form.
 - (2) If the Commission assumes the duties of a filing officer under this subdivision, the filing officer whose duties are assumed must provide to the Commission, in a manner prescribed by the Commission, the name and contact information for each filer in the filing officer’s jurisdiction.
- (c) The Commission will notify a filing officer who may be affected by a determination of the Commission under this section to authorize a category of filers to file electronically, no later than six months before the implementation of that determination, to adequately prepare for implementation.
- (d) A person who is required by this chapter to file more than one statement of economic interests for each reporting period and who files their statements of economic interests with the Commission electronically after being authorized to do so under Section 89405 need not file a statement of economic interests with any other person or agency. If a filer authorized to file electronically with the Commission files with the Commission on paper, the Commission will distribute copies of the statement to any other filing officers under subparagraph (D) of paragraph (1) of subdivision (b).
- (e) After the Commission makes an initial determination under subdivision (a) on which categories of persons described in Section 89400 are permitted to file statements of economic interests electronically through the online system established by the Commission, the Commission may subsequently revise its determination at any time.
- (f) In accordance with Section 89405, the Commission will continue to conduct public hearings and receive input on the implementation of the online system, and that input will inform any Commission decision to revise, under paragraph (1), its determination of which categories of persons described in Section 89400 are permitted to file statements of economic interests electronically through the online system established by the Commission.

§ 89407. Website Notification. (87505)

Each city clerk or county clerk who maintains an internet website must post on that website a notification that includes all of the following:

- (a) A list of the elected officers identified in Section 89200 who file statements of economic interests with that city clerk or county clerk under Section 89400.

- (b) A statement that copies of the statements of economic interests filed by the elected officers described in subdivision (a) may be obtained by visiting the offices of the Commission or that city clerk or county clerk, as appropriate. The statement must include the physical address for the Commission's office and the city clerk's office or the county clerk's office, as appropriate.
- (c) A link to the Commission's Internet website and a statement that statements of economic interests for some state and local government agency elected officers may be available in an electronic format on the Commission's Internet website.

Chapter 9.5. Other Financial and Employment Restrictions on Public Officials
(§ 89500 - §89529)

Article 1. Financial Restrictions - Contributions Causing Conflicts, Contracting and Loans
(§ 89500 - §89505)

§ 89500. Contributions to Officers; Prohibition, Disqualification, and Disclosure.
(84308)

- (a) **Prohibitions on Contributions during Pending Matters.** The following prohibitions on contributions apply while a proceeding involving a license, permit, or other entitlement for use is pending before an agency and for three months following the date a final decision is rendered in the proceeding by the agency.
 - (1) **Officers Soliciting Contributions.** An officer of an agency may not accept, solicit, or direct a contribution of more than \$250 from a party, a party's agent, a participant or a participant's agent, if the officer knows or has reason to know that the party, participant or agent has a financial interest, as defined in Article 1 (beginning with Section 89100) of Chapter 9, in the proceeding. This prohibition applies regardless of whether the officer accepts, solicits, or directs the contribution for the officer, or on behalf of another officer, candidate or committee.
 - (2) **Parties and Participants Making Contributions.** A party, a party's agent, a participant, or a participant's agent, may not make a contribution of more \$250 to an officer of the agency. When a closed corporation is a party to, or a participant in, a proceeding, the majority shareholder is subject to the prohibition and disclosure requirements under this section.
- (b) **Officer Disqualified from Making, Participating in, or Attempting to Influence a Decision after Contribution.** An officer of an agency may not make, participate in, or in any way attempt to use the officer's position to influence the governmental decision in a proceeding involving a license, permit, or other entitlement for use if the officer has willfully or knowingly received a contribution of more than \$250 from a party, a party's agent, a participant, or a participant's agent.
 - (1) This disqualification applies if the officer knows or has reason to know that the party, participant or agent has a financial interest, as defined in Article 1 (beginning with Section 89100) of Chapter 9, in the proceeding.
 - (2) If an officer receives a contribution that requires disqualification under this section and returns the contribution within 30 days from the time the officer knows or has reason to know about the contribution and the proceeding, then the officer is permitted to participate in the proceeding.
- (c) **An Officer's Disclosure Requirement.** Before a decision is rendered in a proceeding involving a license, permit, or other entitlement for use, an officer of an agency who received a contribution within the preceding 12 months of more than \$250 from a party or a participant must disclose the contribution and the officer's disqualification, if applicable, on the record of the proceeding.
- (d) **A Party's Disclosure Requirement.** On the record of a proceeding involving a license, permit, or other entitlement for use, a party must disclose any contribution of more than \$250 made within the preceding 12 months by the party, or the party's agent, to any officer of the agency. The party's disclosure must include the names of any persons whose contributions are required to be aggregated with the party's contributions.

- (e) **Application to Exempt Agencies.** This section applies to any person who is a member of an exempt agency but is acting as a voting member of a non-exempt agency. For purposes of this section, “exempt agency” means courts or any agency in the judicial branch of government, local governmental agencies whose members are directly elected by the voters, the Legislature, the Board of Equalization, or constitutional officers.
- (f) **Definitions.** For this section, the following definitions apply:
 - (1) “Agency” means an agency as defined in Section 82002.
 - (2) “Contribution” includes contributions to candidates and committees in federal, state, or local elections.
 - (3) “License, permit, or other entitlement for use” means all business, professional, trade and land use licenses and permits and all other entitlements for use, including all entitlements for land use, all contracts (other than competitively bid, labor, or personal employment contracts), and all franchises.
 - (4) “Officer” means any elected or appointed officer of an agency, any alternate to an elected or appointed officer of an agency, and any candidate for elective office in an agency.
 - (5) “Participant” means any person who is not a party, but who actively supports or opposes a particular decision in a proceeding involving a license, permit, or other entitlement for use and has a financial interest, as defined in Article 1 (beginning with Section 89100) of Chapter 9, in the decision. A person actively supports or opposes a particular decision in a proceeding if that person lobbies in person the officers or employees of the agency, testifies in person before the agency, or otherwise acts to influence officers of the agency.
 - (6) “Party” means any person who files an application for, or is the subject of, a proceeding involving a license, permit, or other entitlement for use.
- (g) **Reporting Contributions.** Nothing in this section changes the reporting requirements for contributions under this title.

§ 89501. Prohibition on State Administrative Officials Participating in Contracts; Business Connections with Parties. (87450)

- (a) **Prohibition.** In addition to the provisions of Article 1 (beginning with Section 89100) of Chapter 9, a state administrative official is prohibited from making, participating in, or in any way attempting to use their official position to influence any governmental decision directly relating to any contract where the state administrative official knows or has reason to know that any party to the contract is a person with whom the state administrative official, or any member of their immediate family, has engaged in any business transaction on terms not available to members of the public, for any investment or interest in real property or the rendering of goods or services totaling \$1,000 or more within 12 months before the time the official action is to be performed.
- (b) **Definition.** “State administrative official” means an official as defined in Section 89520, subdivision (b).

§ 89502. State Public Officials May Not Be Paid to Appear Before Own Agency. (87104)

- (a) **Prohibition.** A public official of a state agency is prohibited from acting as an agent or attorney for, or otherwise representing, any other person by making any formal or informal appearance before, or any oral or written communication to, their state agency or any officer or employee of the agency for compensation if the appearance or communication is to influence a decision on a contract, grant, loan, license, permit, or other entitlement for use.
- (b) **Definition.** For this section, “public official” includes a member, officer, employee, or consultant of an advisory body to a state agency, whether the advisory body is created by statute or otherwise, except when the public official is representing their employing state, local, or federal agency in an appearance before, or communication to, the advisory body.

§ 89503. Loans to Public Officials. (87460)

- (a) **Officials May Not Receive Loans from Agency Staff.** The following public officials are prohibited from receiving a personal loan during the period indicated from any officer, employee, member, or consultant of the state or local government agency in which the official holds office or over which the official's agency has direction and control:
- (1) Elected Officials. An elected officer of any state or local government agency is prohibited from the date of their election to office through the date that they vacate office; and
 - (2) High Level Public Officials. A public official who is listed under Section 89200, and a public official who is exempt from the state civil service system under subdivisions (c), (d), (e), (f), and (g) of the California Constitution, Article VII, Section 4, is prohibited while the public official holds office. This paragraph does not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.
- (b) **Officials May Not Receive Loans from Agency Contractors.** The following public officials are prohibited from receiving a personal loan during the period indicated from any person who has a contract with the state or local government agency in which the official holds office or over which the official's agency has direction and control. This subdivision does not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the official's official status.
- (1) Elected Officials. An elected officer of any state or local government agency is prohibited from the date of their election to office through the date that they vacate office; and
 - (2) High Level Public Officials. A public official who is listed under Section 89200, and a public official who is exempt from the state civil service system under subdivisions (c), (d), (e), (f), and (g) of the California Constitution, Article VII, Section 4, is prohibited while the public official holds office. This subdivision will not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.
- (c) **Exceptions.** This section does not apply to the following:
- (1) Loans made to the campaign committee of an elected officer or candidate for elective office.
 - (2) Loans made by a public official's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such persons, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.
 - (3) Aggregate loans from a person that do not exceed \$250 at any given time.
 - (4) Loans made, or offered in writing, before the operative date of this section.

§ 89504. Required Loan Terms. (87461)

- (a) **Loans to Elected Officials Must be in Writing.** Except as set forth in subdivision (b), an elected officer of a state or local government agency is prohibited from receiving a personal loan of \$500 or more from the date of their election to office through the date they vacate office unless the loan is in writing and clearly states the terms of the loan, including the parties to the loan agreement, date of the loan, amount of the loan, duration of the loan, date or dates when payments will be due on the loan and the amount of the payments, and the interest rate.
- (b) **Exceptions.** This section does not apply to the following types of loans:
- (1) Loans made to the elected officer's campaign committee.
 - (2) Loans made to the elected officer by their spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such person, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.
 - (3) Loans made, or offered in writing, before the operative date of this section.
- (c) **Scope.** Nothing in this section will exempt any person from any other provision of this title.

§ 89505. Personal Loans as Gifts. (87462)

- (a) **Personal Loan May be Considered a Gift.** Except as set forth in subdivision (b), a personal loan to a public official becomes a gift under this title in the following circumstances:
- (1) If the loan has a defined date or dates for repayment, when the statute of limitations for filing an action for default has expired.
 - (2) If the loan has no defined date or dates for repayment, when one year has elapsed from the later of the following:
 - (A) The date the loan was made.
 - (B) The date the last payment of \$100 or more was made on the loan.
 - (C) The date upon which the official has made payments on the loan that total less than \$250 during the previous 12 months.
- (b) **Exceptions.** This section does not apply to the following types of loans:
- (1) A loan made to the campaign committee of an elected officer or a candidate for elective office.
 - (2) A loan that would otherwise not be a gift as defined in this title.
 - (3) A loan that would otherwise be a gift as set forth under subdivision (a), but on which the creditor has taken reasonable action to collect the balance due.
 - (4) A loan that would otherwise be a gift as set forth under subdivision (a), but where the creditor, based on reasonable business considerations, has not undertaken collection action. Except in a criminal action, a creditor who claims that a loan is not a gift on the basis of this subdivision has the burden of proving that the decision for not taking collection action was based on reasonable business considerations.
 - (5) A loan made to an official who subsequently files for bankruptcy and the loan is ultimately discharged.
- (c) **Scope.** Nothing in this section will exempt any person from any other provision of this title.

Article 2. Revolving Door; Post Governmental Employment Restrictions. (§ 89520 - § 89529)

§ 89520. Definitions. (87400)

Under this article, the terms below are defined as follows:

- (a) **“State administrative agency”** means every state office, department, division, bureau, board, and commission. “State administrative agency” does not include the Legislature, the courts or any agency in the judicial branch of government.
- (b) **“State administrative official”** means every member, officer, employee, or consultant of a state administrative agency whose official responsibilities include engaging in any judicial, quasi-judicial or other proceeding in other than a purely clerical, secretarial or ministerial capacity.
- (c) **“Judicial, quasi-judicial or other proceeding”** means any proceeding, application, request for a ruling or other determination, contract, claim, controversy, investigation, charge, accusation, arrest or other particular matter involving a specific party or parties in any court or state administrative agency, including but not limited to any proceeding governed by the Administrative Procedure Act, Chapter 5, commencing with Government Code Section 11340.

§ 89521. Influencing Prospective Employment. (87407)

A public official is prohibited from making, participating in making, or attempting to use their official position to influence any governmental decision directly relating to any person with whom the public official is negotiating, or has any arrangement for, prospective employment.

§ 89522. Permanent Ban on Former State Officer Participating in Same Proceeding; Assisting Others. (87401, 87402)

- (a) **Prohibitions.** A former state administrative official, after the termination of their employment or term of office, is prohibited from receiving compensation or promised compensation to:

- (1) Act as an agent or attorney for, or otherwise represent, any other person (other than the State of California) before any court or state administrative agency or any officer or employee of the court or state administrative agency by making any formal or informal appearance, or by making any oral or written communication with the intent to influence, in connection with any judicial, quasi-judicial or other proceeding if both of the following apply:
 - (A) The State of California is a party or has a direct and substantial interest.
 - (B) The proceeding is one in which the former state administrative official participated.
 - (2) Aid, advise, counsel, consult or assist in representing any other person (except the State of California) in any proceeding in which the official would be prohibited from appearing under this Section.
- (b) **Definition.** For purposes of this section, "participated" means to have taken part personally and substantially through decision, approval, disapproval, formal written recommendation, rendering advice on a substantial basis, investigation or use of confidential information as an officer or employee, but excluding approval, disapproval or rendering of legal advisory opinions to departmental or agency staff which do not involve a specific party or parties.

§ 89523. Exemptions from Permanent Ban. (87403)

The prohibitions contained in Section 89522 do not apply to:

- (a) **Special Knowledge.** A former state administrative official's statement that is based on the official's own special knowledge in a particular area, provided that no compensation for this statement is received other than that regularly provided for by law or regulation for witnesses; or
- (b) **Outstanding and Otherwise Unavailable Qualifications.** A former state administrative official's communications made solely to furnish information to a court or state administrative agency if the court or agency finds in writing that:
 - (1) The former state administrative official has outstanding and otherwise unavailable qualifications;
 - (2) The former state administrative official is acting on a particular matter that requires such qualifications; and
 - (3) The public interest would be served by the participation of the former state administrative official; or
- (c) **Agency Consent after Final Order.** A former state administrative official's appearances or communications in a proceeding where a court or state administrative agency has issued a final order, decree, decision or judgment but has retained jurisdiction, if the state administrative agency of the former employment gives its consent after determining that:
 - (1) At least five years have elapsed since the termination of the former state administrative official's employment or term of office; and
 - (2) The public interest would not be harmed.

§ 89524. Proceedings to Exclude Former State Officers. (87404)

On the petition of any interested person or party, after notice and an opportunity for a hearing, the court or the presiding or other officer, including a hearing officer serving under Government Code section 11512, in any judicial, quasi-judicial, or other proceeding, including any proceeding under the Administrative Procedure Act in Chapter 5, commencing with Section 11340, may exclude any person found to be in violation of this article from further participation, or from assisting or counseling any other participant, in the pending proceeding.

§ 89525. One-Year Ban on Appearing Before Former State Agency. (87406)

- (a) **Title.** This section will be known, and may be cited, as the Milton Marks Post-Government Employment Restrictions Act of 1990.
- (b) **State Legislators.** A Member of the Legislature is prohibited for a period of one year after leaving office from receiving compensation or promised compensation to influence any legislative action, by acting as agent or attorney for, or otherwise representing, any other person through any formal or informal appearance, or

through any oral or written communication, before the Legislature, any of its committees or subcommittees, any present Member of the Legislature, or any officer or employee of a present Member.

- (c) **Other Elected State Officers.** An elected state officer, other than a Member of the Legislature, is prohibited for a period of one year after leaving office from receiving compensation or promised compensation to influence any administrative action, or to influence any action or proceeding involving the issuance, amendment, awarding, or revocation of a permit, license, grant, or contract, or the sale or purchase of goods or property by acting as agent or attorney for, or otherwise representing, any other person through any formal or informal appearance, or through any oral or written communication, before any state administrative agency, or any officer or employee of the agency. For this subdivision, an appearance before a state administrative agency does not include an appearance in a court of law, before an administrative law judge, or before the Workers' Compensation Appeals Board.
- (d) **State Designated Employees.**
 - (1) A designated employee of a state administrative agency, or any member, officer, employee, or consultant of a state administrative agency who is required to file a statement of economic interests under Chapter 9, is prohibited for a period of one year after leaving office or employment from receiving compensation to influence administrative or legislative action, or to influence any action or proceeding involving the issuance, amendment, awarding, or revocation of a permit, license, grant, or contract, or the sale or purchase of goods or property by acting as agent or attorney for, or otherwise representing, any other person, through any formal or informal appearance, or through any oral or written communication, before any state administrative agency, or officer or employee of the agency, for which they worked or represented during the 12 months before leaving office or employment. For this paragraph, an appearance before a state administrative agency does not include an appearance in a court of law, before an administrative law judge, or before the Workers' Compensation Appeals Board. The prohibition of this paragraph only applies to designated employees employed by a state administrative agency on or after January 7, 1991.
 - (2) For paragraph (1), a state administrative agency of a designated employee of the Governor's office includes any state administrative agency subject to the direction and control of the Governor.
- (e) **Exception.** The prohibitions contained in subdivisions (b), (c), and (d) do not apply to any individual subject to this section who is or becomes any of the following:
 - (1) An officer or employee of another state agency, board, or commission, if the appearance or communication is for influencing legislative or administrative action on behalf of the state agency, board, or commission.
 - (2) An official holding an elective office of a local government agency if the appearance or communication is for influencing legislative or administrative action on behalf of the local government agency.

§ 89526. Post-Government Employment Restrictions for Air Quality Districts and Boards. (87406.1)

- (a) **Definition.** For this section, "district" means an air pollution control district or air quality management district and "district board" means the governing body of either district.
- (b) **Prohibition.** A former member of a district board, or a former officer or employee of a district who held a position that entailed the making, or participation in the making, of decisions which may foreseeably have a material effect on any financial interest, is prohibited for a period of one year after leaving that office or employment from receiving compensation to influence regulatory action, by acting as agent or attorney for, or otherwise representing, any other person, through any formal or informal appearance before, or through any oral or written communication to, that district board, or any committee, subcommittee, or present member of that district board, or any officer or employee of the district.
- (c) **Exception.** Subdivision (b) does not apply to any individual who is, at the time of the appearance or communication, a board member, officer, or employee of another district or an employee or representative of a public agency.
- (d) **Scope.** This section applies to members and former members of district hearing boards.

§ 89527. Post-Governmental Employment Restrictions for Local Officials. (87406.3)

- (a) **Prohibition.** A local elected official, chief administrative officer of a county, city manager, or general manager or chief administrator of a special district who held a position with a local government agency as defined in Section 82055 is prohibited for a period of one year after leaving that office or employment from receiving compensation to influence administrative or legislative action, or to influence any action or proceeding involving the issuance, amendment, awarding, or revocation of a permit, license, grant, or contract, or the sale or purchase of goods or property by acting as agent or attorney for, or otherwise representing, any other person, through any formal or informal appearance before, or through any oral or written communication to, that local government agency, or any committee, subcommittee, or present member of that local government agency, or any officer or employee of the local government agency.
- (b) **Exception.** Subdivision (a) does not apply to any individual who is, at the time of the appearance or communication, a board member, officer, or employee of another local government agency or an employee or representative of a public agency and is appearing or communicating on behalf of that agency.
- (c) **More Restrictive Local Prohibition.** Nothing in this section precludes a local government agency from adopting an ordinance or policy that restricts the appearance of a former local official before that local government agency if that ordinance or policy is more restrictive than subdivision (a).
- (d) **Definitions.** Despite Sections 82001 and 82049, the following definitions will apply for this section only:
 - (1) “Administrative action” means the proposal, drafting, development, consideration, amendment, enactment, or defeat by any local government agency of any matter, including any rule, regulation, or other action in any regulatory proceeding, whether quasi-legislative or quasi-judicial. Administrative action does not include any action that is solely ministerial.
 - (2) “Legislative action” means the drafting, introduction, modification, enactment, defeat, approval, or veto of any ordinance, amendment, resolution, report, nomination, or other matter by the legislative body of a local government agency or by any committee or subcommittee thereof, or by a member or employee of the legislative body of the local government agency acting in their official capacity.

§ 89528. Post-Governmental Employment Restrictions for Board of Administration of the Public Employees’ Retirement System. (87408, 87409, 87410)

A member of the Board of Administration of the Public Employees’ Retirement System, an individual in a position designated in subdivision (a) or (e) of Section 20098, or an information technology or health benefits manager with a career executive assignment designation with the Public Employees’ Retirement System, is prohibited from receiving compensation or the promise of compensation:

- (a) To influence administrative or legislative action, or to influence an action or proceeding involving the issuance, amendment, awarding, or revocation of a permit, license, grant, or contract, or the sale or purchase of goods or property by acting as an agent or attorney for, or otherwise representing, any other person, except the state, through a formal or informal appearance before, or through an oral or written communication to, the Public Employees’ Retirement System, or an officer or employee of that agency. The prohibition is for four years after leaving that office of position.
- (b) To aid, advise, consult with, or assist a business entity in obtaining the award of, or in negotiating, a contract or contract amendment with the Public Employees’ Retirement System. “Business entity” has the same meaning as set forth in Section 82004, and includes a parent or subsidiary of a business entity. The prohibition is for two years after leaving that office of position.
- (c) To provide services as a placement agent in connection with investments or other business of the Public Employees’ Retirement System or the State Teachers’ Retirement System. This paragraph does not apply to an information technology or health benefits manager with a career executive assignment designation with the Public Employees’ Retirement System. The prohibition is for 10 years after leaving that office of position.

§ 89529. Post-Governmental Employment Restrictions for the Teachers' Retirement Board. (87408, 87409, 87410)

A member of the Teachers' Retirement Board, an individual in a position designated in Education Code section 22212.5, subdivision (a) or (d), or an information technology manager with a career executive assignment designation with the State Teachers' Retirement System, is prohibited from receiving compensation or promised compensation:

- (a) To influence administrative or legislative action, or to influence an action or proceeding involving the issuance, amendment, awarding, or revocation of a permit, license, grant, or contract, or the sale or purchase of goods or property, by acting as an agent or attorney for, or otherwise representing, any other person, except the state, through a formal or informal appearance before, or through an oral or written communication to, the State Teachers' Retirement System, or an officer or employee of that agency. The prohibition is for four years after leaving that office of position.
- (b) To aid, advise, consult with, or assist a business entity in obtaining the award of, or in negotiating, a contract or contract amendment with the State Teachers' Retirement System. "Business entity" has the same meaning as set forth in Section 82004, and includes a parent or subsidiary of a business entity. The prohibition is for two years after leaving that office of position.
- (c) To provide services as a placement agent in connection with investments or other business of the State Teachers' Retirement System or the Public Employees' Retirement System. This paragraph does not apply to an information technology or health benefits manager with a career executive assignment designation with the Public Employees' Retirement System. The prohibition is for 10 years after leaving that office of position.

Chapter 10. Lobbyists. (§ 90000 - § 90032)

Article 1. Registration (§ 90000 - § 90012)

§ 90000. Registration. (86100; 18616.4)

- (a) **Required to Register.** The following persons must register with the Secretary of State:
 - (1) Lobbying firms.
 - (2) Lobbyist employers who employ one or more in-house lobbyists as described in Section 82054, subdivision (a).
 - (3) Lobbying coalitions.
- (b) **Individual Lobbyists.** Individual lobbyists must submit lobbyist certifications under Section 90006 for filing with the Secretary of State as part of the registration of the lobbying firm in which the lobbyist is a partner, owner, officer or employee, or as part of the registration of the lobbyist employer that employs the lobbyist.
- (c) **Not Required to Register.** Lobbyist employers who only contract for the services of a lobbying firm as described in Section 82054, subdivision (b), and \$5,000 filers as described in Section 90027, subdivision (a)(2), are not required to register with the Secretary of State, but must:
 - (1) Complete a written authorization for a lobbying firm to engage in activities on its behalf, which is filed with the lobbying firm's registration.
 - (2) Maintain records and file quarterly reports under this chapter.

§ 90001. Registration; Time and Method. (86101, 86100(e))

- (a) **Time.** Every lobbying firm and lobbyist employer required to file a registration statement under this chapter must register with the Secretary of State no later than 10 days after qualifying as a lobbying firm or lobbyist employer.
- (b) **Method.** A registration statement must be filed both electronically and physically, submitting the original statement and one copy, in paper format.

§ 90002. Registration Fees. (86102)

- (a) **Annual Fee.** The Secretary of State will charge each lobbying firm and lobbyist employer required to file a registration statement a fee of \$50 per year for each lobbyist it is required to list on its registration statement.
- (b) **PDATA Fund.** Half of the money collected under this section must be deposited in the Political Disclosure, Accountability, Transparency, and Access Fund (PDATA Fund), and the other half of the money must be deposited in the General Fund.

§ 90003. Lobbying Firm; Registration Requirements. (86104)

A lobbying firm's registration must include:

- (a) **Lobbying Firm.** The following information regarding the lobbying firm:
 - (1) The firm's full name, business address, and telephone number.
 - (2) A list of the lobbyists who are partners, owners, officers, or employees of the lobbying firm.
 - (3) The lobbyist certification of each lobbyist in the lobbying firm.
- (b) **Lobbying Firm's Clients.** For each person with whom the lobbying firm contracts to provide lobbying services, the following:
 - (1) The person's full name, business address, and telephone number.
 - (2) A written authorization signed by the person.
 - (3) The time period of the contract.
 - (4) Information sufficient to identify the nature and interests of the person including:
 - (A) If the person is an individual, the name and address of their employer, if any, or their principal place of business if the person is self-employed, and a description of the business activity in which the person or their employer is engaged.
 - (B) If the person is a business entity, a description of the business activity in which it is engaged.
 - (C) If the person is an industry, trade, or professional association, a description of the industry, trade, or profession which it represents, including a specific description of any portion or faction of the industry, trade, or profession which the association exclusively or primarily represents and, if the association has no more than 50 members, the names of the members.
 - (D) If the person is not an individual, business entity, or industry, trade, or professional association, a statement of the person's nature and purposes, including a description of any industry, trade, profession, or other group with a common economic interest which the person principally represents or from which its membership or financial support is principally derived.
 - (5) The person's lobbying interests.
 - (6) A list of the state agencies whose legislative or administrative actions the lobbying firm will attempt to influence for the person.
- (c) **Designated Person in Lobbying Firm.** The name and title of the lobbying firm's partner, owner, or officer who is responsible for filing statements and reports and keeping records required by this chapter on behalf of the lobbying firm, and a statement signed by the designated responsible person that the person has read and understands the prohibitions contained in this chapter.
- (d) **Regulations.** Any other information required by the Commission consistent with this chapter's purposes and provisions.

§ 90004. Lobbyist Employer; Lobbying Coalition; Registration Requirements. (86105, 18616.4)

The registration for a lobbyist employer who employs in-house lobbyists and a lobbying coalition must include:

- (a) **Lobbyist Employer/Lobbying Coalition.** The following information regarding the lobbyist employer or coalition:
 - (1) The employer's full name, business address, and telephone number.
 - (2) Information sufficient to identify the nature and interests of the filer, including:

- (A) If the filer is an individual, the name and address of the filer’s employer, if any, or their principal place of business if the filer is self-employed, and a description of the business activity in which the filer or their employer is engaged.
 - (B) If the filer is a business entity, a description of the business activity in which it is engaged.
 - (C) If the filer is an industry, trade, or professional association, a description of the industry, trade, or profession which it represents including a specific description of any portion or faction of the industry, trade, or profession which the association exclusively or primarily represents and, if the association has no more than 50 members, the names of the members.
 - (D) If the filer is not an individual, business entity, or industry, trade, or professional association, a statement of the person’s nature and purposes, including a description of any industry, trade, profession, or other group with a common economic interest which the person principally represents or from which its membership or financial support is principally derived.
- (3) The lobbyist employer’s or coalition’s lobbying interests.
 - (4) A list of the state agencies whose legislative or administrative actions the lobbyist employer or coalition will attempt to influence.
- (b) **In-house Lobbyist.** The lobbyist employer or coalition must provide:
 - (1) A list of the lobbyists who are employed by the lobbyist employer or coalition.
 - (2) The lobbyist certification of each lobbyist employed.
 - (c) **Regulations.** Any other information required by the Commission consistent with this chapter’s purposes and provisions.

§ 90005. Registration Statement; Publication. (86108)

All information listed on any registration statement and on any amendment, renewal, or notice of termination must be made publicly available by the Secretary of State within 30 days after filing.

§ 90006. Lobbyist Certification; Requirements. (86103, 18603)

- (a) **Certification.** Once an individual meets the qualifications for a lobbyist during a legislative session, the individual must file certification for that legislative session with the Secretary of State. A lobbyist certification must include all of the following:
 - (1) A recent photograph of the lobbyist, the size of which will be prescribed by the Secretary of State.
 - (2) The lobbyist’s full name, business address, and telephone number.
 - (3) A statement that the lobbyist has read and understands the prohibitions contained in this chapter.
- (b) **Statement on Required Ethics Course.** Every lobbyist must complete the ethics course described in Section 8956, subdivision (b), and provide a statement regarding completion with the certification as follows:
 - (1) A Previously Filed Lobbyist Certification. For a lobbyist who filed a completed lobbyist certification in connection with the previous regular session of the Legislature, the current certification must include a statement providing that either the lobbyist has completed the ethics course within the previous 12 months, or that the lobbyist will complete the ethics course no later than June 30 of the following year. If the lobbyist states that the course will be completed no later than June 30 of the following year, the lobbyist certification will be accepted on a conditional basis.
 - (2) A New Lobbyist Certification. In the case of a new lobbyist certification, if the lobbyist has not completed the course within the previous 12 months, the lobbyist must include a statement that the lobbyist will complete the course within 12 months. The lobbyist certification will be accepted on a conditional basis.
 - (3) A Conditional Lobbyist Certification. If a certification is accepted on a conditional basis, the lobbyist must timely complete the ethics course and file a new lobbyist certification that will replace the conditional lobbyist certification. If the lobbyist fails to timely complete the ethics course, the conditional lobbyist certification will be void and the individual must not act as a lobbyist under this title until the individual completes the course and files a lobbyist certification stating the date of completion. It is a

violation of this section for any individual to act as a lobbyist under this title once their conditional certification is void.

- (c) **Regulations.** Any other information required by the Commission consistent with this chapter's purposes and provisions.

§ 90007. Renewal of Registration. (86106)

- (a) **Lobbying Firm and Lobbyist Employer.** Each registered lobbying firm and lobbyist employer that will continue to conduct activities that require registration must renew its registration by filing photographs of its lobbyists, authorizations from clients, and a registration statement between November 1 and December 31 of each even-numbered year.
- (b) **Lobbyist.** Each lobbyist must renew their lobbyist certification in connection with the renewal of registration by the lobbyist's lobbying firm or employer.

§ 90008. Registration Statement; Amendment; Termination. (86107)

- (a) **Amendments by Lobbying Firms and Lobbyist Employers.** If any change occurs in the information contained in a registration statement, an appropriate amendment must be filed both electronically and in paper format by submitting the original and one copy of the amendment to the Secretary of State within 20 days after the change. However, if the change includes the name of a person by whom a lobbying firm is retained, the lobbying firm's registration statement must be amended and filed to show that change before the lobbying firm attempts to influence any legislative or administrative action on behalf of that person.
- (b) **Termination by Lobbying Firms and Lobbyist Employers.** If during a regular session of the Legislature, a lobbying firm or lobbyist employer ceases all activity that required registration, it must file a notice of termination within 20 days after the cessation. If at the close of a regular session of the Legislature, a lobbying firm or lobbyist employer ceases all activity that required registration, it is not required to file a notice of termination.
- (c) **Amendments and Terminations by Lobbyists.** If any change occurs in any of the information contained in a lobbyist certification, or if a lobbyist terminates all activity that required the certification, the lobbyist must submit an amended certification or notice of termination to their lobbying firm or lobbyist employer for filing with the Secretary of State within the time limits specified in subdivisions (a) and (b). A lobbyist who, at the close of a regular session of the Legislature, ceases all activity that required certification need not file a notice of termination.
- (d) **Continuing Restriction on Gifts.** Lobbyists and lobbying firms are subject to the gift limits in Section 90031 for the earlier of six months after filing a notice of termination or six months after the close of a regular session of the Legislature where, upon the close of the session, the lobbyist or lobbying firm ceased all activity that required certification or registration.

§ 90009. Registration Statement; Publication. (86108)

All information listed on any registration statement and on any amendment, renewal, or notice of termination must be made publicly available by the Secretary of State within 30 days after filing.

§ 90010. Directory of Lobbyists, Lobbying Firms, and Lobbyist Employers; Online Version. (86109.5)

- (a) Within 140 days after the commencement of each regular session of the Legislature, the Secretary of State will publish a directory of registered individual lobbyists, lobbying firms, and lobbyist employers. The Secretary of State will publish, from time to time, supplements to the directory when necessary.
- (b) The Secretary of State will establish and maintain on the Internet an online version of the directory and update it weekly.

- (c) The Secretary of State will also display on the Internet a list of the specific changes made to the directory, including new registrations and listings, additions, deletions, and other revisions, during the seven days preceding the update required by subdivision (a).
- (d) Despite any other provision of this title, the lobbying data made available on the Internet will include the street name and building number of the persons or entity representatives listed on all the documents submitted to the Secretary of State under this chapter.

§ 90011. Duties and Prohibitions of Lobbyists, Lobbying Firms, and Lobbyist Employers. (18600)

When any duty or prohibition is imposed upon a lobbyist, lobbying firm, or a lobbyist employer by this chapter, that duty or prohibition begins the day the lobbyist, lobbying firm, or lobbyist employer contracts, is employed to influence, or attempts to influence legislative or administrative action of any agency that is required to be listed on the registration statement of the lobbying firm or the lobbyist employer.

§ 90012. Lobbyist Registration Exemptions. (86300)

The provisions of this chapter do not apply to:

- (a) **State Elected Officials or State Employees Acting in Official Capacity.** Any elected public official acting in their official capacity, or any employee of the State of California acting within the scope of their employment. But an employee of the State of California, other than a legislative official, is prohibited from making gifts of more than \$10 in a calendar month to an elected state officer or legislative official if the employee attempts to influence legislative action and would be required to register as a lobbyist except for the provisions of this subdivision.
- (b) **Media Entities.** Any newspaper or other periodical of general circulation, book publisher, radio or television station (media entity), including any individual who owns, publishes, or is employed by any such media entity, that in the ordinary course of business publishes news items, editorials, or other comments, or paid advertisement, that directly or indirectly urge legislative or administrative action if the media entity or individual engages in no further activities in connection with urging legislative or administrative action other than to appear before a committee of the Legislature or before a state agency in support of or in opposition to such action.
- (c) **Church or Religious Representative.** A person when representing a bona fide church or religious society solely to protect the public right to practice the doctrines of such church.

Article 2. Lobbyist Recordkeeping and Reporting. (§ 90020 - § 90029)

§ 90020. Recordkeeping. (86110)

Lobbyists, lobbying firms, and lobbyist employers that receive payments, make payments or incur expenses, or expect to receive payments, make payments or incur expenses in connection with activities that are reportable under this chapter must keep detailed accounts, records, bills, and receipts as required by regulations adopted by the Commission to expedite the performance of all obligations imposed by this chapter.

§ 90021. Activity Expenses; Definitions. (86111)

- (a) **Definition.** “Activity expense” means any expense incurred or payment made by a lobbyist, lobbying firm, lobbyist employer or a \$5,000 filer as defined under Section 90027, subdivision (a)(2), or arranged by a lobbyist or lobbying firm, that benefits in whole or in part any elective state official, legislative official, state candidate, agency official, or a member of these individual’s immediate family.
- (b) **Agency Official.** For purposes of this chapter, agency official means any official of a state agency a lobbyist, lobbying firm, lobbyist employer or \$5,000 filer has attempted or is attempting to influence.

- (c) **Applicable Expenses.** Activity expenses include gifts, honoraria, consulting fees, salaries, and any other form of compensation.
- (d) **Excluded Expenses.** Activity expenses do not include campaign contributions.

§ 90022. Activity Expenses; Reporting. (86112)

- (a) **Required Report.** When a person is required to report activity expenses under this article, the following information must be provided for each activity expense:
 - (1) Date. The date the expense was incurred or the event occurred.
 - (2) Payee. The name and address of the vendor or other person to whom payment was made or incurred.
 - (3) Reportable Person. The name and official position, if any, of each reportable person who benefited from the payment, including the amount of benefit which was received by each reportable person.
 - (4) Description of Benefit. The goods or services received by each reportable person.
 - (5) Total Amount of Activity. The total amount paid, arranged, or incurred for the activity, not just the amount that benefited reportable persons.
- (b) **Regulations.** Any other information required by the Commission consistent with this chapter's purposes and provisions.

§ 90023. Invitations to Events. (86112.3)

- (a) **Notice of Reportable Gift Before Event.** Each person filing a report under this article who sends any invitation to an elected state officer, candidate for elective state office, legislative official or agency official, must include on the invitation or on a letter attached to the invitation the following notice that is at least as large and readable as 8-point Roman boldface type, in a color or print that contrasts with the background so as to be easily legible: "Attendance at this event by a public official will constitute acceptance of a reportable gift."
- (b) **Notice Not Required if No Reportable Gift.** The notice specified in subdivision (a) is not required on any invitation where attendance at the event described in the invitation does not constitute acceptance of a reportable gift by an elected state officer, candidate for elective state office, legislative official or agency official, under Section 89208, subdivision (h).
- (c) **Penalties.** The remedies provided in Chapter 13, Article 3, Sections 91115 through 91125, constitute the exclusive penalty for a violation of this section. The remedies provided in Sections 91104 through 91111 do not apply to this section.

§ 90024. Notification to Beneficiary of a Gift. (86112.5)

- (a) **Notice of Reportable Gift After Event.** Each person filing a report under this article must provide each beneficiary of a gift listed within the report the following information:
 - (1) The date and amount of each gift reportable by the beneficiary.
 - (2) A description of the goods or services provided to the beneficiary.
- (b) **Time and Form of Notice.** The information under subdivision (a) must be provided to the beneficiary within 30 days following the end of each calendar quarter in which the gift was provided. To meet this section's disclosure requirements, a lobbyist firm or lobbyist employer may provide the beneficiary a copy of the activity expense section of the report submitted to the Secretary of State under this article.
- (c) **Penalties.** The remedies provided in Chapter 13, Article 3, Sections 91115 through 91125 constitute the exclusive penalty for a violation of this section. The remedies provided in Sections 91104 through 91111 do not apply to this section.

§ 90025. Periodic Reports; Lobbyists; Contents. (86113)

- (a) **Content of Reports.** A lobbyist must complete and verify a periodic report that lists:
 - (1) All activity expenses by the lobbyist during the reporting period; and

- (2) All contributions of \$100 or more made or delivered by the lobbyist to any elected state officer or state candidate during the reporting period.
- (b) **When and Where.** A lobbyist must provide the original of their periodic report to their lobbyist employer or lobbying firm within two weeks following the end of each calendar quarter.

§ 90026. Periodic Reports; Lobbying Firms; Contents. (86114)

- (a) **Content of Reports.** Lobbying firms must file periodic reports containing all of the following:
 - (1) The lobbying firm’s full name, address, and telephone number.
 - (2) For each person who contracted with the lobbying firm for lobbying services:
 - (A) The full name, business address, and telephone number of person.
 - (B) A description of the person’s specific lobbying interests.
 - (C) The total payments, including fees and the reimbursement of expenses, received from the person for lobbying services during the reporting period.
 - (3) The total amount of payments received for lobbying services during the period.
 - (4) A periodic report completed and verified by each lobbyist in the lobbying firm under Section 90025.
 - (5) Each activity expense incurred by the lobbying firm, including those reimbursed by a person who contracts with the lobbying firm for lobbying services, and a total of all activity expenses of the lobbying firm and all of its lobbyists.
 - (6) If the lobbying firm subcontracts with another lobbying firm for lobbying services:
 - (A) The subcontractor’s full name, address, and telephone number.
 - (B) The name of the person for whom the subcontractor was retained to lobby.
 - (C) The total amount of all payments made to the subcontractor.
 - (7) The date, amount, and the name of the recipient of any contribution of \$100 or more made by the filer to an elected state officer, a state candidate, a committee controlled by an elected state officer or state candidate, or a committee primarily formed to support such officers or candidates. If this contribution is reported by the lobbying firm or by a committee sponsored by the lobbying firm in a campaign statement filed under Chapter 4 that is required to be filed with the Secretary of State, the filer may report only the committee’s name and identification number.
 - (8) Any other information required by the Commission consistent with this chapter’s purposes and provisions.
- (b) **Lobbying Firms Without Registered Lobbyist.** In addition to the information required by subdivision (a), lobbying firms that qualify under Section 82052, subdivision (a)(2), must also report the name and title of each partner, owner, officer, and employee of the lobbying firm who, on at least five separate occasions during the reporting period, engaged in direct communication with any elective state official, legislative official, or agency official, to influence legislative or administrative action on behalf of a person who contracts with the lobbying firm for lobbying services. This does not include individuals whose actions were purely clerical.

§ 90027. Periodic Reports; Lobbyist Employers, \$5,000 Filers; Lobbying Coalitions; Contents. (86116)

- (a) **Persons Required to Report.** Subject to the exceptions in Section 90012, the following persons must file reports as required by this section:
 - (1) Lobbyist employers;
 - (2) “\$5,000 filers,” meaning any person who directly or indirectly makes payments to influence legislative or administrative action of \$5,000 or more in value in any calendar quarter, unless all of the payments are for activity expenses; and
 - (3) Lobbying coalitions.
- (b) **Content of Reports.** Every person described in subdivision (a) must file periodic reports containing the following information:

- (1) The name, business address, and telephone number of the lobbyist employer or other person filing the report.
- (2) The total amount of payments to each lobbying firm.
- (3) The total amount of all payments to in-house lobbyists employed by the filer.
- (4) A description of the filer's specific lobbying interests.
- (5) A periodic report under Section 90025 completed and verified by each in-house lobbyist employed by the lobbyist employer.
- (6) Each activity expense of the filer and a total of all activity expenses of the filer.
- (7) The date, amount, and the name of the recipient of any contribution of \$100 or more made by the filer to an elected state officer, a state candidate, or a committee controlled by an elected state officer or state candidate, or a committee primarily formed to support the officer or candidate. If this contribution is reported by the filer or by a committee sponsored by the filer in a campaign statement filed under Chapter 4 that requires filing with the Secretary of State, the filer may report only the committee's name and identification number.
- (8) Except as set forth in paragraph (B), the total of all other payments to influence legislative or administrative action.
 - (A) Other payments to influence include overhead expenses and all payments to employees who spend 10% or more of their compensated time in any one month in activities related to influencing legislative or administrative action.
 - (B) A filer that makes payments to influence a ratemaking or quasi-legislative proceeding before the Public Utilities Commission, as defined in Section 82001, subdivisions (b)(1) through (b)(2), may, in lieu of reporting the payments under this paragraph, report only the portion of those payments made to or for the filer's attorneys for time spent appearing as counsel and preparing to appear as counsel, or to or for the filer's witnesses for time spent testifying and preparing to testify, in this type of Public Utilities Commission proceeding. This alternative reporting of these payments made during a calendar month need not include payments made to an attorney or witness who is an employee of the filer if less than 10% of their compensated time in that month was spent in appearing, testifying, or preparing to appear or testify before the Public Utilities Commission in a ratemaking or quasi-legislative proceeding. For this paragraph, time spent preparing to appear or preparing to testify does not include time spent preparing written testimony.
- (c) **Regulations.** Any other information required by the Commission consistent with this chapter's purposes and provisions.

§ 90028. Periodic Reports; State and Local Government Agencies. (86116.5)

- (a) **Additional Disclosure.** In addition to the information required under Section 90027, all state and local agencies that file reports under that section must disclose, except for overhead expenses, all payments of \$250 or more made in a reporting period, including the following:
 - (1) Goods and services used by a lobbyist or used to support or assist a lobbyist in connection with their activities as a lobbyist.
 - (2) Payments of any other expenses that would not have been incurred but for the filer's activities to influence or attempt to influence legislative or administrative action.
 - (3) Dues or similar payments made to any organization, including a federation, confederation, or trade, labor, or membership organization, that makes expenditures equal to 10% of its total expenditures, or \$15,000, or more, during any calendar quarter, to influence legislative or administrative action.
- (b) **Form and Content of Reports.** Reports required under this section may be disclosed on a separate schedule and must include all of the following information:
 - (1) The payee's name and address.
 - (2) The total payments made during the reporting period.
 - (3) The cumulative amount paid during the calendar year.

§ 90029. Periodic Reports; Filing; When and Where.

(86117, 18624)

- (a) **When to File.** Reports required by Sections 90026, 90027 and 90028, must be filed as follows:
- (1) **First Report; Period Covered; Totals.** The period covered by the first report a person is required to file must begin with the first day of the calendar quarter in which the filer first registered or qualified. On the first report a person is required to file, the total amount must be stated for the entire calendar quarter covered by the first report.
 - (2) **Quarterly Reports; Period Covered; Totals.** The reports must be filed during the month following each calendar quarter. The period covered must be from the first day of January of each new biennial legislative session through the last day of the calendar quarter before the month when the report is filed, except as specified in paragraph (1), and except that the period covered must not include any information reported in previous reports filed by the same person. When total amounts are required to be reported, totals must be stated both for the period covered by the statement and for the entire legislative session to date.
 - (3) **Reports May Be Filed Early.** A person may file the periodic report any time before the time specified in this subdivision as long as the report includes all information required for that period. If the filer engages in any reportable activity after filing the periodic report, but on or before the last day of the calendar quarter for which the report is filed, the filer must amend the filed report to include all such reportable activity, no later than the time specified in this subdivision.
- (b) **Where to File.** The original and one copy of each report must be filed with the Secretary of State, unless filing in paper format is no longer required by Sections 84305 and 90406.

Article 3. Lobbying Prohibitions. (§ 90030 - § 90032)

§ 90030. Acts Prohibited.

(86205, 18625)

Lobbyists and lobbying firms are prohibited from:

- (a) Taking any action with the purpose of placing any elected state officer, legislative official, agency official, or state candidate under personal obligation to the lobbyist, the lobbying firm, or the lobbyist's or the firm's employer.
 - (1) "Placing" any person listed in subdivision (a) under personal obligation includes arranging or making a secured or unsecured loan to such a person, directly or through an agent.
 - (2) A lobbyist of lobbying firm "arranges" a loan when the lobbyist or lobbying firm:
 - (A) Refers any person listed in subdivision (a) to an individual to facilitate the making of the loan and has any contact with any individual to facilitate the making of the loan; or,
 - (B) Cosigns, guarantees, furnishes security for, or endorses the loan for any person listed in subdivision (a).
- (b) Deceiving or attempting to deceive any elected state officer, legislative official, agency official, or state candidate on any material fact pertinent to any pending or proposed legislative or administrative action.
- (c) Causing or influencing the introduction of any bill or amendment for the purpose of being employed to secure its passage or defeat.
- (d) Attempting to create a fictitious appearance of public favor or disfavor of any proposed legislative or administrative action or to cause any communication to be sent to any elected state officer, legislative official, agency official, or state candidate in the name of any fictitious person or in the name of any real person, except with the consent of such real person.
- (e) Representing falsely, either directly or indirectly, that the lobbyist or the lobbying firm can control the official action of any elected state officer, legislative official, or agency official.
- (f) Accepting or agreeing to accept any payment in any way contingent upon the defeat, enactment, or outcome of any proposed legislative or administrative action.

§ 90031. Restrictions on Gifts from Lobbyists and Lobbying Firms; Definitions. (86201, 86203, 86204, 18624)

- (a) **Gift Defined.** “Gift” as used in this section means a gift made directly or indirectly to any state candidate, elected state officer, or legislative official, or to an agency official of any agency required to be listed on the registration statement of the lobbying firm or the lobbyist employer of the lobbyist.
- (b) **Gift Limit.** A lobbyist or lobbying firm may not make gifts to one person aggregating more than \$10 in a calendar month, act as an agent or intermediary in the making of any gift, or arrange for the making of any gift by any other person.
- (c) **Arranging a Gift.** A lobbyist “arranges for the making of a gift” if that lobbyist, either directly or through an agent, does any of the following:
 - (1) Delivers a gift to the recipient.
 - (2) Acts as the donor’s representative if the donor is not present at the occasion of a gift. This does not include accompanying the recipient to an event where the donor will be present.
 - (3) Invites or sends an invitation to an intended recipient regarding the occasion of a gift.
 - (4) Solicits responses from an intended recipient concerning their attendance or nonattendance at the occasion of a gift.
 - (5) Is designated as the donor’s representative to receive responses from an intended recipient concerning their attendance or nonattendance at the occasion of a gift.
 - (6) Acts as an intermediary in connection with the reimbursement of a recipient’s expenses.
- (d) **Violation by Recipient.** A person may not knowingly receive any gift from a lobbyist or lobbying firm made in violation of this section.

§ 90032. Exemption for Placement Agent Fees. (86206)

Nothing in this article prohibits the payment of fees for contractual services provided to an investment manager by a placement agent, as defined in Section 82064, who is registered with the Securities and Exchange Commission and regulated by the Financial Industry Regulatory Authority, except the prohibition on contingent fees as provided in Section 90030, subdivision (f).

Chapter 11. Ballot Pamphlet. (§ 90100 - § 90109)

§ 90100. Responsibility. (88000)

The Secretary of State must prepare a state ballot.

§ 90101. Duties of Legislative Analyst. (88002.5, 88003)

- (a) The Legislative Analyst (“Analyst”) must prepare an impartial analysis and description of the measure, including a fiscal analysis showing the amount of any increase or decrease in revenue or cost to state or local government. Any estimate of increased cost to local governments must be set out in boldface print in the ballot pamphlet.
 - (1) The Analyst must write the impartial analysis in clear and concise terms that the average voter will easily understand, avoiding technical terms where possible. The Analyst must provide the information that the average voter needs to adequately understand the measure. The analysis may contain background information, including the measure’s effect, if adopted, on existing law or enacted legislation.
 - (2) The Analyst may contract with professional writers, educational specialists, or other persons for assistance in writing an analysis that fulfills this section’s requirements, including the requirement that the analysis be written for the average voter to easily understand. The Analyst may also request assistance from any state department, agency, or official in preparing the analysis.
 - (3) Before submitting the analysis to the Secretary of State, the Analyst must submit the analysis to a committee of five persons appointed by the Analyst to review the analysis and confirm its clarity and easy

comprehension to the average voter. The committee must be drawn from the public at large; one member must be a specialist in education, one must be bilingual, and one must be a professional writer. Members of the committee must be reimbursed for reasonable and necessary expenses incurred in performing their duties.

- (4) Within five days, the committee must make recommendations to the Analyst it deems appropriate to guarantee the average voter can easily understand the analysis. The Analyst must incorporate the committee's recommended changes that the Analyst deems appropriate. The Analyst is solely responsible for determining the content of the analysis required by this section.
- (5) The measure's title that appears on the ballot must be amended to contain a summary of the Analyst's estimate of the net state and local government financial impact.
- (6) The Analyst must prepare the summary statements required by Section 90103, subdivision (e).
- (7) These statements are not intended to provide comprehensive information on each measure.
- (8) The Analyst is solely responsible for determining the contents of these statements.

§ 90102. Duties of Legislative Counsel. (88005.5)

The Legislative Counsel must prepare and proofread the texts of all measures and the provisions that are repealed or revised.

§ 90103. Contents. (88001, 88002.5)

The ballot pamphlet must contain all of the following:

- (a) A complete copy of each state measure.
- (b) A copy of the specific constitutional or statutory provision, if any, that would be repealed or revised by each state measure.
- (c) A copy of the arguments and rebuttals for and against each state measure.
- (d) A copy of the analysis of each state measure.
- (e) A section, located near the front of the pamphlet, that provides a concise summary of the general meaning and effect of "yes" and "no" votes on each state measure.
- (f) Tables of contents, indexes, art work, graphics, and other materials that the Secretary of State determines will make the ballot pamphlet easier to understand or more useful for the average voter.
- (g) A notice, conspicuously printed on the ballot pamphlet's cover, indicating that additional copies of the ballot pamphlet will be mailed by the county elections official upon request.
- (h) A written explanation of the judicial retention procedure, as required by Elections Code section 9083.
- (i) The Voter Bill of Rights under Elections Code section 2300.
- (j) If the ballot contains an election for the office of United States Senator, information on candidates for United States Senator. A candidate for United States Senator may purchase the space to place a statement in the state ballot pamphlet that does not exceed 250 words. The statement must not refer to any opponent of the candidate. A candidate must submit the statement under the timeframes and procedures set forth by the Secretary of State for preparation of the state ballot pamphlet.
- (k) If the ballot contains a question on the confirmation or retention of a Supreme Court justice, information on the Supreme Court justices subject to confirmation or retention.
- (l) If the ballot contains an election for the offices of President and Vice President of the United States, a notice that refers voters to the Secretary of State's Internet website for information about candidates for the offices of President and Vice President of the United States.
- (m) A written explanation of the appropriate election procedures for party-nominated, voter-nominated, and nonpartisan offices as required by Elections Code section 9083.5.
- (n) A written explanation of the top 10 contributor lists required by Section 84205, including a description of Internet websites where those lists are available to the public.

§ 90104. Format. (88002)

For each state measure to be voted on, the ballot pamphlet must contain the following, in this order:

- (a) On the top portion of the first page and not exceeding one-third of the page must appear:
 - (1) The identification of the measure by number and title.
 - (2) The official summary prepared by the Attorney General.
 - (3) The total number of votes cast for and against the measure in both the State Senate and Assembly if the Legislature passed the measure.
- (b) Beginning at the top of the right page, the Legislative Analyst's analysis must appear if the analysis fits on a single page. If the analysis does not fit on a single page, then it must begin on the lower portion of the first left page and must continue on subsequent pages until it is completed.
- (c) Immediately below the analysis prepared by the Legislative Analyst, a printed statement must appear that refers voters to the Secretary of State's Internet website for a list of committees primarily formed to support or oppose a ballot measure, and information on how to access the committees' top 10 contributors.
- (d) Arguments for and against the measure must be placed on the next left and right pages, respectively, following the page on which the analysis of the Legislative Analyst ends. The rebuttals must be placed immediately below the arguments.
- (e) If no argument against the measure has been submitted, the argument for the measure must appear on the right page facing the analysis.
- (f) Each measure's complete text must appear at the back of the pamphlet. The measure's text must contain the provisions of the proposed measure and the existing law repealed or revised by the measure. The provisions of the proposed measure differing from the existing law affected must be distinguished in print to facilitate comparison.
- (g) The following statement must be printed at the bottom of each page where arguments appear: "Arguments printed on this page are the opinions of the authors and have not been checked for accuracy by any official agency."

§ 90105. Order of Measures in Ballot Pamphlet. (88004)

Measures must be printed in the ballot pamphlet, when possible, in the same order, manner, and form in which they are designated on the ballot.

§ 90106. Order of Names on Ballot. (89000)

Despite any law to the contrary, the order of candidates' names on the ballot must be determined without regard to whether the candidate is an incumbent.

§ 90107. Printing Format of Pamphlet. (88005)

The ballot pamphlet must be printed in the following format:

- (a) Pages must be no smaller than 8 x 11 inches in size;
- (b) It must be printed in clear readable type, no less than 10-point type, except that any measure's text may be in 8-point type;
- (c) It must be printed on a quality and weight of paper that, in the Secretary of State's judgment, best serves voters;
- (d) It must contain a certificate of correctness by the Secretary of State.

§ 90108. Public Examination of Pamphlet. (88006)

- (a) At least 20 days before the Secretary of State submits the copy for the ballot pamphlet to the State Printer, the Secretary must make the copy available for public examination. Any elector may seek a writ of mandate requiring the copy to be amended or deleted from the ballot pamphlet.
- (b) A peremptory writ of mandate will issue only upon:

- (1) Clear and convincing proof that the copy in question is false, misleading, or inconsistent with the requirements of this chapter or the Elections Code; and
 - (2) Issuance of the writ will not substantially interfere with the ballot pamphlet's printing and distribution as required by law.
- (c) Venue for a proceeding under this section must be exclusively in Sacramento County. The Secretary of State must be named as the respondent, and the State Printer and the person or official who authored the copy in question must be named as real parties in interest. If the Secretary of State initiates the proceeding, the State Printer must be named as the respondent.

§ 90109. Amendment of Chapter by Legislature. (88007)

Despite Section 81005, the Legislature may, without restriction, amend this chapter to add information to the ballot pamphlet about candidates or any other information.

Chapter 12. Administration of Act. (§ 90200 - § 90409)

Article 1. Implementation. (§ 90200 - §90203)

§ 90200. Administration and Implementation of Title. (83111, 83111.5)

- (a) The Commission has primary responsibility for the impartial, effective administration and implementation of this title.
- (b) The Commission will take no action to implement this title that would abridge constitutional guarantees of freedom of speech, deny any person of life, liberty, or property without due process of law, or deny any person the equal protection of the laws.

§ 90201. Cost of Living Adjustment. (83124)

The Commission will adjust the contribution limits and voluntary expenditure limit provisions in Sections 85500, 85501, 85502, and 86100 in January of every odd-numbered year to reflect any increase or decrease in the Consumer Price Index. Those adjustments must be rounded to the nearest \$100 for contribution limits and \$1,000 for expenditure limits.

§ 90202. Enforcement of San Bernardino County Campaign Ordinance. (83123.5)

- (a) On mutual agreement between the Commission and San Bernardino County's Board of Supervisors, the Commission may assume primary responsibility for the impartial, effective administration and implementation of a local campaign finance reform ordinance passed by San Bernardino County's Board of Supervisors in compliance with this title.
- (b) On mutual agreement, the Commission may be the civil prosecutor responsible for the civil enforcement of that local campaign finance reform ordinance. In this capacity, the Commission may do the following:
 - (1) Investigate possible violations of the local campaign finance reform ordinance.
 - (2) Bring administrative actions under this title and the Administrative Procedure Act, beginning with Government Code Section 11340.
- (c) San Bernardino County's Board of Supervisors must consult with the Commission before adopting or amending any local campaign finance reform ordinance that is subsequently enforced by the Commission under this section.
- (d) San Bernardino County's Board of Supervisors and the Commission may enter into any agreements necessary and appropriate to carry out this section, including agreements for any necessary reimbursement with county funds of state costs incurred by the Commission in administering, implementing, or enforcing a local campaign finance reform ordinance under this section.

- (1) An agreement under this subdivision must not contain any cancellation fee, liquidated damages provision, or other financial disincentive to terminating the agreement under subdivision (e).
 - (2) The Commission, however, may require San Bernardino County's Board of Supervisors to pay the Commission for services rendered and any other expenditures reasonably made by the Commission in anticipation of services to be rendered under the agreement, if the San Bernardino County's Board of Supervisors terminates the agreement.
- (e) San Bernardino County's Board of Supervisors or the Commission may, at any time, by ordinance or resolution, terminate any agreement under this section for the Commission to administer, implement, or enforce a local campaign finance reform ordinance or any provision of that ordinance.
- (f) This section remains in effect only until January 1, 2018, and as of that date is repealed unless a later-enacted statute, enacted before January 1, 2018, deletes or extends that date.

§ 90203. Enforcement of City of Stockton Campaign Ordinance. (83123.6)

- (a) On mutual agreement between the Commission and the City of Stockton's City Council, the Commission may assume primary responsibility for the impartial, effective administration, implementation, and enforcement of a local campaign finance reform ordinance passed by the City of Stockton's City Council.
- (b) On mutual agreement, the Commission may be the civil prosecutor responsible for the civil enforcement of that local campaign finance reform ordinance under, and in compliance with, this title. In this capacity, the Commission may do the following:
 - (1) Investigate possible violations of the local campaign finance reform ordinance.
 - (2) Bring administrative actions under this title and the Administrative Procedure Act, beginning with Section 11340.
- (c) The City of Stockton's City Council must consult with the Commission before adopting or amending any local campaign finance reform ordinance that is subsequently enforced by the Commission under this section.
- (d) The City of Stockton's City Council and the Commission may enter into any agreements necessary and appropriate to carry out this section, including agreements for any necessary reimbursement with city funds of state costs incurred by the Commission in administering, implementing, or enforcing a local campaign finance reform ordinance under this section.
 - (1) An agreement under this subdivision must not contain a cancellation fee, liquidated damages provision, or other financial disincentive to terminating the agreement under subdivision (e).
 - (2) The Commission, however, may require the City of Stockton's City Council to pay the Commission for services rendered and any other expenditures reasonably made by the Commission in anticipation of services to be rendered under the agreement, if the City of Stockton's City Council terminates the agreement.
- (e) The City of Stockton's City Council or the Commission may, at any time, by ordinance or resolution, terminate any agreement under this section for the Commission to administer, implement, or enforce a local campaign finance reform ordinance or any provision of that ordinance.
- (f) The Commission must submit a report that complies with the requirements of Section 9795 to the Legislature on or before January 1, 2019 on the performance of any agreement entered into under this section. The Commission must consult with the City of Stockton's City Council to develop the report. The report must include the following:
 - (1) The agreement's status.
 - (2) The estimated annual cost savings, if any, for the City of Stockton.
 - (3) A summary of relevant annual performance metrics, including measures of utilization, enforcement, and customer satisfaction.
 - (4) Public comments submitted to the Commission or the City of Stockton on the agreement's operation.
 - (5) Legislative recommendations.
- (g) This section remains in effect only until January 1, 2020, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2020, deletes or extends that date.

Article 2. Fair Political Practices Commission. (§ 90205 - § 90219)

§ 90205. Establishment; Membership; Appointments. (83100, 83101, 83102)

There is hereby established in state government the Fair Political Practices Commission

- (a) The Commission will have five members, including the chairperson. No more than three members of the Commission may be members of the same political party.
- (b) The Governor will appoint the chairperson and one additional member of the Commission. The Governor's appointees may not be members of the same political party.
- (c) The Attorney General, the Secretary of State, and the Controller will each appoint one member of the Commission.
 - (1) If the Attorney General, the Secretary of State, and the Controller are all members of the same political party, the chairman of the state central committee of any other political party with more than five hundred thousand registered voters may submit to the Controller a list of no less than five persons who are qualified and willing to be members of the Commission.
 - (2) The list must be submitted no later than the January 2 preceding the effective date of the Controller's appointment under this chapter.
 - (3) If the Controller receives one or more lists under this section, the Controller's appointment must be made from one of these lists.

§ 90206. Fair Political Practices Commission; Appropriation. (82001; 83122)

- (a) Appropriated from the General Fund of the state to the Fair Political Practices Commission is the sum of \$500,000 during the fiscal year of 1974–1975, and the sum of \$1,000,000, adjusted for cost-of-living changes, during each subsequent fiscal year, for expenditure to support the operations of the Commission under this title. The expenditure of funds under this appropriation will be subject to the normal administrative review given to other state appropriations. The Legislature will appropriate additional amounts to the Commission and other agencies as may be necessary to implement this title.
- (b) The Department of Finance, in preparing the state budget and the Budget Bill submitted to the Legislature, must include an item for support of the Political Reform Act of 1974, which must indicate all of the following:
 - (1) The amounts to be appropriated to other agencies to carry out their duties under this title and which amounts will augment the support items of these agencies.
 - (2) The additional amounts required to be appropriated by the Legislature to the Commission to carry out this title's purposes, as stated in this section.
 - (3) In parentheses, for informational purposes, the continuing appropriation during each fiscal year of \$1,000,000 adjusted for cost-of-living changes made to the Commission by this section.
- (c) Under this section, "adjusted for cost-of-living changes" means adjusting the amount received the previous year by an amount determined at the beginning of each fiscal year by the Director of Finance on the same basis as applied routinely to other state agencies. This amount corresponds to amounts authorized from the salary and price increase items under the Budget Act and other cost-of-living adjustments.
- (d) The definition of "expenditure" in Section 82030 does not apply to this section.

§ 90207. Terms of Office. (83103)

Members and the chairperson of the Commission will serve four-year terms, beginning on February 1 and ending on January 31 or after as soon as their successors are qualified. No member or chairperson who has been appointed at the beginning of a term is eligible for reappointment.

§ 90208. Qualifications; Removal. (83105)

- (a) **Qualifications.** Each Commission member must be an elector. Commission members, during their tenure, may not hold any other public office, serve as an officer of any political party or partisan organization, participate in or contribute to an election campaign, or employ or be employed as a lobbyist nor, during their term of appointment, seek election to any other public office.
- (b) **Removal.** Commission members may be removed by the Governor, with concurrence of the Senate, for substantial neglect of duty, gross misconduct in office, inability to discharge the powers and duties of office, or violation of this section, after written notice and opportunity for a reply.

§ 90209. Vacancies; Quorum. (83104)

- (a) **Vacancies.** Vacancies on the Commission must be filled within thirty days, and by appointment from the same official who appointed the prior holder of the position. Section 90205, subdivision (c)(1) -(3), is not applicable to filling vacancies. Appointments to fill vacancies will be for the unexpired term of the member or chairperson whom the appointee succeeds. A vacancy or vacancies do not impair the remaining members' right to exercise all of the board's powers.
- (b) **Quorum.** Three members constitute a quorum.

§ 90210. Compensation; Expenses. (83106)

The Commission's chairperson will be compensated at the same rate as the Public Utilities Commission's president. Other members will be compensated at the rate of \$100 for each day engaged in official duties. The Commission members will be reimbursed for expenses incurred performing official duties.

§ 90211. Executive Officer; Staff; Staff Compensation. (83107)

The Commission will appoint an executive director who must act under Commission policies and regulations and applicable law. The Commission will appoint and discharge officers, counsel, and employees, consistent with applicable civil service laws, and fix the employees' compensation and prescribe their duties.

§ 90212. Delegation of Authority. (83108)

The Commission may delegate authority to the chairperson or executive director to act in the Commission's name between Commission meetings.

§ 90213. Civil Service Classification. (83109)

For Section 19818.6, a non-clerical position under the Commission must not be included in the same class in the civil service classification plan with any position of any other department or agency.

§ 90214. Offices; Public Meetings. (83110)

The Commission's principal office will be in Sacramento. But the Commission may establish offices, meet, and exercise its powers at any other place in the state. Commission meetings must be public, except that the Commission may provide otherwise for discussions of personnel and litigation.

§ 90215. Rules and Regulations. (83112, 81014)

- (a) The Commission may adopt, amend, and rescind rules and regulations to carry out this title and to govern Commission procedures. These rules and regulations must be adopted under the Administrative Procedure Act, beginning at Government Code Section 11371, and be consistent with this title and other applicable law.
- (b) Whenever this title refers to a repealed or amended federal or state statute, the Commission may promulgate regulations to carry out the intent of this title as nearly as possible.

§ 90216. Additional Duties. (83113)

The Commission must, in addition to its other duties, do all of the following:

- (a) Prescribe forms for reports, statements, notices, and other documents required by this title.
- (b) Prepare and publish on its website manuals and instructions for bookkeeping methods and preservation of records to facilitate compliance with and enforcement of this title, and for explaining the duties of persons and committees under this title.
- (c) Provide assistance to agencies and public officials in administering this title.
- (d) Maintain a central file of local campaign contribution and expenditure ordinances forwarded to it by local government agencies.
- (e) Annually publish on its website a booklet no later than March 1 that sets forth this title's provisions and includes other information the Commission deems pertinent to interpretation and enforcement of this title.

§ 90217. Requests for and Issuances of Opinions; Advice. (83114)

- (a) **Opinion.** Any person may request the Commission to issue an opinion on the person's duties under this title. The Commission must, within 14 days, either issue the opinion or advise the requestor whether the Commission will issue an opinion. No person who acts in good faith on an opinion issued to that person by the Commission may be subject to criminal or civil penalties for so acting, if the material facts are as stated in the opinion request. The Commission's opinions are public records and are published on its website and through legal research services.
- (b) **Written Advice.** Any person may request the Commission to provide written advice on the person's duties under this title. This advice must be provided within 21 working days of the request, but time may be extended for good cause. The advice request will be a complete defense in any enforcement proceeding initiated by the Commission, and it will be evidence of good faith conduct in any other civil or criminal proceeding if the requester, at least 21 working days before the alleged violation, requested written advice from the Commission in good faith, disclosed truthfully all the material facts, and committed the acts complained of either in reliance on the advice or because of the Commission's failure to provide advice within 21 days of the request or such later extended time.

§ 90218. Authority of Commission. (83117)

The Commission may:

- (a) Accept grants, contributions, and appropriations;
- (b) Contract for any services that cannot satisfactorily be performed by its employees;
- (c) Employ legal counsel. On request of the Commission, the Attorney General will provide legal advice and representation without charge to the Commission.

§ 90219. Restriction on Receipt of a Gift. (83117.5)

- (a) **Prohibition.** Commission members are prohibited from receiving a gift of \$10 or more per month.
- (b) **Definition.** "Gift," as used in this section, means a gift made directly or indirectly by a state candidate, an elected state officer, a legislative official, an agency official, a lobbyist or by any person listed in Section 89200.

Article 3. General Filing and Records Requirement; Filing Officer Duties. (§ 90300 - § 90307)

§ 90300. Duties of the Filing Officer. (81010, 18110, 18227)

- (a) For reports and statements filed with a filing officer under this title, the officer will:
 - (1) Supply the necessary forms and manuals prescribed by the Commission;
 - (2) Determine whether required documents have been filed and, if so, whether they facially conform with the requirements of this title;

- (3) Notify promptly all persons and known committees who have failed to file a report or statement in the form and by the deadline required by this title;
 - (4) Report apparent violations of this title to the appropriate agencies; and
 - (5) Compile and maintain a current list of all reports and statements filed with this office.
- (b) It is the filing officer's duty to determine whether candidate and committee campaign statement documents required under this title have been filed.
 - (c) Every filing officer must assign the responsibility for receiving and forwarding or retaining campaign statements and reports and statements of economic interests filed under Sections 84304 and 89400 to a specific official.

§ 90301. Filing Officers' and Filing Officials' Duties—Effect of Non-Compliance on Filing and Disclosure Obligations. (18117)

A filing officer or filing official's failure to comply with a duty or provide notice of a filing or disclosure obligation will not affect a person's duty to file statements and reports disclosing information as required by this title or any enforceable conflict of interest code.

§ 90302. Mailing of Report or Statement. (81007)

- (a) Reports, statements, and copies of either required to be filed with an officer under this title that have been sent by first class mail, or any other guaranteed overnight delivery service, and addressed to the officer, will be deemed to have been received by the officer on the date of the deposit in the mail or received by the delivery service.
- (b) It will be presumed, unless the contrary is established, that any date stamped by the post office on the envelope or contained on the delivery service receipt containing the report or statement is the date it was deposited in the mail or received by the delivery service.
- (c) Mail not received by the filing officer will be presumed not to have been sent unless the filer possesses a post office or delivery service receipt establishing the date of deposit and the name and address of the officer.

§ 90303. Emailing or Faxing of Report or Statement. (81007.5)

- (a) Any report, statement, or copies of either required to be filed with an official under Chapter 3 through 4.5 (beginning with Section 83100) or Chapter 10 (beginning with Section 90000) may be emailed or faxed by the applicable deadline, provided the required originals or paper copies are sent by first-class mail or any other personal delivery or guaranteed overnight delivery service within 24 hours of the deadline and the total number of pages of each faxed report or statement is no more than 30 pages.
- (b) An emailed or faxed report or statement will not be deemed filed if the emailed or faxed report or statement is not a true and correct copy of the original or copy of the report or statement personally delivered or sent by first-class mail or guaranteed overnight delivery service under subdivision (a).
- (c) A filing officer who receives an emailed or faxed report or statement will make the report or statement available to the public in the manner specified in Section 90305. If the emailed or faxed report or statement is requested before receipt of the original or copy of the report or statement by the filing officer, the filing officer will inform the requester that the emailed or faxed report or statement will not be considered a filed report or statement if the requirements of subdivision (b) have not been met.

§ 90304. Filing Fees Prohibition. (81006)

Except as provided in this title, no fee or charge may be collected by any officer for the filing of any report or statement or for the forms used to prepare reports or statements.

§ 90305. Public Records; Inspection; Reproduction; Time; Charges. (81008)

- (a) Every report and statement filed under this title is a public record open for public inspection and reproduction during regular business hours, commencing as soon as practicable, and no later than the second business day after the day on which it was received.
- (b) No conditions whatsoever may be imposed on persons desiring to inspect or reproduce reports and statements filed under this title, nor will any information or identification be required from these persons.
- (c) Copies will be provided at a charge not to exceed ten cents (\$0.10) per page. In addition, the filing officer may charge a retrieval fee not to exceed \$5 per request for copies of reports and statements that are five or more years old. A request for more than one report or statement or report and statement at the same time will be considered a single request.

§ 90306. Record Retention. (81009)

- (a) Statements of organization, registration statements, and original campaign statements of persons holding elective state office, candidates for any such office, committees supporting any such officeholder or candidate, and committees supporting or opposing statewide measures, must be retained by filing officers indefinitely.
- (b) Original campaign statements of mayors, city council members, county supervisors, candidates for any of these offices, and committees supporting any officeholder or candidate must be retained indefinitely, except that original campaign statements of candidates not elected to these offices and of committees supporting candidates not elected to these offices must be retained by filing officers for a period of not less than five years.
- (c) Original campaign statements of all other persons must be retained by filing officers for a period of not less than seven years.
- (d) Original statements of economic interests of persons holding statewide elective office must be retained by filing officers indefinitely.
- (e) Original reports and statements not specified above in this section must be retained by filing officers for a period of not less than seven years.
- (f) Copies of reports or statements must be retained by the officer with whom they are filed for a period of not less than four years, provided, however, that a filing officer need not retain more than one copy of a report or statement.
- (g) After an original report or statement or a copy has been on file for at least two years, the officer with whom it is filed may comply with this section by retaining a copy on digital media or other space-saving materials available for public inspection instead of the original report or statement or copy. Upon request, the officer must provide copies of these statements under Section 90305.

§ 90307. Information on Statewide Petitions. (81011.5)

Despite any law to the contrary, the election precinct of a person signing a statewide petition is not required to appear on the petition when it is filed with the county clerk, nor any additional information regarding a signer other than the information required to be written by the signer.

Article 4. Administration of Online Filing. (§ 90400 - § 90409)

§ 90400. Online Disclosure. (84600)

This article may be known and may be cited as the Online Disclosure Act.

§ 90401. Public Access. (84601)

The Legislature finds and declares as follows:

- (a) The people of California enacted one of the nation's most comprehensive campaign and lobbying financial disclosure laws when they voted for Proposition 9, the Political Reform Act of 1974, an initiative statute.
- (b) Public access to campaign and lobbying disclosure information is a vital and integral component of a fully informed electorate.
- (c) Advances in technology have made it viable for disclosure statements and reports required by the Political Reform Act to be filed online and placed on the Internet, maximizing availability to the public.

§ 90402. Secretary of State's Duties. (84602)

To implement the Legislature's intent, the Secretary of State, in consultation with the Commission, and despite any other provision of this title, will do all of the following:

- (a) Develop online and electronic filing processes for use by persons and entities specified in Section 84305 that are required to file statements and reports with the Secretary of State's office under Chapters 3 through 4.5 (beginning with Section 83100) and Chapter 10 (beginning with Section 90000). Those processes will each enable a user to comply with all the disclosure requirements of this title and will include, at a minimum, the following:
 - (1) A means or method where filers subject to this chapter may submit required filings free of charge. Any means or method developed under this provision will not provide any additional or enhanced functions or services that exceed the minimum requirements necessary to fulfill this title's disclosure provisions.
 - (2) The definition of a nonproprietary standardized record format or formats using industry standards for the transmission of the data that is required of those persons and entities specified in Section 84305 and that conforms with this title's disclosure requirement.
- (b) Accept test files from software vendors and others wishing to file reports electronically to determine whether the file format is in compliance with the standardized record format developed under subdivision (a) and is compatible with the Secretary of State's system for receiving the data. A list of the software and service providers who have submitted acceptable test files will be published by the Secretary of State and made available to the public. Acceptably formatted files must be submitted by a filer to meet the requirements of this chapter.
- (c) Develop a system that provides for the online or electronic transfer of the data specified in this section utilizing telecommunications technology that assures the integrity of the data transmitted and that creates safeguards against efforts to tamper with or subvert the data.
- (d) Make all the data filed available on the Internet in an easily understood format that provides the greatest public access. The data will be made available free of charge and as soon as possible after receipt. All late contribution and late independent expenditure reports, as defined by Sections 84200 and 84202, respectively, will be made available on the Internet within 24 hours of receipt. The data made available on the Internet will not contain the street name and building number of the persons or entity representatives listed on the electronically filed forms or any bank account number that this title requires to be disclosed.
- (e) Develop a procedure for filers to comply with the requirement that they sign under penalty of perjury under Section 84400.
- (f) Maintain all filed data online for 10 years after the date it is filed, and then archive the information in a secure format.
- (g) Provide assistance to those seeking public access to the information.
- (h) Implement sufficient technology to seek to prevent unauthorized alteration or manipulation of the data.
- (i) Provide the Commission with necessary information to enable it to assist agencies, public officials, and others with compliance with and administration of this title.

§ 90403. Rejection of Electronic Filing; Procedures. (84612)

If the Secretary of State rejects a filing made under this chapter, the Secretary of State will immediately notify the filer, by electronic mail, of the reason or reasons for rejection using plain, straightforward language, avoiding

technical terms as much as possible, and using a coherent and easily readable style. The notice will be written or displayed so that the meaning will be easily understood by those persons directly affected by it.

§ 90404. Acceptance of Reports. (84603)

Once all state-mandated development, procurement, and oversight requirements have been met, the Secretary of State will make public their availability to accept reports online or electronically. Any filer may then commence voluntarily filing online or electronically any required report or statement that is otherwise required to be filed with the Secretary of State under Chapters 3 through 4.5 (commencing with Section 83100) or Chapter 10 (commencing with Section 90000) of this title.

§ 90405. Online Index of Identification Numbers. (84602.5)

The Secretary of State will disclose online under this chapter an index of the identification numbers, assigned under Section 83102, subdivision (c), of every person, entity, or committee that is obligated to make a disclosure under Chapters 3 through 4.5. This index will be updated monthly except for the six-week period preceding any statewide regular or special election, during which the index will be updated weekly.

§ 90406. Operation of Online System. (84606)

The Secretary of State will determine and publicly disclose when the online and electronic disclosure systems are operating effectively. In making this determination, the Secretary of State will consult with the Commission, the Department of Information Technology, and any other appropriate public or private entity. The online or electronic disclosure system will 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 a paper copy or with local filing officers. The date that a filer transmits an online or electronic report will be the date the filed report is received by the Secretary of State.

§ 90407. Prohibition Against Political or Campaign Use. (84607)

Under Government Code section 8314, no employee or official of a state or local government agency may utilize, for political or campaign purposes, public facilities or resources to retrieve or maintain any of the data produced by the requirements of this chapter.

§ 90408. Political Disclosure, Accountability, Transparency, and Access Fund. (84613)

- (a) The Political Disclosure, Accountability, Transparency, and Access Fund is established in the State Treasury. Moneys collected under Section 83106 and one-half of the moneys collected under Section 90002 will be deposited in the Fund.
- (b) (b)(1) Moneys deposited in the Fund are subject to appropriation by the Legislature and will be expended for the maintenance, repair, and improvement of the online or electronic disclosure program implemented by the Secretary of State under this chapter.
 - (1) In addition to paragraph (1), the Secretary of State may also use moneys deposited in the Fund to implement the act that added this section.
- (c) Any expenditure of moneys from the Fund for the purposes described in paragraph (1) of subdivision (b) is subject to the project approval and oversight process established by the California Technology Agency under Government Code section 11546.

§ 90409. Campaign Reports and Statements—Electronic Filing for Local Agencies. (84615)

- (a) **Local Agency May Require Electronic Filing.** A local government agency may require an elected officer, candidate, committee, or other person required to file statements, reports, or other documents required by

Chapters 3 through 4.5 (commencing with Section 83100), except an elected officer, candidate, committee, or other person who receives contributions totaling less than \$1,000, and makes expenditures totaling less than \$1,000 in a calendar year, to file those statements, reports, or other documents online or electronically with a local filing officer.

- (b) **System Requirements.** A local government agency that requires online or electronic filing under this section must comply with all of the following:
- (1) **Local Legislative Body Must Adopt an Ordinance.** The legislative body for the local government agency must adopt an ordinance approving the use of online or electronic filing, which includes a legislative finding that the online or electronic filing system will operate securely and effectively and would not unduly burden filers. The ordinance adopted by the legislative body for the local government agency may, at the discretion of that legislative body, specify that the electronic or online filing requirements apply only to specifically identified types of filings or are triggered only by identified monetary thresholds. In any instance in which the original statement, report, or other document is required to be filed with the Secretary of State and a copy of that statement, report, or other document is required to be filed with the local government agency, the ordinance may permit, but must not require, that the copy be filed online or electronically.
 - (2) **System to Accept Standardized Record Format.** The online or electronic filing system must only accept a filing in the standardized record format that is developed by the Secretary of State under paragraph (2) of Section 90402, subdivision (a), and that is compatible with the Secretary of State's system for receiving an online or electronic filing.
 - (3) **System Ensures Data Integrity.** The online or electronic filing system must ensure the integrity of the data transmitted and must include safeguards against efforts to tamper with, manipulate, alter, or subvert the data.
 - (4) **Confirmation of Receipt of Filing.**
 - (A) The local filing officer will issue an electronic confirmation notifying the filer that the statement, report, or other document was received. The confirmation will include the date and the time that the statement, report, or other document was received by the filing officer and the method by which the filer may view and print the data received.
 - (B) A copy retained by the filer of a statement, report, or other document that was filed online or electronically and the confirmation issued under paragraph (1) that shows the filer timely filed the statement, report, or other document will create a rebuttable presumption that the filer timely filed the statement, report, or other document.
 - (5) **Filing Date.** The date of filing for a statement, report, or other document that is filed online or electronically is the day that it is received by the local filing officer.
 - (6) **Filings Available on Internet.** The local filing officer will make all the data filed available on the Internet in an easily understood format that provides the greatest public access. The data will be made available free of charge and as soon as possible after receipt. The data made available on the Internet will not contain the street name and building number of the persons or entity representatives listed on the electronically filed forms or any bank account number the filer is required disclosed. The local filing officer will make a complete, unredacted copy of any statement, report, or other document filed under this section, including any street names, building numbers, and bank account numbers disclosed by the filer, available to any person upon request.
 - (7) **Digital Signature Under Penalty of Perjury.** The online or electronic filing system will include a procedure for filers to comply with the requirement that they sign statements and reports under penalty of perjury under Section 84400.
- (c) **No Charge to Submit Filings.** The local government agency will enable filers to complete and submit filings free of charge.
- (d) **Record Retention.** The local filing officer will maintain, for a period of at least 10 years commencing from the date filed, a secured, official version of each online or electronic statement, report, or other document filed

under this section, which will serve as the official version of that record for audits and any other legal purpose. Data that has been maintained for at least 10 years may then be archived in a secure format.

- (e) **No Paper Format.** Despite any law, any statement, report, or other document filed online or electronically under this section will not be required to be filed with the local filing officer in paper format.

Chapter 13. Auditing and Enforcement. (§ 91000 – § 91127)

Article 1. Auditing. (§ 91000 - § 91007)

§ 91000. Audit and Investigation Responsibility. (90000, 90006)

- (a) Except as provided in subdivision (b), the Franchise Tax Board will conduct audits and field investigations for the following:
- (1) Campaign statements and reports filed with the Secretary of State under Chapter 3 (commencing with Section 83100), Chapter 4 (commencing with Section 84100), Chapter 4.5 (commencing with Section 84500), Chapter 5 (commencing with Section 85100), Sections 86100 through 86103, Chapter 7 (commencing with Section 87100), and Chapter 10 (commencing with Section 90000).
 - (2) Local candidates and their controlled committees selected for audit under Section 91002, subdivision (i).
- (b) The Commission will conduct all audits and field investigations of candidates for Controller and members of the Board of Equalization and of committees supporting these candidates.

§ 91001. Auditing Guidelines and Standards. (90007)

- (a) **Purposes.** The Commission will adopt auditing guidelines and standards that govern audits and field investigations conducted under Section 91003. The guidelines and standards will be formulated to accomplish the following purposes:
- (1) The audits should encourage compliance and detect violations of this title;
 - (2) The audits should be conducted with maximum efficiency in a cost-effective manner; and
 - (3) The audits should be as unobtrusive as possible, consistent with the foregoing purposes.
- (b) **National Guidelines and Standards.** In adopting its guidelines and standards, the Commission will consider relevant guidelines and standards of the American Institute of Certified Public Accountants if such guidelines and standards are applicable and consistent with the purposes listed in this section.

§ 91002. Mandatory Audits and Investigations. (90001; 18996)

Audits and investigations will be conducted under Section 91000 for the campaign statements and reports of:

- (a) **Lobbying Firms and Lobbyist Employers.** Each lobbying firm and each lobbyist employer who employs one or more lobbyists, on a random basis, with these lobbying firms or lobbyist employers having a 25% chance of being audited. When a lobbying firm or lobbyist employer is audited, the individual lobbyists who are employed by the lobbying firm or the lobbyist employer will also be audited.
- (b) **Statewide, Supreme Court, Court of Appeal and Board of Equalization Candidates.** Each statewide, Supreme Court, court of appeal, or Board of Equalization candidate in a direct primary or general election for whom \$25,000 or more in contributions have been raised or \$25,000 or more in expenditures have been made, whether by the candidate or by a committee or committees controlled by the candidate or whose participation in the direct primary or general election is primarily in support of the candidacy. Each statewide candidate whose contributions and expenditures are less than \$25,000 are subject to an audit on a random basis of 10% of these candidates.
- (c) **Legislative and Superior Court Judicial Candidates.** Each candidate for the Legislature or superior court judge in a direct primary or general election is subject to audit by random selection if \$15,000 or more in contributions have been received or \$15,000 or more in expenditures have been made, whether by the candidate or by a committee or committees controlled by the candidate or primarily supporting the candidacy.

Random selection will be made of 25% of the Senate districts, 25% of the Assembly districts, and 25% of the judicial offices contested in an election year.

- (d) **Legislative Candidates in Special Elections.** Each candidate for the Legislature in a special primary or special runoff election for whom \$15,000 or more in contributions have been raised or \$15,000 or more in expenditures have been made, whether by the candidate or by a committee or committees controlled by the candidate or primarily supporting the candidacy.
- (e) **Candidate Controlled Committees.** Each controlled committee of any candidate who is being audited under subdivision (b), (c), or (d).
- (f) **Primarily Formed Committees for or Against a Candidate.** Each committee, other than a major donor committee specified in Section 82012, subdivision (a)(3), primarily supporting or opposing a candidate who is being audited under subdivision (b), (c), or (d) if the committee has expended more than \$10,000.
- (g) **Primarily Formed Committees for or Against a State Measure.** Each committee, other than a major donor committee specified in Section 82012, subdivision (a)(3), whose participation is primarily in support of or in opposition to a state measure or state measures if the committee has expended more than \$10,000 on the measure or measures.
- (h) **Other Committees.** Each committee, other than a major donor committee defined in Section 82012, subdivision (a)(3), a controlled committee or a committee primarily supporting or opposing a state candidate or measure, if the committee has raised or expended more than \$10,000 supporting or opposing state candidates or state measures during any calendar year, except that if the Commission determines from an audit report that a committee is in substantial compliance with the act, the committee will be subject to an audit on a random basis with each such committee having a 25% chance of being audited.
- (i) **Local Candidates and PERS Candidates.** The Commission will promulgate regulations that provide a selection method for the following:
 - (1) Local candidates and their controlled committees. The Commission may exclude from the selection of local jurisdictions any jurisdiction that is subject to audit by a local agency or the Commission.
 - (2) Candidates for the Public Employees' Retirement System's Board of Administration. The Public Employees' Retirement System must reimburse the Commission for all reasonable expenses incurred under this section.
- (j) **Procedures for Selection for Audit.** In accordance with subdivisions (a), (b), (c), and (h), the Commission will randomly select by lot the persons or districts to be audited.
 - (1) For lobbying firm and lobbyist employer audits, the selection must be made in public in February of odd-numbered years.
 - (2) For campaign audits, the selection must be made in public after the last date for filing the first campaign statement or report following the general or special election for which the candidate ran, or following the election at which the measure was adopted or defeated.

§ 91003. Audits and Investigations; Timing and Scope. (90002, 18996)

- (a) The scope of audits and investigations under Section 91002 is as follows:
 - (1) **Lobbying Firms and Lobbyist Employers.** Audits and investigations of lobbying firms and lobbyist employers will be conducted on a biennial basis and must cover reports filed during a two-year period. If a lobbying firm or lobbyist employer keeps a separate account for all receipts and payments for which reporting is required by this title, the requirement of an audit under Section 91002, subdivision (a) will be satisfied by an audit of that account and the supporting documentation required to be maintained by Section 90020.
 - (2) **Candidates, Candidate Controlled Committees and Primarily Formed Committees for or Against Candidates.** For campaign statements or reports of a candidate, controlled committee, or a committee primarily supporting or opposing a candidate, the audit or investigation will cover all campaign statements and reports filed for the primary and general election, or a special or runoff election, as well as any previous campaign statements or reports filed since the last election for that office. The audit or investigation will not include any statements or reports previously audited under Section 91002 or 91005.

- (3) **Primarily Formed Committees for or Against a Measure.** For campaign statements or reports of a committee primarily supporting or opposing a measure, the audit or investigation will cover all campaign statements and reports filed by the committee in connection with the measure.
- (4) **Other Committees.** For all other committees, the audit or investigation will cover all campaign statements filed during the previous two calendar years.
- (b) The audit or investigation periods may be extended to include any transaction that relates to or is in connection with the election being audited or investigated or the two-year period.
- (c) Audits or investigations conducted under Section 91002 will not include campaign statements or reports filed in conjunction with an election for any other office.
- (d) Nothing in this regulation will be interpreted to act as a limitation on the Franchise Tax Board or the Commission in undertaking a discretionary audit under Section 91005.

§ 91004. Preelection Auditing. (90008)

- (a) The Legislature intends that the people of California have timely access to information about the campaign contributions and expenditures of all committees, corporations, and individuals, and that this information be provided before the election, when it is relevant, in accordance with this title's requirements. The Legislature further intends that the Commission ensure these disclosures are being made, this title be liberally construed, and any judicial process be expedited to achieve this purpose.
- (b) The Commission, and the Franchise Tax Board at the Commission's direction, may audit any campaign statements and reports, and obtain records required to be maintained under this title to ensure compliance with this title before an election, even if the record is a report or statement that has not yet been filed.

§ 91005. Discretionary Audits. (90003)

In addition to the audits and investigations required by Section 91002, the Franchise Tax Board and the Commission may investigate and audit any campaign statements or reports required by this title.

§ 91006. Periodic Reporting of Audit Results; Public Documents. (90004; 18993)

- (a) **Time Period for Audit Report.** The Franchise Tax Board will complete its report of any audit conducted on a random basis under Section 91002 within two years after the Commission selects the person or entity for audit.
- (b) **Public Documents Detailing Findings.** The Franchise Tax Board's reports are public documents and must contain in detail the Franchise Tax Board's findings on the accuracy and completeness of each campaign statement or report reviewed, and its findings on any campaign statement or report that should have been but was not filed. The report must include specific findings of noncompliance, if the Franchise Tax Board determines that the noncompliance is material.
- (c) **Distribution of Reports.** Unless this section provides otherwise, the Franchise Tax Board will send the periodically prepared reports to the Commission, the Secretary of State, and the Attorney General.
 - (1) If the reports relate to candidates for or committees supporting or opposing candidates for the office of Attorney General, the reports will be sent to the Commission, the Secretary of State, and the District Attorneys of the Counties of Los Angeles, Sacramento, and San Francisco.
 - (2) If the reports relate to local candidates and their controlled committees, the reports will be sent to the Commission, the local filing officer with whom the candidate or committee is required to file the originals of campaign statements or reports under Section 84304, and the district attorney for the candidate's county of domicile.
- (d) **Retention of Report in Filing Officer Files.** The Secretary of State and the local filing officer will place the audit reports in the appropriate campaign statement or lobbying files available for public inspection.

§ 91007. Confidentiality; Exception. (90005)

The Commission's and Franchise Tax Board's members, employees, and agents must not divulge, or make known in any manner, the particulars of any record, documents, or information received under this chapter, except in furtherance of the work of the Franchise Tax Board or the Commission or in connection with a court proceeding or any agency's lawful investigation.

Article 2. Enforcement and Penalties. (§ 91100 - § 91127)

§ 91100. Joint and Several Liability. (91006)

If two or more persons are responsible for any violation, they are jointly and severally liable.

§ 91101. Investigations; Notice. (83115)

Upon the sworn complaint of any person or on its own initiative, the Commission will investigate possible violations of this title relating to any agency, official, election, lobbyist or legislative or administrative action. Within 14 days after receiving a complaint under this section, the Commission must notify in writing the person who made the complaint of the action, if any, the Commission has taken or plans to take on the complaint, together with the reasons for the action or nonaction. If the Commission has not decided within 14 days, the Commission will notify the person who made the complaint of the reasons for the delay and will subsequently provide notification.

§ 91102. Subpoena Powers. (83118)

The Commission may subpoena witnesses, compel their attendance and testimony, administer oaths and affirmations, take evidence and require by subpoena the production of any books, papers, records, or other items material to the performance of the Commission's duties or exercise of its powers.

§ 91103. Self-Incrimination. (83119)

The Commission may refuse to excuse any person from testifying, or from producing books, records, correspondence, documents, or other evidence in obedience to the Commission's subpoena despite an objection that the testimony or evidence required may tend to incriminate that person. No individual may be prosecuted in any manner or subjected to any penalty or forfeiture for any transaction, act, matter or thing for which the individual is compelled, after having claimed the privilege against self-incrimination, to testify or produce evidence, except that the individual so testifying will not be exempt from prosecution and punishment for perjury committed in so testifying. No immunity may be granted to any witness under this section unless the Commission has notified the Attorney General of its intention to grant immunity to the witness at least thirty days in advance, or unless the Attorney General waives this requirement.

§ 91104. Responsibility for Enforcement. (91001, 91001.5)

- (a) **Criminal.** The Attorney General is responsible for enforcing the criminal provisions of this title for state agencies, lobbyists, and state elections. The district attorney of any county where a violation occurs has concurrent powers and responsibilities with the Attorney General.
- (b) **Civil.** The civil prosecutor is primarily responsible for enforcement of this title's civil penalties and remedies. The civil prosecutor may bring any civil action under this title that could be brought by a voter or resident of the jurisdiction.
 - (1) For the state or any state agency except itself, the Commission is the civil prosecutor.
 - (2) For the Commission, the Attorney General is the civil prosecutor.
 - (3) For any other agency, the district attorneys are the civil prosecutors.
- (c) **Extended Civil Authority.** Upon written authorization from a district attorney of the jurisdiction, the Commission, as the civil prosecutor, may bring any civil action under this title that could be brought by a

voter or resident of the jurisdiction. Under those circumstances, Section 91109 does not apply to the Commission.

- (d) **Charter Cities.** Wherever a district attorney could act as the civil or criminal prosecutor under this title, the elected city attorney of any charter city may act as the civil or criminal prosecutor for any violations of this title occurring within the city.

§ 91105. Considerations for Enforcement. (91001(c))

Whether a violation is inadvertent, negligent or deliberate, and the presence or absence of good faith will be considered in applying this title's remedies and sanctions.

§ 91106. Criminal Liability and Effect of Conviction. (91000, 91002)

- (a) **Standard.** Any person who knowingly or willfully violates any provision of this title is guilty of a misdemeanor.
- (b) **Penalty.** In addition to other penalties provided by law, a fine of up to the greater of \$10,000 or three times the amount the person failed to report properly or unlawfully contributed, expended, gave, or received may be imposed upon conviction for each violation.
- (c) **Statute of Limitations.** Prosecution for violation of this title must be commenced within four years after the violation's date.
- (d) **Effect of Conviction.** No person convicted of a misdemeanor under this title may be a candidate for any elective office or act as a lobbyist for a period of four years following the date of conviction unless the court at the time of the sentencing specifically determines that this provision will not apply. A plea of nolo contendere will be deemed a conviction for this section. Any person violating this subdivision is guilty of a felony.

§ 91107. Civil Liability. (89521, 91004, 91005, 91005.5, 91008, 91009)

- (a) **Reporting Violation.** Any person who intentionally or negligently violates any of this title's reporting requirements will be liable in a civil action brought by the civil prosecutor or by a person residing within the jurisdiction for an amount not more than the amount or value not properly reported.
- (b) **Unlawful Contribution, Gift, or Expenditure.** Any person who makes or receives any honoraria or gift, or a contribution or expenditure in violation of Section 85100, 85101, or 90031, is liable in a civil action brought by the civil prosecutor or by a person residing within the jurisdiction for an amount up to the greater of \$1,000 or three times the amount of the unlawful honoraria, contribution, gift, or expenditure.
- (c) **Conflict of Interest.** Any designated employee or public official specified in Section 89200 except an elected state officer, who realizes an economic benefit from a violation of Section 89100 or of a disqualification provision of a conflict of interest code is liable in a civil action brought by the civil prosecutor or by a person residing within the jurisdiction for an amount up to three times the value of the benefit.
- (d) **Other Violations.** Except where a specific civil penalty is provided in subdivisions (a) – (c) of this section, any person who violates any provision of this title will be liable in a civil action brought by the civil prosecutor under Sections 91104 and 91109, or the elected city attorney under Sections 91104, subdivision (d), and Section 91109, for an amount up to \$5,000 per violation.
- (e) **Amount of Liability.** In determining the amount of liability, the court may take into account the seriousness of the violation and the degree of the defendant's culpability.
- (f) **Distribution of Judgment.** If a judgment is entered against the defendant(s) in an action brought under this section, the plaintiff will receive 50% of the amount recovered. The remaining 50% will be deposited in the state's General Fund. In an action brought by the civil prosecutor, the entire amount recovered will be paid to the general fund or treasury of the jurisdiction.
- (g) **One Judgment.** No more than one judgment on the merits for any violation may be obtained. Actions brought for the same violation(s) will have precedence for trial in order of the time filed. Such actions must

be dismissed once judgment has been entered or a settlement approved by the court in a previously filed action. The court may dismiss a pending action without prejudice to any other action for failure of the plaintiff to proceed diligently and in good faith. The action may be so dismissed on motion of the civil prosecutor or any plaintiff in an action based on the same violation.

§ 91108. Remedies for Advertisement Violations. (84510)

- (a) In addition to the remedies provided for in this article, any person who violates the advertisement requirements under Chapter 7, Article 2 (commencing with Section 87200) is liable in a civil or administrative action brought by the Commission or any person for a fine up to three times the cost of the advertisement, including placement costs.
- (b) The remedies provided in subdivision (a) also apply to any person who purposely causes any other person to violate any provision of this article or who aids and abets any other person in a violation.
- (c) If a judgment is entered against the defendant(s) in an action brought under this section, the plaintiff will receive 50% of the amount recovered. The remaining 50% will be deposited in the state's General Fund. In an action brought by a civil prosecutor other than the Commission, 50% will be deposited in the account of the agency bringing the action and 50% will be paid to the state's General Fund. In an action brought by the Commission, the entire amount recovered will be paid to the state's General Fund.

§ 91109. Procedure for Civil Actions. (91007)

- (a) **Written Request.** Before filing a civil action under Sections 91104 and 91107, persons must first file a written request with the civil prosecutor to commence the action. The request must include a statement of the grounds for believing a cause of action exists. The civil prosecutor will respond to the person in writing, indicating whether the civil prosecutor intends to file a civil action.
 - (1) If the civil prosecutor responds in the affirmative and files suit within 120 days from receipt of the written request to commence the action, no other action may be brought unless the action brought by the civil prosecutor is dismissed without prejudice as provided for in Section 91007, subdivision (g).
 - (2) If the civil prosecutor responds in the negative within 120 days from receipt of the written request to commence the action, the person requesting the action may file a civil action upon receiving the response. If the civil prosecutor does not respond within 120 days, the civil prosecutor is considered to have provided a negative written response to the person requesting the action on the 120th day, and the person is considered to have received that response.
 - (3) The time period within which a civil action may be commenced, as set forth in Section 91114, will be tolled from the date of receipt by the civil prosecutor of the written request to either:
 - (i) the date that the civil action is dismissed without prejudice; or
 - (ii) the date of receipt of the negative response from the civil prosecutor.This only applies to a civil action brought by the person who requested the civil prosecutor to commence the action.
- (b) **Serve the Commission.** Any person filing a complaint, cross-complaint or other initial pleading in a civil action under Section 91107 must, within 10 days of filing the complaint, cross-complaint, or initial pleading, serve on the Commission a copy of the complaint, cross-complaint, or initial pleading or a notice containing all of the following:
 - (1) The case's full title and number.
 - (2) The court in which the case is pending.
 - (3) The name and address of the attorney for the person filing the complaint, cross-complaint, or other initial pleading.
 - (4) A statement that the case raises issues under the Political Reform Act.
- (c) **Failure to Comply.** No complaint, cross-complaint, or other initial pleading may be dismissed for failure to comply with subdivision (b).

§ 91110. Campaign Disclosure Violations; Request to Civil Prosecutor. (91010)

No request to the civil prosecutor under Section 91109 may be made or filed in connection with a report or statement required by Chapter 4 (commencing with Section 84100) until the time when an audit and investigation could begin under Section 91003.

§ 91111. Civil Action Precluded. (91008.5, 91005.5)

- (a) No civil action may be filed under Section 91104, 91107, or 91109 against any person for any violations of this title after the Commission has issued an order under Sections 91115 through 91119 against that person for the same violation.
- (b) No civil action alleging a violation of this title may be filed against a person under this section if the criminal prosecutor is maintaining a criminal action against that person under Section 91106.

§ 91112. Injunction. (91003)

- (a) Any person residing in the jurisdiction may sue for injunctive relief to enjoin violations or to compel compliance with this title. The court may require any plaintiff other than the Commission to file a complaint with the Commission before seeking injunctive relief. The court may award to a plaintiff or defendant who prevails the costs of litigation, including reasonable attorney's fees.
- (b) On a preliminary showing in an action brought by a person residing in the jurisdiction that a violation of Chapter 9, Article 1 (commencing with Section 89100), Chapter 9.5, Article 2 (commencing with Section 89520), Section 89501, or of a disqualification provision of a Conflict of Interest Code has occurred, the court may restrain the execution of any official action related to the violation, pending final adjudication. If it is ultimately determined that a violation has occurred and that the official action might not otherwise have been taken or approved, the court may set the official action aside as void. The official actions covered by this subdivision include, but are not limited to, orders, permits, resolutions and contracts, but do not include the enactment of any state legislation. In considering the granting of preliminary or permanent relief under this subdivision, the court will accord due weight to any injury that innocent persons relying on the official action may suffer.

§ 91113. Injunction to Compel Disclosure. (90009)

- (a) To further this title's purpose, the Commission may seek injunctive relief in a superior court to compel disclosure consistent with this title.
- (b) A court will grant expedited review to an action filed under subdivision (a) as follows:
 - (1) The court will conduct an expedited hearing with an opportunity for the defendant to respond.
 - (2) The parties' briefs will be required under an expedited schedule.
- (c) A superior or appellate court may, at its discretion, grant a stay of an order granting relief under subdivision (a).

§ 91114. Statute of Limitations; Civil Actions. (91011)

- (a) No civil action alleging a violation in connection with a report or statement required by Chapter 4 (commencing with Section 84100) may be filed more than four years after an audit could begin as set forth in Section 91002, or more than one year after the Franchise Tax Board forwards its report to the commission, under Section 91006, of any audit conducted of the alleged violator, whichever period is less.
- (b) No civil action alleging a violation of any provisions of this title, other than those described in subdivision (a), may be filed more than four years after the date the violation occurred.

§ 91115. Liability for Violations; Administrative. (83116.5)

- (a) Any person is liable under this chapter if that person has filing or reporting obligations under this title, or receives compensation for services that involve planning, organizing, or directing any activity regulated or required by this title, and
 - (1) Violates this title,
 - (2) Purposely or negligently causes a person to violate this title, or
 - (3) Aids and abets a person in violating this title.
- (b) A violation of this section does not constitute an additional violation under this article.

§ 91116. Administrative Proceedings. (91005.5)

- (a) No administrative action brought under this article alleging a violation of any of this title may be commenced more than five years after the violation's date.
- (b) Service of the probable cause hearing notice, as required by Section 90220, upon the person alleged to have violated this title constitutes the administrative action's commencement.
- (c) If the person alleged to have violated this title engages in fraudulent concealment of the person's acts or identity, the five-year period will be tolled for the period of concealment. Under this subdivision, "fraudulent concealment" means the person knows of material facts related to the person's duties under this title and knowingly conceals these facts in performing or omitting to perform those duties, for the purpose of defrauding the public of information to which it is entitled under this title.
- (d) If, upon being ordered by a superior court to produce any documents sought by a subpoena in any administrative proceeding under this article, the person alleged to have violated this title fails to produce documents under the order by the date ordered, the five-year period will be tolled for the period of delay from the date of filing of the motion to compel until the date the documents are produced.

§ 91117. Findings of Probable Cause; Requirements. (83115.5)

The Commission will not find probable cause to believe this title has been violated unless, at least 21 days before the Commission's consideration of the alleged violation, the person alleged to have violated this title is notified of the violation by service of process or registered mail with return receipt requested, provided with a summary of the evidence, and informed of the right to be present in person and represented by counsel at any Commission proceeding to consider whether probable cause exists for believing the person violated this title. Notice to the alleged violator will be deemed made on the date of service, the date the registered mail receipt is signed, or if the registered mail receipt is not signed, the date returned by the post office. A proceeding held to consider probable cause will be private unless the alleged violator files with the Commission a written request that the proceeding be public.

§ 91118. Violation of Title; Administrative. (83116)

- (a) When the Commission determines there is probable cause for believing this title has been violated, it may hold a hearing to determine if a violation has occurred. Notice must be given and the hearing conducted under the Administrative Procedure Act, commencing with Government Code Section 11340. The Commission has all the powers granted by that chapter. When the Commission determines on the basis of the hearing that a violation has occurred, it will issue an order that may require the violator to do all or any of the following:
 - (1) Cease and desist violation of this title.
 - (2) File any reports, statements, or other documents or information required by this title.
 - (3) Pay a monetary penalty of up to \$5,000 per violation to the state's General Fund.
- (b) When the Commission determines that no violation has occurred, it will publish a declaration so stating.

§ 91119. Administrative Law Judge; Rejection. (86116.3)

Whenever the Commission rejects an administrative law judge's decision made under Section 11517, the Commission must state the reasons in writing for rejecting the decision.

§ 91120. Judicial Review. (83120)

An interested person may seek judicial review of any Commission action.

§ 91121. Judicial Advancement of Action. (83121)

If judicial review is sought of any Commission action relating to a pending election, the matter must be advanced on the court's docket and put ahead of other actions. The court may, consistent with due process of law, shorten deadlines and take other steps necessary to permit a timely decision.

§ 91122. Late Filing of Statement or Report; Fees. (91013)

- (a) If any person files an original statement or report after any deadline imposed by this act, the person will, in addition to any other penalties or remedies established by this act, be liable in the amount of \$10 per day after the deadline until the statement or report is filed to the required officer.
 - (1) The filing officer need not enforce liability if the filing officer determines on an impartial basis that the late filing was not willful and that enforcing the liability will not further the Act's purposes.
 - (2) No liability may be waived if, after the filing officer has sent specific written notice of the filing requirement, a statement or report is not filed within the following timeframes.
 - (A) 30 days for a statement of economic interest, other than a candidate's statement filed under Section 89201.
 - (B) 5 days for a campaign statement required to be filed 12 days before an election.
 - (C) 10 days for all other statements or reports.
- (b) If any person files a copy of a statement or report after any deadline imposed by this act, that person will, in addition to any other penalties or remedies established by this chapter, be liable in the amount of \$10 per day, starting 10 days, or five days in the case of a campaign statement required to be filed 12 days before an election, after the officer has sent specific written notice of the filing requirement and until the statement is filed.
- (c) The officer will deposit any funds received under this section into the general fund of the officer's jurisdiction. No liability under this section may exceed the cumulative amount stated in the late statement or report, or \$100, whichever is greater.

§ 91123. Filing Officer; Collection of Penalties and Fees. (91013.5)

- (a) In addition to any other available remedies, any filing officer may bring a civil action and obtain a judgment in superior court to collect any unpaid monetary penalties, fees, or civil penalties imposed under this title. The action may be filed as a small claims, limited civil, or unlimited civil case, depending on the jurisdictional amount. The venue for this action will be in the county where the monetary penalties, fees, or civil penalties were imposed by the filing officer. To obtain a judgment in a proceeding under this section, the filing officer must show, following the procedures and rules of evidence in ordinary civil actions, all of the following:
 - (1) The monetary penalties, fees, or civil penalties were imposed following the procedures in this title and implementing regulations.
 - (2) The defendant or defendants in the action were notified, by actual or constructive notice, of the imposition of the monetary penalties, fees, or civil penalties.
 - (3) That a demand for payment has been made by the filing officer and full payment has not been received.
- (b) A civil action brought under subdivision (a) must be commenced within four years after the date on which the monetary penalty, fee, or civil penalty was imposed.

§ 91124. Commission; Collection of Penalties. (91013.7)

- (a) If the time for judicial review of a final Commission order or decision has lapsed, or if all means of judicial review of the order or decision have been exhausted, the Commission may apply to the clerk of the court for a judgment to collect the penalties imposed by the order or decision, or the order as modified in accordance with a decision on judicial review.
- (b) The application, which must include a certified copy of the order or decision, or the order as modified in accordance with a decision on judicial review, and proof of service of the order or decision, constitutes a sufficient showing to warrant issuance of the judgment to collect the penalties. The clerk of the court must enter the judgment immediately in conformity with the application.
- (c) An application made under this section must be made to the clerk of the superior court in the county where the monetary penalties, fees, or civil penalties were imposed by the Commission.
- (d) A judgment entered under this section has the same force and effect as, and is subject to all the provisions of law relating to, a judgment in a civil action and may be enforced in the same manner as any other judgment of the court in which it is entered.
- (e) The Commission may bring an application under this section only within four years after the date on which the monetary penalty, fee, or civil penalty was imposed.
- (f) The remedy available under this section is in addition to those available under Section 91123 or any other law.

§ 91125. Costs; Attorney Fees; Bond. (91012)

The court may award to a plaintiff or defendant other than an agency, who prevails in any action authorized by this title, the costs of litigation, including reasonable attorney's fees. On motion of any party, a court will require a private plaintiff to post a bond in a reasonable amount at any stage of the litigation to guarantee payment of costs.

§ 91126. Conflicts of Interest Violation. (91003.5)

Any person who violates a provision of Chapter 9, Article 2 (commencing with Section 89200), Article 3 (commencing with Section 89300), Article 4 (commencing with Section 89400), or Section 89501 is subject to discipline by that person's agency, including dismissal, consistent with any applicable civil service or other personnel laws, regulations, and procedures.

§ 91127. Applicability of Other State Law. (91014)

Nothing in this chapter exempts any person from any other applicable state laws.