

1 Amend 2 Cal. Code Regs., Section 18360.3 to read:

2 **§ 18360.3. Penalties in Streamline Cases.**

3 Streamline penalty stipulations are approved by the Chief of Enforcement and are
4 reported to the Commission for discussion only before they are executed. The Chief of
5 Enforcement will include those stipulations in the Commission agenda, as a part of the Executive
6 Staff Report. After the close of the hearing, the Chief of Enforcement may execute all or any of
7 the Streamline penalty stipulations, at their discretion. Penalties in streamline cases are not to
8 exceed the prescribed maximum fine amount per violation found in Government Code Section
9 83116, subdivision (c) and the total Streamline penalty should not exceed the amount that would
10 be paid in a Mainline Settlement.

11 The ~~base~~ penalties below can vary in \$100 increments based on the extent and gravity of
12 the public harm caused by the specific violation, the level of experience of the respondent(s) with
13 the requirements of the Political Reform Act, the level of diligence to come into compliance, and
14 the level of cooperation during investigation and in reaching settlement. ~~The Enforcement Chief~~
15 ~~has the discretion to include and exclude violations but must specifically report out inclusion or~~
16 ~~exclusion in the Executive Staff Report.~~

17 (a) Late Campaign Statements or Reports.

18 (1) Tier One Penalty Amount. The penalty for failing to timely file a campaign statement
19 or report is \$200-\$600 plus 1% of contributions received or expenditures made, whichever is
20 greater per late statement or report.

21 (2) Tier Two Penalty Amount. The penalty for failing to timely file a campaign statement
22 or report is \$800-\$1,200 plus 2% of contributions received or expenditures made, whichever is
23 greater, per late statement or report.

1 (b) Unreported Contributions or Expenditures.

2 (1) Tier One Penalty Amount. The penalty for failing to timely report contributions or
3 expenditures is \$100-\$500 plus 1% of the unreported contributions received or expenditures
4 made, whichever is greater, per statement.

5 (2) Tier Two Penalty Amount. The penalty for failing to timely report contributions or
6 expenditures is \$600-\$1,000 plus 2% of the unreported contributions received or expenditures
7 made, whichever is greater, per statement.

8 ~~(a) Late Statement of Economic Interests.~~

9 ~~(1) Tier One Penalty Amount. The penalty for failing to timely file a Statement of~~
10 ~~Economic Interests is \$200-\$600.~~

11 ~~(2) Tier Two Penalty Amount. The penalty for failing to timely file a Statement of~~
12 ~~Economic Interests is \$800-\$1,200.~~

13 ~~(b) Unreported Economic Interest(s) on a Statement of Economic Interests.~~

14 ~~(1) Tier One Penalty Amount. The penalty for failing to timely report an economic~~
15 ~~interest on a Statement of Economic Interests is \$100-\$500.~~

16 ~~(2) Tier Two Penalty Amount. The penalty for failing to timely report an economic~~
17 ~~interest on a Statement of Economic Interests is \$600-\$1,000.~~

18 (c) Cash Contribution(s) or Expenditure(s) of \$100 or More.

19 (1) Tier One Penalty Amount. The penalty for receiving a contribution or making an
20 expenditure of \$100 or more in cash is an amount equal to 50% of the contribution or
21 expenditure, per statement period.

1 (2) Tier Two Penalty Amount. The penalty for receiving a contribution or making an
2 expenditure of \$100 or more in cash is an amount equal to 75%-100% of the contribution or
3 expenditure, per statement period.

4 (d) Campaign Bank Account.

5 (1) Tier One Penalty Amount. The penalty for failing to deposit a contribution into the
6 campaign bank account or failing to make an expenditure from the campaign bank account is
7 \$100-\$500 plus 1% of the amount not processed through the campaign bank account per
8 statement period.

9 (2) Tier Two Penalty Amount. The streamline penalty for failing to deposit a contribution
10 into the campaign bank account or failing to make an expenditure from the campaign bank
11 account is \$600-\$1,000 plus 2% of the amount not processed through the campaign bank account
12 per statement period.

13 (e) Committee Naming.

14 (1) Tier One Penalty Amount. The penalty for failing to name the committee properly is
15 \$200-\$600.

16 (2) Tier Two Penalty Amount. The penalty for failing to name the committee properly is
17 \$800-\$1,200.

18 (f) Advertising and Mass Mailing Disclosures.

19 (1) Tier One Penalty Amount. The penalty for failing to include all required
20 advertisement or mass mailing requirements is \$200-\$600 plus 1% of each advertisement buy.

21 (2) Tier Two Penalty Amount. The penalty for failing to include all required
22 advertisement or mass mailing requirements is \$800-\$1,200 plus 2% of each advertisement buy.

23 (g) Slate Mailer Organization Filing Issues.

1 (1) Penalty Amount. The penalty for failing to properly file slate mailer organization
2 statements is \$400-\$800 per reporting period.

3 (h) Recordkeeping.

4 (1) Tier One Penalty Amount. The penalty for failing to maintain adequate records is
5 \$200-\$600 per calendar year.

6 (2) Tier Two Penalty Amount. The streamline penalty for failing to maintain adequate
7 records is \$800-\$1,200 per calendar year.

8 (i) Major Donor Notifications.

9 (1) Penalty Amount. The penalty for failing to properly notify a potential major donor is
10 \$200-\$600 per reporting period.

11 (j) Late Campaign Statements or Reports (Major Donor Filers).

12 (1) Tier One Penalty Amount. The penalty for failing to timely file a campaign statement
13 or report as a major donor committee is \$200-\$600 per late statement or report.

14 (2) Tier Two Penalty Amount. The penalty for failing to timely file a campaign statement
15 or report as a major donor committee is \$800-\$1,200 per late statement or report.

16 (k) Contribution Limits.

17 (1) Tier One Penalty Amount. The penalty for receiving contributions over the limit or
18 prohibition for violations including Sections 85301, 85302, 85303, 85316, and 85702 is \$500-
19 \$1,000 per contribution over the limit.

20 (2) Tier Two Penalty Amount. The penalty for receiving contributions over the limit or
21 prohibition for violations including Sections 85301, 85302, 85303, 85316, and 85702 is \$1,200-
22 \$2,000 per contribution over the limit.

23 (l) Section 84308.

1 (1) Tier One Penalty Amount. The penalty for violations of Section 84308 is \$400-\$800
2 per contribution or disclosure.

3 (2) Tier Two Penalty Amount. The penalty for violations of Section 84308 is \$1,000-
4 \$1,400 per contribution or disclosure.

5 (m) Recurring Contributions.

6 (1) Tier One Penalty Amount. The penalty for receiving unlawful recurring contributions
7 is \$200-\$600.

8 (2) Tier Two Penalty Amount. The penalty for receiving unlawful recurring contributions
9 is \$800-\$1,200 per incident.

10 (n) Late Statement of Economic Interests.

11 (1) Tier One Penalty Amount. The penalty for failing to timely file a Statement of
12 Economic Interests is \$200-\$600.

13 (2) Tier Two Penalty Amount. The penalty for failing to timely file a Statement of
14 Economic Interests is \$800-\$1,200.

15 (o) Unreported Economic Interest(s) on a Statement of Economic Interests.

16 (1) Tier One Penalty Amount. The penalty for failing to timely report an economic
17 interest on a Statement of Economic Interests is \$100-\$500.

18 (2) Tier Two Penalty Amount. The penalty for failing to timely report an economic
19 interest on a Statement of Economic Interests is \$600-\$1,000.

20 (p) Late Lobbying Reports.

21 (1) Tier One Penalty Amount. The penalty for failing to timely file a lobbying report is
22 \$200-\$600 plus 1% of all payments received or payments made for lobbying activity, whichever
23 is greater, per report.

1 (2) Tier Two Penalty Amount. The penalty for failing to timely file a lobbying report
2 \$800-\$1,200, plus 2% of all payments received or payments made for lobbying activity,
3 whichever is greater, per report.

4 (q) Unreported Lobbying Activity.

5 (1) Tier One Penalty Amount. The penalty for failing to timely report lobbying activity is
6 \$100-\$500 plus 1% of all unreported payments received or payments made for lobbying activity,
7 whichever is greater, per report.

8 (2) Tier Two Penalty Amount. The penalty for failing to timely report lobbying activity is
9 \$600-\$1,000 plus 2% of all unreported payments received or payments made for lobbying
10 activity, whichever is greater, per report.

11 (r) Receipt of a Gift Over the Limit.

12 (1) Tier One Penalty Amount. The penalty for a gift limit violation is \$200-\$600 per gift
13 made or received over the limit.

14 (2) Tier Two Penalty Amount. The penalty for a gift limit violation is \$800-\$1,200 per
15 gift made or received over the limit.

16 (s) Improper Recusal for a Conflict of Interest.

17 (1) Tier One Penalty Amount. The penalty for failing to properly recuse for a conflict of
18 interest is \$400-\$800 per incident.

19 (2) Tier Two Penalty Amount. The penalty for failing to properly recuse for a conflict of
20 interest is \$1,000-1,400 per incident.

21 (t) Late Behested Payment Reports.

22 (1) Tier One Penalty Amount. The penalty for failing to properly file behested payment
23 reports is \$200-\$600 per report.

1 (2) Tier Two Penalty Amount. The penalty for failing to properly file behested payment
2 reports is \$800-\$1,200 per report.

3 (u) Unreported Information on a Behested Payment Report.

4 (1) Tier One Penalty Amount. The penalty for unreported information on a behested
5 payment report is \$200-\$600 per report.

6 (2) Tier Two Penalty Amount. The penalty for unreported information on a behested
7 payment report is \$800-\$1,200 per report.

8 ~~(e) Late Campaign Statements and Reports.~~

9 ~~(1) Tier One Penalty Amount. The penalty for failing to timely file a campaign statement~~
10 ~~or report is \$200-\$600 plus 1% of contributions received or expenditures made, whichever is~~
11 ~~greater per late statement or report.~~

12 ~~(2) Tier Two Penalty Amount. The penalty for failing to timely file a campaign statement~~
13 ~~or report is \$800-\$1,200 plus 2% of contributions received or expenditures made, whichever is~~
14 ~~greater, per late statement or report.~~

15 ~~(d) Unreported Contributions and Expenditures.~~

16 ~~(1) Tier One Penalty Amount. The penalty for failing to timely report contributions or~~
17 ~~expenditures is \$100-\$500 plus 1% of the unreported contributions or expenditures per~~
18 ~~statement.~~

19 ~~(2) Tier Two Penalty Amount. The penalty for failing to timely report contributions or~~
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~~(1) Tier One Penalty Amount. The penalty for failing to timely report lobbying activity is \$100-\$500 plus 1% of all unreported payments received or payments made for lobbying activity per report.~~

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~~(g) Cash Contribution(s) or Expenditure(s) of \$100 or More.~~

~~(1) Tier One Penalty Amount. The penalty for receiving a contribution or making an expenditure of \$100 or more in cash is an amount equal to 50% of the contribution or expenditure.~~

~~(2) Tier Two Penalty Amount. The penalty for receiving a contribution or making an expenditure of \$100 or more in cash is an amount equal to 75%-100% of the contribution or expenditure.~~

~~(h) Campaign Bank Account.~~

~~(1) Tier One Penalty Amount. The penalty for failing to deposit a contribution into the campaign bank account or failing to make an expenditure from the campaign bank account is~~

1 ~~\$100-\$500 plus 1% of the amount not processed through the campaign bank account per~~
2 ~~statement period.~~

3 ~~(2) Tier Two Penalty Amount. The streamline penalty for failing to deposit a contribution~~
4 ~~into the campaign bank account or failing to make an expenditure from the campaign bank~~
5 ~~account is \$600-\$1,000 plus 2% of the amount not processed through the campaign bank account~~
6 ~~per statement period.~~

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22 ~~\$200-\$600 per calendar year.~~

~~(2) Tier Two Penalty Amount. The streamline penalty for failing to maintain adequate records is \$800-\$1,200 per calendar year.~~

~~(m) Gift Limit.~~

~~(1) Tier One Penalty Amount. The penalty for a gift limit violation is \$200-\$600 per gift received over the limit.~~

~~(2) Tier Two Penalty Amount. The penalty for a gift limit violation is \$800-\$1,200 per gift received over the limit.~~

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

~~(1) Penalty Amount. The penalty for failing to properly recuse for a conflict of interest is \$400-\$800 per incident.~~

~~(o) Major Donor Notifications.~~

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~~(2) Tier Two Penalty Amount. The penalty for failing to timely file a campaign statement or report as a major donor committee is \$800-\$1,200 per late statement or report.~~

~~(q) Behested Payment Reports.~~

~~(1) Tier One Penalty Amount. The penalty for failing to properly file behested payment reports is \$200-\$600 per report.~~

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~~(r) Contribution Limits.~~

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~~(s) Section 84308.~~

~~(1) Tier One Penalty Amount. The penalty for violations of Section 84308 is \$400-\$800 per contribution or disclosure.~~

~~(2) Tier Two Penalty Amount. The penalty for violations of Section 84308 is \$1,000-\$1,400 per contribution or disclosure.~~

~~(t) Recurring Contributions.~~

~~(1) Tier One Penalty Amount. The penalty for receiving unlawful recurring contributions is \$400-\$800.~~

CREDITS

NOTE: Authority cited: Section 83112, Government Code. Reference: Section 83116, Government Code.