

1 Repeal 2 Cal. Code Regs., Section 18422.5:

2 ~~§ 18422.5. Top Contributor Disclosure by Committees Primarily Formed for State Ballot~~
3 ~~Measures or Candidates.~~

4 ~~(a) Submitting Contributor List to Commission.~~

5 ~~(1) Under Section 84223(a), a committee primarily formed to support or oppose a state~~
6 ~~ballot measure or to make independent expenditures on a state candidate that raises \$1,000,000~~
7 ~~or more for an election must maintain and submit a list of its top 10 contributors to the~~
8 ~~Commission. A committee must submit its list to the Commission by electronic mail, including~~
9 ~~its committee identification number in the subject line of the message.~~

10 ~~(2) The list of a committee's top 10 contributors must disclose the information required~~
11 ~~by Section 84223(b) on a form prescribed by the Commission, or in a substantially similar~~
12 ~~format or spreadsheet approved by the Executive Director. The committee must identify the state~~
13 ~~candidate(s) or ballot measure(s) it is primarily formed to support or oppose. And the top 10 list~~
14 ~~must identify whether a contributor is a recipient committee or major donor, and the recipient~~
15 ~~committee or major donor's committee identification number, if applicable.~~

16 ~~(3) A committee must submit an updated list of its top 10 contributors to the Commission~~
17 ~~if a new contributor qualifies, an existing top contributor makes additional contributions of~~
18 ~~\$5,000 or more in the aggregate, or a change occurs in the relative ranking of the contributors, as~~
19 ~~specified in Section 84223(c)(2), and when a reporting committee changes its name to add or~~
20 ~~delete a ballot measure or candidate.~~

21 ~~(4) During the 16-day period before the election, a committee must submit the list within~~
22 ~~two business days of meeting the requirements in Section 84223(a) or a change in top contributor~~
23 ~~information or reporting committee name as specified in paragraph (3), above. Outside this time~~

1 ~~period, a committee must submit the list within three business days of meeting the requirements~~
2 ~~in Section 84223(a) or a change in the top contributor information or committee name as~~
3 ~~specified in paragraph (3), above.~~

4 ~~(5) If a committee lists a state recipient committee on its top 10 contributors list, it must~~
5 ~~provide the names of the top two contributors of \$50,000 or more to the state recipient~~
6 ~~committee unless the state recipient committee has independently submitted a report under~~
7 ~~Section 84223 for the same election. A committee is only required to update the top two~~
8 ~~contributors to a state recipient committee under this subdivision if the state recipient committee~~
9 ~~makes an additional contribution to the committee of \$5,000 or more.~~

10 ~~(A) For purposes of this subdivision, the top two contributors to the state recipient~~
11 ~~committee may be determined by reference to campaign reports available online from the~~
12 ~~Secretary of State's Cal Access System.~~

13 ~~(B) A committee, which has filed within the applicable deadlines, is considered to have~~
14 ~~complied with this subdivision if the committee makes reasonable efforts to disclose the top two~~
15 ~~contributors to the state recipient committee based upon the following criteria:~~

16 ~~(i) Top contributors are determined for the Cal Access two-year election period.~~

17 ~~(ii) Top contributors are determined at the time the report is filed by aggregating~~
18 ~~contributions from the same source as reported by the state recipient committee on Cal Access as~~
19 ~~“Contributions Received” (contributions reported on Form 460) and “Late and \$5000+~~
20 ~~Contributions Received” (contributions reported on Form 497).~~

21 ~~(b) Commission Posting Lists.~~

1 ~~(1) With respect to the top contributor lists provided by a committee to the Commission~~
2 ~~under Section 84223(a) (d), the Commission will post or update the top ten contributor list~~
3 ~~within 48 hours pursuant to Section 84223(e)(4).~~

4 ~~(2) With respect to the list of top contributors supporting or opposing a state ballot~~
5 ~~measure under Section 84223(e), the Commission will make the list of top contributors~~
6 ~~supporting or opposing a state ballot measure using the top contributor lists provided by~~
7 ~~committees pursuant to Section 84223(a) (d). The Commission will state on its website the~~
8 ~~methodology used in compiling the state ballot measure top contributor lists, and post and update~~
9 ~~the lists as timely as practicable.~~

10
11 ~~Note: Authority cited: Section 83112, Government Code. Reference: Section 84223,~~
12 ~~Government Code.~~