

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.

(b) Unreported Contributions or Expenditures.

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

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

(a) Late Statement of Economic Interests.

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

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

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

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

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

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

(h) Recordkeeping.

(1) Tier One Penalty Amount. The penalty for failing to maintain adequate records is \$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.

(i) Major Donor Notifications.

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

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

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

(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.

(k) Contribution Limits.

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

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

(l) 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.

(m) Recurring Contributions.

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

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

(n) Late Statement of Economic Interests.

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

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

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

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

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

(p) Late Lobbying Reports.

(1) Tier One Penalty Amount. The penalty for failing to timely file a lobbying report is \$200-\$600 plus 1% of all payments received or payments made for lobbying activity, whichever 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 (c) 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
20 expenditures is \$600-\$1,000 plus 2% of the unreported contributions or expenditures per
21 statement.

22 (e) Late Lobbying Reports.

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

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

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(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.

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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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19 statements is \$400-\$800 per reporting period.

20 (l) Recordkeeping.

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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.

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

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2 (1) Tier One Penalty Amount. The penalty for receiving contributions over the limit or
3 prohibition for violations including Sections 85301, 85302, 85303, 85316, and 85702 is \$500-
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5 (2) Tier Two Penalty Amount. The penalty for receiving contributions over the limit or
6 prohibition for violations including Sections 85301, 85302, 85303, 85316, and 85702 is \$1,200-
7 \$2,000 per contribution over the limit.

8 (s) Section 84308.

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

11 (2) Tier Two Penalty Amount. The penalty for violations of Section 84308 is \$1,000-
12 \$1,400 per contribution or disclosure.

13 (t) Recurring Contributions.

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

16 **CREDITS**

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