

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

2 **Regulation 18360.1. Eligibility Requirements and Considerations for Campaign Violations**
3 **– Streamline (Tiers One and Two), Warning Letters and the Political Reform Education**
4 **Program (PREP).**

5 (a) Filers may voluntarily resolve violations of the Political Reform Act by accepting a
6 warning letter, completing the Political Reform Education Program (PREP), paying a Tier One
7 Streamline penalty, paying a Tier Two Streamline penalty, or paying a Mainline penalty. The
8 Chief of Enforcement will determine the appropriate form and amount of penalty to offer in
9 settlement for a violation depending on the circumstances. Mitigating circumstances result in
10 consideration of issuance of a Warning Letter or participation in PREP instead of a Streamline
11 penalty. Aggravating circumstances result in the consideration of either the Tier Two Streamline
12 Program or a Mainline Stipulation. A Mainline Stipulation generally results in a higher penalty
13 and includes a full description of the violation and surrounding events.

14 (b) Types of Violations Eligible for a Streamline Penalty.

15 (1) Late Campaign Statements and Reports.

16 (2) Unreported Contributions and Expenditures.

17 (3) Cash Contribution(s) or Expenditure(s) of \$100 or More.

18 (4) Campaign Bank Account.

19 (5) Committee Naming.

20 (6) Advertising and Mass Mailing Disclosures.

21 (7) Slate Mailer Organization Filing Issues.

22 (8) Recordkeeping.

23 (9) Major Donor Notifications.

- 1 (10) Major Donor Filers.
- 2 (11) Contribution Limits.
- 3 (12) Section 84308.
- 4 (13) Recurring Contributions.
- 5 (c) Penalty Amount. Penalties are not issued for a Warning Letter or completion of PREP.
- 6 The streamline penalty for each violation is found in Regulation 18360.3.
- 7 (d) General Requirements for Eligibility, Considerations, Factors, and Exclusions.
- 8 (1) General Eligibility Requirements for both Streamline Programs:
- 9 (A) Sign and submit to the Commission a streamline stipulation, decision, and order on a
- 10 form provided by the Commission,
- 11 (B) Pay a proposed penalty by cashier's check, electronic payment, or money order in an
- 12 amount as determined in Regulation 18360.3, and
- 13 (C) The same candidate, committee, or principal officer has not paid a prior penalty to the
- 14 Commission for the same type of violation in the same tier occurring within the last five years.
- 15 (2) General Eligibility Requirements for PREP:
- 16 (A) Respondent meets all the requirements listed in the PREP agreement.
- 17 (B) Respondents have not participated in PREP or been ordered to pay a penalty for the
- 18 same type of violation occurring within the last five years.
- 19 (C) Respondent has little or no experience with the section of this title that they violated.
- 20 (3) General Eligibility Considerations for Issuance of a Warning Letter:
- 21 (A) Low level of experience and sophistication of the party.
- 22 (B) Lack of experience or knowledge of the Act's requirements caused multiple
- 23 violations with minimal public harm that were corrected upon contact.

- 1 (C) Self-reported violations before public discovery.
- 2 (D) Violations resulted in minimal public harm, including low activity during the missing
3 or late reporting period, low amount raised and spent for the election, and amount was a small
4 percentage of overall activity.
- 5 (E) Committee has terminated.
- 6 (F) Unsuccessful or never obtained the office.
- 7 (G) Illness, incapacitation, death, or otherwise unable to perform duties.
- 8 (H) Fraudulent activity of another caused the violation.
- 9 (I) Activity was reported by other participant in the transaction.
- 10 (J) Activity was reported timely on another campaign statement of the filer.
- 11 (K) The same candidate, committee, or principal officer has not been issued a Warning
12 Letter for the same type of violation occurring within the last five years.
- 13 (e) Exclusions from both Streamline Programs, PREP and Warning Letters include:
14 (1) Any evidence of an intent to conceal or violate the Political Reform Act or regulations
15 relating to the Act.
- 16 (2) Presented the FPPC false or altered evidence or made false statements to the FPPC
17 regarding material facts.
- 18 (3) Evidence of intentional interference with a witness in the FPPC matter.
- 19 (4) The extent and gravity of the public harm is more than minimal.
- 20 (5) Has other violations under review for prosecution that do not qualify for these
21 programs.
- 22 (f) Specific Requirements for Eligibility.

1 (1) Late Campaign Statements and Reports. Respondents who failed to timely file a
2 campaign statement or report must file the late statement or report with the appropriate agency
3 unless the relevant information was reported by the person elsewhere or the FPPC determines
4 that the information has been sufficiently disclosed in the stipulation and/or other filings.

5 (A) Considerations for a Warning Letter include:

6 (i) The committee had not more than \$2,000 of activity for the statement period.

7 (ii) The committee filed an electronic (or paper) statement or report timely for the same
8 period.

9 (iii) Activity was unrelated to the election that triggered filing requirements.

10 (iv) The late statement or report was filed more than three days prior to the relevant
11 election.

12 (v) Activity was reported timely on another campaign statement of the filer.

13 (vi) The candidate or candidate's wholly owned business was the source of 75% or more
14 of the funds disclosed on the late statement or report.

15 (vii) The statement was filed in the wrong jurisdiction.

16 (viii) Raised or spent not more than \$10,000 for the election.

17 (ix) Contributions and expenditures on the late statement or report totaled not more than
18 \$5,000 for county or city committees or not more than \$10,000 for state committees.

19 (x) Fraudulent activity of other caused the violation.

20 (B) Exclusions from the Tier One Streamline Program include:

21 (i) The campaign statement or report at issue reported contributions and expenditures
22 totaling \$25,000 or greater for city and county committees in jurisdictions with a population of

1 one million people or less, or \$50,000 or greater for state committees and city and county
2 committees in jurisdictions with a population of over one million.

3 (ii) A 24-Hour Report required to be filed by a committee as defined in Section 82013 (a)
4 and (b) during the last 16 days before the election and not filed before the election unless the
5 amount required to be reported was de minimis in relation to the total campaign.

6 (iii) A 24-Hour Report required to be filed by a committee as defined in Section 82013
7 (a) and
8 (b) and not filed before the election if the contribution or expenditure was not reported on
9 another report or statement filed by the committee before the election.

10 (C) Violations eligible for possible inclusion in PREP:

11 (i) Committees whose violations qualified for Tier One.

12 (ii) Committees excluded from Tier One as a result of three or less 24-Hour Reports
13 required to be filed by a committee as defined in Section 82013 (a) and (b) during the last 16
14 days before the election and not filed before the election, unless the amount required to be
15 reported was \$25,000 or greater for city and county committees in jurisdictions with a population
16 of one million people or less, or \$50,000 or greater for state committees and city and county
17 committees in jurisdictions with a population of over one million.

18 (iii) Committees excluded from Tier One as a result of three or less 24-Hour Reports
19 required to be filed by a committee as defined in Section 82013 (a) and (b) and not filed before
20 the election if the contribution or expenditure was not reported on another report or statement
21 filed by the committee before the election, unless the amount required to be reported was
22 \$25,000 or greater for city and county committees in jurisdictions with a population of one

1 million people or less, or \$50,000 or greater for state committees and city and county committees
2 in jurisdictions with a population of over one million.

3 (D) Violations eligible for possible inclusion in the Tier Two Streamline Program include:

4 (i) Committees excluded from Tier One as a result of the activity amount for the reporting
5 period was \$25,000 or greater for city and county committees in jurisdictions with a population
6 of one million people or less, or \$50,000 or greater for state committees and city and county
7 committees in jurisdictions with a population of over one million but limited to a maximum of
8 \$100,000 in activity.

9 (ii) Committees excluded from Tier One as a result of a 24-Hour Report required to be
10 filed by a committee as defined in Section 82013 (a) and (b) during the last 16 days before the
11 election and not filed before the election, if the amount required to be reported was \$25,000 or
12 greater for city and county committees in jurisdictions with a population of one million people or
13 less, or \$50,000 or greater for state committees and city and county committees in jurisdictions
14 with a population of over one million but limited to a maximum of \$100,000.

15 (iii) Committees excluded from Tier One as a result of a 24-Hour Report required to be
16 filed by a committee as defined in Section 82013 (a) and (b) and not filed before the election if
17 the contribution or expenditure was not reported on another statement or report filed by the
18 committee before the election, if the amount required to be reported was \$25,000 or greater for
19 city and county committees in jurisdictions with a population of one million people or less, or
20 \$50,000 or greater for state committees and city and county committees in jurisdictions with a
21 population of over one million but limited to a maximum of \$100,000.

22 (2) Unreported Contributions and Expenditures. Respondents who failed to timely
23 complete a campaign statement or report must file the necessary amendments with the

1 appropriate agency unless the relevant information was reported by the person elsewhere or the
2 FPPC determines that the information has been sufficiently disclosed in the stipulation and/or
3 other filings.

4 (A) Considerations for a Warning Letter include:

5 (i) The unreported contributions or expenditures per campaign statement or report totaled
6 not more than \$5,000 for city and county committees in jurisdictions with a population of one
7 million people or less or totaled not more than \$10,000 for state committees and city and county
8 committees in jurisdictions with a population of over one million.

9 (ii) Activity was unrelated to the election that triggered filing requirements.

10 (B) Inclusion in Tier One Streamline Program and PREP include:

11 (i) The unreported contributions or expenditures per campaign statement or report totaled
12 not more than \$10,000 for city and county committees in jurisdictions with a population of one
13 million people or less or totaled not more than \$25,000 for state committees and city and county
14 committees in jurisdictions with a population of over one million.

15 (C) Violations eligible for possible inclusion in the Tier Two Streamline Program include:

16 (i) The unreported contributions or expenditures per campaign statement or report totaled
17 not more than \$50,000 for county or city committees in jurisdictions with a population of one
18 million people or less or not more than \$100,000 for state committees and city and county
19 committees in jurisdictions with a population of over one million.

20 (3) Cash Contribution(s) or Expenditure(s) of \$100 or More. Cash means legal tender and
21 cashier's checks, or similar instruments which are not drawn on the contributor's account and that
22 does not include the name of the contributor on its face. Refund to the source of the contribution
23 or the State of California General Fund, if the source of a contribution cannot be located or is

1 otherwise unavailable to receive the returned contribution. Disclose the source of the
2 contribution(s) or recipient(s) of the expenditure(s) on the appropriate campaign statement(s) or
3 report(s).

4 (A) Considerations for a Warning Letter include:

5 (i) The total amount of cash of \$100 or more received or spent for the reporting period
6 was not more than \$500.

7 (B) Exclusions from PREP and the Tier One Streamline Program include:

8 (i) Failure to timely disclose more than a de minimis amount of cash contributions or
9 expenditures on a campaign statement or report.

10 (ii) The total amount of cash of \$100 or more for the reporting period exceeded \$5,000.

11 (iii) The person made personal use of campaign funds.

12 (iv) The campaign records were insufficient to determine if use of cash concealed other
13 violations.

14 (C) Exclusions from the Tier Two Streamline Program include:

15 (i) The person made personal use of campaign funds.

16 (D) Violations eligible for possible inclusion in the Tier Two Streamline Program include:

17 (i) Committees excluded from Tier One as a result of failing to timely disclose cash
18 contributions or expenditures on a campaign statement or report if the total amount of cash was
19 not more than \$10,000.

20 (ii) Committees excluded from Tier One as a result of the total amount of cash for the
21 reporting period exceeded \$5,000 but was not greater than \$10,000.

22 (4) Campaign Bank Account. Disclose the contribution(s) or expenditure(s) on the
23 appropriate campaign statement(s) or report(s).

1 (A) Considerations for a Warning Letter include:

2 (i) The contribution(s) or expenditure(s) was reported timely on the correct campaign
3 statement or report of the committee.

4 (ii) The candidate or the candidate's wholly owned business was the source of 50% or
5 more of the committee's overall contributions.

6 (iii) The activity was isolated to the beginning of the campaign.

7 (B) Exclusions from the Tier One Streamline Program include:

8 (i) The total amount raised and spent for the campaign was more than \$10,000 and the
9 total contributions not deposited in the campaign bank account during the statement period
10 exceeded 10% of the total contributions received for that period.

11 (ii) The total amount raised and spent for the campaign was more than \$10,000 and the
12 total expenditures not made from the campaign bank account during the statement period
13 exceeded 10% of the total expenditures made for that period.

14 (iii) The total amount of activity not deposited into or made from the campaign bank
15 account exceeded \$10,000.

16 (iv) The person made personal use of campaign funds.

17 (v) The campaign records were insufficient to determine if use of another account
18 concealed other violations.

19 (C) Violations eligible for possible inclusion in PREP include:

20 (i) The total amount raised and spent for the campaign was not more than \$5,000 and the
21 activity was reported prior to the relevant election.

1 (ii) The total amount raised and spent for the campaign was not more than \$10,000, at
2 least 50% of which was from the candidate or the candidate's wholly owned business, and the
3 activity was reported prior to the relevant election.

4 (D) Exclusions from the Tier Two Streamline Program include:

5 (i) The person made personal use of campaign funds.

6 (ii) The campaign records were insufficient to determine if use of another account
7 concealed other violations.

8 (E) Violations eligible for possible inclusion in the Tier Two Streamline Program include:

9 (i) Committees excluded from Tier One as a result of the total contributions not deposited
10 in the campaign bank account during the statement period exceeded 10% but was not more than
11 40% of the total contributions received for that period.

12 (ii) Committees excluded from Tier One as a result of the total expenditures not made
13 from the campaign bank account during the statement period exceeded 10% but was not more
14 than 40% of the total expenditures made for that period.

15 (iii) Committees excluded from Tier One as a result of the total amount of activity not
16 deposited into or made from the campaign bank account exceeded \$10,000 but was not more
17 than \$25,000.

18 (5) Committee Naming. Committee name must be amended to comply with committee
19 naming requirements.

20 (A) Considerations for a Warning Letter include:

21 (i) Name included essentially all required elements and was not misleading.

22 (B) Exclusions from PREP and Tier One Streamline Program include:

23 (i) Name was misleading or ambiguous.

1 (ii) Incorrect name caused advertisements to be incorrect and when included on an
2 advertisement, the incorrect name is likely to result in confusion regarding the identity of the
3 committee responsible for the advertisement.

4 (iii) Incorrect name failed to disclose a major contributor, major donor, or sponsor.

5 (iv) The committee had activity over \$10,000 for the reporting period during which the
6 committee’s name was incorrect.

7 (C) Exclusions from the Tier Two Streamline Program include:

8 (i) Name was intentionally misleading or ambiguous.

9 (D) Violations eligible for possible inclusion in the Tier Two Streamline Program include:

10 (i) Committees excluded from Tier One as a result of the incorrect name caused
11 advertisements to be incorrect.

12 (ii) Committees excluded from Tier One as a result of the incorrect name failed to
13 disclose a single major contributor, major donor, or sponsor.

14 (iii) Committees excluded from Tier One as a result of the committee had activity over
15 \$10,000 but not more than \$50,000 for the reporting period during which the committee’s name
16 was incorrect.

17 (6) Advertising and Mass Mailing Disclosures. Correction of the advertisement or mass
18 mailing, if feasible, was done.

19 (A) Examples of minor violations that may qualify for PREP or a Tier One streamline
20 penalty include the following:

21 (i) Failure to include “paid for by” or “ad paid for by” in the same manner and
22 immediately adjacent to a committee name.

1 (ii) Disclosures in a font type, color, position, or size that does not comply with a
2 requirement but was as legible as the requirement.

3 (iii) Disclosures that include a committee name that does not match the name as stated in
4 the statement of organization but clearly identifies the source of the advertisement.

5 (iv) Failure to include a street address but other identifying information, such as a website
6 address, was included.

7 (v) Inadvertent failure to list top contributors in proper order but they are all included.

8 (vi) Required size or duration of disclosure was not correct, but the disclaimer was
9 identifiable, and the remainder of the disclosure was correct.

10 (vii) Failure to use the precise disclaimer language but the remainder of the disclosure
11 was correct.

12 (B) Exclusions from PREP and the Tier One Streamline Program include:

13 (i) The violation was likely to result in confusion regarding the identity of the candidate
14 or committee responsible for the advertisement.

15 (ii) b. The advertisement or mass mailing contains two or more of the following missing
16 or incorrect disclosures: (1) the committee name requirement, (2) top contributor information
17 (top contributor must be substantially correct), or (3) the statement that the advertisement was
18 not authorized by a candidate or committee controlled by a candidate.

19 (C) Violations eligible for possible inclusion in the Tier Two Streamline Program include:

20 (i) The violation resulted from a lack of committee formation through ignorance of the
21 requirements and the committee raised not more than \$25,000 and spent not more than \$25,000.

1 (ii) The violation was inadvertent or negligent and was disclosed on a campaign
2 statement or report of the committee but was likely to result in confusion regarding the identity
3 of the candidate or committee responsible for the advertisement.

4 (iii) The advertisement or mass mailing contains no more than three of the following
5 missing or incorrect disclosures: (1) top contributor information (top contributor must be
6 substantially correct), (2) the statement that the advertisement was not authorized by a candidate
7 or committee controlled by a candidate, or (3) the committee name requirement. Only one of the
8 errors can be a top contributor.

9 (7) Slate Mailer Organization Filing Issues. Slate Mailer Organizations only qualify for
10 possible participation in the Commission's Tier One Streamline Program if they have also filed
11 timely campaign statements and reports as a committee under the Political Reform Act disclosing
12 essentially all the information required to be reported by the late filed slate mailer organization
13 campaign statements and reports.

14 (8) Recordkeeping. Violations charged by calendar year unless discretion used by Chief.

15 (A) Considerations for a Warning Letter include:

16 (i) The missing records do not rise to the level to be considered a material violation.

17 (B) Exclusions from PREP and the Tier One Streamline Program include:

18 (i) The lack of recordkeeping inhibited audit efforts.

19 (ii) The lack of recordkeeping made it impracticable to determine if a person substantially
20 complied with the Act's campaign reporting requirements.

21 (iii) The lack of recordkeeping may have inhibited discovery of other violations.

22 (C) Exclusion from the Tier Two Streamline Program include:

23 (i) The lack of recordkeeping appears to be intentional.

1 (D) Violations eligible for possible inclusion in the Tier Two Streamline Program include:

2 (i) The inadvertent or negligent lack of recordkeeping inhibited audit efforts.

3 (ii) The inadvertent or negligent lack of recordkeeping made it impracticable to
4 determine if a person substantially complied with the Act's campaign reporting requirements.

5 (iii) The inadvertent or negligent lack of recordkeeping may have inhibited discovery of
6 other violations.

7 (9) Major Donor Notifications. Respondents qualify for participation in the Tier One
8 Streamline Program if they failed to timely send out major donor notifications required by
9 Section 84105.

10 (A) Considerations for a Warning Letter include:

11 (i) The committee has been in existence not more than one year.

12 (ii) The respondent has not previously been required to send out the major donor
13 notification.

14 (iii) All persons who would have received the notifications timely filed as Major Donors,
15 if required.

16 (10) Major Donor Filers. Respondents who failed to timely file a campaign statement or
17 report as a major donor committee must file the late statement or report with the appropriate
18 agency unless the relevant information was reported by the person elsewhere or the FPPC
19 determines that the information has been sufficiently disclosed in the stipulation and/or other
20 filings.

21 (A) Considerations for a Warning Letter include:

22 (i) First-time major donor filer and the respondent was not sent the major donor
23 notification as required.

1 (ii) Contributions for the calendar year were \$50,000 or less.

2 (iii) A 24-Hour Report was filed prior to the relevant election and disclosed the
3 contributions.

4 (B) Exclusions from PREP and the Tier One Streamline Program include:

5 (i) Contributions for the calendar year exceeded \$75,000.

6 (ii) The contributions also required 24-Hour Reports to be filed within the last 16 days
7 before the relevant election and the recipient of the contribution did not file a 24-Hour Report
8 before the relevant election.

9 (C) Exclusions from the Tier Two Streamline Program include:

10 (i) The contributions also required 24-Hour Reports to be filed within the last 16 days
11 before the relevant election and the recipient of the contribution did not file a 24-Hour Report
12 before the relevant election and the contributions totaled more than \$100,000.

13 (D) Violations eligible for possible inclusion in the Tier Two Streamline Program include:

14 (i) Contributions for the calendar year were not more than \$150,000.

15 (11) Contribution Limits. Respondents who received contributions over the limit or
16 prohibition for violations including Sections 85301, 85302, 85303, 85316, and 85702 must
17 refund the amount over the contribution limit or unlawfully obtained contribution(s) back to the
18 source of the contribution(s) or the State of California General Fund, if the source of a
19 contribution(s) cannot be located or is otherwise unavailable to receive the returned contribution.

20 (A) Considerations for a Warning Letter include:

21 (i) The contribution(s) was reported timely on the correct campaign statement or report of
22 the committee.

1 (ii) The contributions from that source totaled not more than \$50 over the applicable
2 limit.

3 (iii) The contribution was returned or attributed outside the 14 days of receiving the
4 contribution but before the relevant election.

5 (iv) The contribution was outside the 90-day period preceding the relevant election.

6 (B) Inclusion in Tier One Streamline Program and PREP include:

7 (i) The contribution(s) was reported timely on the correct campaign statement or report
8 of the committee.

9 (ii) The contributions from that source totaled not more than \$500 over the applicable
10 limit.

11 (iii) The contribution was outside the 90-day period preceding the relevant election.

12 (C) Violations eligible for possible inclusion in the Tier Two Streamline Program include:

13 (i) Committees excluded from Tier One due to failing to timely disclose a contribution
14 over the limit on the correct campaign statement or report but only if the total amount
15 over the limit was not more than \$500.

16 (ii) Committees excluded from Tier One due to the contribution(s) from that source
17 totaled more than \$500 over the applicable limit, but was not more than \$1,000 over
18 the applicable limit.

19 (iii) Committees excluded from Tier One due to the contribution(s) being within the 90-
20 day period preceding the relevant election but only if the total amount over the limit
21 was not more than \$500.

22 (12) Section 84308. Respondents who received a contribution over the limit and who do
23 not wish to disqualify themselves from the proceeding must refund the amount over the

1 contribution limit back to the source of the contribution(s) or the State of California General
2 Fund, if the source of a contribution(s) cannot be located or is otherwise unavailable to receive the
3 returned contribution.

4 (A) Considerations for a Warning Letter include:

5 (i) The contribution(s) was reported timely on the correct campaign statement or report of
6 the committee.

7 (ii) The contributions received by the officer from that source in the aggregate totaled not
8 more than \$300.

9 (iii) The official returned the contribution after the 30 days but before 60 days from the
10 time the officer knew, or should have known, about the contribution and the
11 proceeding involving a license, permit, or other entitlement for use.

12 (iv) Disclosure on the record of the proceeding was not timely but within 30 days.

13 (B) Inclusion in Tier One Streamline Program and PREP include:

14 (i) The contribution(s) was reported timely on the correct campaign statement or report of
15 the committee, if applicable.

16 (ii) While a proceeding involving a license, permit, or other entitlement for use is
17 pending, and for 12 months following the date a final decision is rendered in the
18 proceeding, an officer accepted, solicited, or directed a contribution of more than
19 \$250 but less than \$500 from any party or a party's agent, or from any participant or a
20 participant's agent while a proceeding was pending with the officer's agency but the
21 proceeding was not before the officer.

22 (iii) The officer did not know or have reason to know that the participant had a financial
23 interest in the decision and received a contribution within the preceding 12 months of

1 more than \$250 from the party or from any participant but did not disclose that fact
2 on the record of the proceeding and the officer has since disclosed the fact in the
3 agency's official records.

4 (iv) A party to a proceeding before an agency disclosed within 60 days on the record of a
5 proceeding or in the agency's official records, any contribution in an amount of more
6 than \$250 made within the preceding 12 months by the party or the party's agent to an
7 officer with the agency but that proceeding was not before that officer.

8 (C) Violations eligible for possible inclusion in the Tier Two Streamline Program include:

9 (i) The officer received a contribution which would otherwise require disqualification and
10 returned the contribution within 60 days from the time the officer knows, or should
11 have known, about the contribution and before the proceeding involving a license,
12 permit, or other entitlement for use, and the officer participated in the proceeding.

13 (ii) The officer accepts, solicits, or directs a contribution of more than \$250 but not more
14 than \$500 during the 12 months after the date a final decision is rendered in the
15 proceeding and returned the contribution, or the portion of the contribution in excess
16 of \$250, within 60 days of accepting, soliciting, or directing the contribution,
17 whichever comes latest.

18 (iii) A party, or agent to a party, to a proceeding before any agency or a participant, or
19 agent to a participant, in the proceeding made a contribution of more than \$250 but
20 not more than \$500 to any officer of that agency during the proceeding or within 12
21 months following the date a final decision is rendered by the agency in the proceeding
22 and the officer to whom the contribution was given did not have the proceeding
23 before them.

1 (11) Recurring Contributions. Respondents who received recurring contributions
2 unlawfully under Section 85701.5 must refund the amount of the unlawfully obtained
3 contribution(s) back to the source of the contribution(s) or the State of California General Fund,
4 if the source of a contribution(s) cannot be located or is otherwise unavailable to receive the
5 returned contribution.

6 (A) Considerations for a Warning Letter include:

7 (i) The contribution(s) was reported timely on the correct campaign statement or report of
8 the committee.

9 (ii) Affirmative consent was incomplete or incorrect but was corrected.

10 (iii) Some receipts were incomplete or incorrect but were corrected.

11 (iv) All the necessary information to cancel the recurring contribution was not included in
12 each communication with the contributor that concerns the contribution but was
13 included in the majority of the communications.

14 (v) A request to cancel or return was not completed timely but within 30 days.

15 (B) Inclusion in Tier One Streamline Program include:

16 (i) The recurring contribution solicitation required affirmative consent from the person
17 making the recurring contribution but was not sent with the initial solicitation but was
18 sent in later soliticitations and the recurring contributions, from that source in the
19 aggregate, were more than \$1,000 but not more than \$10,000.

20 (ii) The recurring contribution solicitation did not provide all necessary information to
21 cancel the recurring contribution in the majority of the communications with the
22 contributor that concerned the contribution and the recurring contributions, from that
23 source in the aggregate, were more than \$1,000 but not more than \$10,000.

1 (iii) The recurring contribution was accepted in response to a solicitation that did not
2 require affirmative consent, was returned to the contributor after 14 days but before
3 60 days of the earlier of receipt of a request from the contributor to return the
4 contribution or the date on which the candidate or committee becomes aware that the
5 solicitation of the recurring contribution was in violation and the recurring
6 contributions, from that source in the aggregate, were more than \$1,000 but not more
7 than \$10,000.

8 (iv) The recurring contribution was accepted after a contributor requested to cancel a
9 recurring contribution and not returned within 14 days but before 60 days of the
10 request to cancel the recurring contribution and the recurring contributions, from that
11 source in the aggregate, were more than \$1,000 but not more than \$10,000.

12 Note: Authority cited: Section 83112, Government Code.