

1 Adopt 2 Cal. Code of Regulations Section 18247.5 to read:

2 **§ 18247.5. Primarily Formed Committees.**

3 (a) A “primarily formed” committee, as defined in Section 82047.5 and this regulation,
4 is a recipient committee under Section 82013(a) that supports or opposes a single candidate or
5 measure, or a specific group of measures or local candidates on the same ballot. (In contrast, a
6 “general purpose” committee, defined in Section 82027.5 and Regulation 18227.5, supports
7 multiple candidates or ballot measures.)

8 (b) Filing. Under Section 84215, a primarily formed committee files in the jurisdiction
9 where the candidate(s) or measure(s) it is primarily formed to support or oppose normally file(s)
10 their campaign statements.

11 (c) Special Requirements for Primarily Formed Committees. In addition to other
12 applicable provisions of the Act and regulations, a primarily formed committee must
13 automatically file preelection statements under Section 84200.5 and 84200.7 or 84200.8; must
14 comply with the committee name and identification of donors requirements of Sections 84107,
15 84503 and 84504, if supporting or opposing a ballot measure; must comply with the committee
16 name rules of Regulation 18402(c)(3) if supporting or opposing candidate(s); must file online
17 90-day reports under Section 85309 if supporting or opposing a state ballot measure; and is
18 subject to mandatory audit if a state committee.

19 (d) Definition. For purposes of Section 82047.5, a recipient committee under Section
20 82013(a) is considered to be “formed or existing primarily to support or oppose” a candidate or
21 measure if:

22 (1) The committee is created for the purpose of or is involved in running the principal
23 campaign for or against the candidate(s) or measures(s) as listed in subdivision (d)(3) below; or

1 (2) The committee makes more than 70 percent of its total contributions and expenditures
2 on all candidates and measures (not including administrative overhead) on those specific
3 candidates(s) or measure(s) as listed in subdivision (d)(3) below, during the immediately
4 preceding 24 months.

5 (3)(A) A single candidate. A committee formed or existing primarily to support or
6 oppose a single candidate includes a committee that makes contributions and expenditures for a
7 particular candidate and against that candidate's opponent(s).

8 (B) A single measure.

9 (C) A group of specific candidates being voted upon in the same city, county, or
10 multicounty election.

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

13 (e) Review.

14 (1) A committee whose spending is concentrated on candidate(s) or measure(s) as listed
15 in subparagraphs (d)(3)(A), (B), (C) or (D), shall determine whether it is primarily formed at the
16 close of the semi-annual reporting periods in June and December, 90 days before the date on
17 which the state candidate(s) or measure(s) appear on the ballot, and at the close of the pre-
18 election reporting periods specified in Sections 84200.7 or 84200.8 for that election.

19 (2) Newly organized committees.

20 (A) A committee that files its initial statement of organization within six months of an
21 election in connection with which the committee makes contributions and expenditures shall
22 determine whether it is primarily formed at the end of each month prior to the election.

1 (B) A committee that files its initial statement of organization within six months of a
2 statewide primary or general election or within 30 days after a declaration calling a special
3 election for a state elective office and makes at least \$25,000 in independent expenditures to
4 support or oppose a state candidate or state measure(s) as listed in subparagraphs (d)(3)(A), (B),
5 or (D), is presumed to be, and shall report as, a primarily formed committee. This presumption
6 can be rebutted when the committee's contributions and expenditures on multiple candidates or
7 measures in different jurisdictions or elections demonstrate that it is not primarily formed and the
8 committee may amend its statement of organization to identify itself as a general purpose
9 committee pursuant to Regulation 18227.5.

10 (f) *File as Primarily Formed through the Election.* A committee that is or becomes
11 primarily formed within 90 days prior to an election shall maintain that status and file disclosure
12 reports as a primarily formed committee up to the date of that election and continuing until the
13 end of the post-election reporting period.

14 (g) *Change of Status.*

15 (1) An existing general purpose committee is not required to change its filing status to a
16 primarily formed committee unless it meets the requirements in subdivision (d) and it makes at
17 least \$100,000 of contributions and/or expenditures if supporting or opposing a *state* candidate or
18 measure(s) listed in subparagraphs (d)(3)(A), (B), or (D), or at least \$10,000 of contributions
19 and/or expenditures if supporting or opposing *local* candidate(s) or measure(s) listed in
20 subparagraphs (d)(3)(A), (B), (C), or (D).

21 (2) An existing general purpose committee that is the sponsor of a primarily formed
22 ballot measure or candidate committee under Section 82048.7 and whose only activity on behalf

1 of the measure or candidate is to make contributions to that primarily formed committee is not
2 required to change its own status to a primarily formed committee based on those contributions.

3 (3) A committee that was primarily formed for the election of a candidate or measure,
4 but after that election continues to exist to support or oppose different candidates or measures in
5 the future, may remove the candidate or measure name from the committee name and change its
6 status following the election, as long as the committee is not raising funds to pay debt from the
7 election.

8 (h) *Avoidance of Disclosure.* A committee shall not knowingly file in an incorrect
9 jurisdiction or as an incorrect type of committee, with the intention of avoiding the appropriate
10 legal disclosure of campaign contributions and expenditures to the public.

11 Note: Authority cited: Section 83112, Government Code. Reference: Section 82047.5,
12 Government Code.