



FAIR POLITICAL PRACTICES COMMISSION

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To: Chair Ravel and Commissioners Eskovitz, Garrett, Montgomery, and Rotunda
From: Tara Stock, Legislative Coordinator
Subject: Legislative Report
Date: March 26, 2012

Below are summaries of ongoing legislative proposals that amend the Political Reform Act (Act) and/or affect the Commission, as well as bill positions as recommended by staff.

Ongoing Legislation – Position Previously Adopted by Commission

AB 41 (Hill)

High Speed Rail Authority Members – Disqualification

Existing Law

The Act requires that certain public officials (specified in Section 87200) who have a financial interest in a governmental decision publicly identify the financial interest giving rise to the conflict of interest, recuse themselves from discussing and voting on the matter, and leave the room until after the discussion, vote and other disposition of the matter is concluded.

Proposed Law

This bill would add members of the High Speed Rail Authority to the officials specified in Section 87200 who are required to follow the conflict of interest disqualification procedures.

Commission Position: Support (adopted at February 11, 2011 hearing)

Status: Senate Floor

Ongoing Legislation – Positions Not Yet Adopted by Commission

SB 31 (Correa)

Post-Employment Restrictions – Local Officials

Existing Law

Specified local officials (elected officials, chief administrative officers of a county, city managers, or general managers or chief administrators of a special district) may not, for a period of one year after leaving that office or employment, act as agent or attorney for, or otherwise represent, for compensation, any other person by appearing before or communicating with that local government agency, if the appearance or communication is to influence administrative or legislative action or influence any action or proceeding involving the issuance, amendment, awarding, or revocation of a permit, license, grant, or contract, or the sale or purchase of good or property.

Proposed Law

This bill would add “other public officials serving as members of local governing boards or commissions with decisionmaking authority” to the specified officials subject to the one year post-employment restrictions.

Status: Assembly

Estimated Fiscal Impact: \$182,000

Staff Recommended Position: Support if funded

This bill would bring more consistency to the Act’s “revolving door” provisions, and would further the purposes of the Act by seeking to ensure public decisions are made in the public interest, rather than an official’s private interest.

SB 1001 (Yee)

Lobbyist Registration Fees

Existing Law

The Secretary of State may charge each lobbying firm and lobbyist employer a fee of up to \$25 per year for each lobbyist required to be listed on its registration statement.

Proposed Law

This bill would increase the maximum annual registration fee to \$50 per year and require the Commission to adjust the fee on December 1 of each even-numbered year to reflect any increase in the Consumer Price Index.

Status: Senate Committee on Elections, Reapportionment and Constitutional Amendments

Estimated Fiscal Impact: Minor/absorbable

Staff Recommended Position: Neutral

If the fees collected by the Secretary of State’s office are used to upgrade their current electronic filing system, which will increase transparency, staff would be supportive of this proposal.

SB 1296 (Fuller)

Ballot Pamphlets

Existing Law

Upon receipt of a draft of a petition for a proposed initiative or referendum, the Attorney General is required to prepare a title and summary of the proposed measure. If the Attorney General determines that a proposed measure would affect state or local revenues or expenditures, he or she must include in the title either the estimate or an opinion as to whether a substantial net change in state or local finances would result if the proposed initiative is adopted. The Department of Finance and the Joint Legislative Budget Committee jointly prepare the fiscal estimate that may be included in the title.

Proposed Law

This bill would require the Legislative Analyst, instead of the Attorney General, to prepare the ballot title and summary for all measures submitted to the voters. And, the Legislative Analyst, instead of the Department of Finance and the Joint Legislative Budget Committee, would be required to prepare any fiscal estimate or opinion required by a proposed initiative measure.

Status: Senate Committee on Elections, Reapportionment and Constitutional Amendments

Estimated Fiscal Impact: Minor/absorbable

Staff Recommended Position: Neutral

This measure does not directly affect the Commission’s duties. Although this proposal amends a section of the Act, the affected section is included in Chapter 8, which contains requirements for the state ballot pamphlet and expressly states that it is the responsibility of the Secretary of State to prepare the state ballot statement. Chapter 8 of the Act includes the requirements for the contents, format, printing specifications, etc., of the state ballot pamphlet and the provisions parallel provisions in the Elections Code.

SB 1426 (Blakeslee) – spot bill

Committee

This bill in its current form makes nonsubstantive changes to the Act’s definition of “committee.”

Status: Senate

Estimated Fiscal Impact: Minor/absorbable

Staff Recommended Position: None

This proposal currently does not contain substantive language.

SB 1553 (Lowenthal)

City of Long Beach – Pilot Program for Electronic Filing of Campaign Statements

Existing Law

The Act requires elected officers, candidates for elective office, and campaign committees to file campaign statements. City officers, candidates for elective office, and campaign committees file the required campaign statements with the clerk of the city.

Proposed Law

This bill would create a pilot program for the 2013 and 2014 reporting periods that authorizes the City of Long Beach to permit city elected officers (and candidates), their controlled committees, committees formed primarily to support or oppose a city candidate or ballot measure, and city general purpose committees to file electronically. The City of Long Beach would be required to prepare a report, including specified information, to submit to the Commission by July 1, 2015. The Commission would be required to submit the report and any comments about the report to the Legislative Analyst’s Office by August 15, 2015, and the Legislative Analyst’s Office would be required to provide a report to the Legislature evaluating the pilot program by February 1, 2016.

Status: Senate

Estimated Fiscal Impact: Minor/absorbable

Staff Recommended Position: Support if amended

The current language states, in part, “the city clerk shall use a form, and follow procedures, prescribed by the Commission.” Staff has suggested alternative language, including that the bill should specify that the electronic filing system shall only accept a filing in the standardized record format that is developed by the Secretary of State and that is compatible with the Secretary of State’s system for receiving an online or electronic filing. Staff encourages electronic filing, which increases transparency, and furthers the purposes of the Act.

AB 1509 (Hayashi)

Statements of Economic Interests – Local Agencies Posting Website Notification

Existing Law

Persons holding specified public offices are required to file Statements of Economic Interests (SEIs). Specified local elected officers file their SEIs with the city clerk or county clerk, who makes and retains a copy of each statement and forwards the original to the Commission, which acts as the filing officer for the SEIs.

Proposed Law

This bill would require a city or county clerk who maintains a website to post a notification on that website that identifies the elected officers who file SEIs with that clerk. The notification must include a statement that a copy of a SEI may be obtained by visiting the offices of the Commission or the city or county clerk, as appropriate. In addition, the bill would require that the notification include a link to the Commission’s website and a statement that certain SEIs are available on the Commission’s website.

Status: Assembly Elections and Redistricting Committee. Hearing is scheduled for March 27, 2012.

Estimated Fiscal Impact: Minor/Absorbable

Staff Recommended Position: Support

Although the impact to the Commission is minimal, staff believes the information required by this proposal would be helpful for the public and would further the purposes of the Act.

AB 1648 (Brownley)

Advertisement Disclosure

Existing Law

The Act requires that each slate mailer identify each candidate and ballot measure that has paid to appear in a slate mailer be designated by an asterisk. The Act also places certain disclosure requirements on advertisements for or against a ballot measure broadcast or mass mailing advertisements that are paid for by an independent expenditure to support or oppose a candidate or ballot measure. For example, a broadcast or mass mailing advertisement supporting or opposing a candidate or measure paid for by an independent expenditure must include the name of the two highest cumulative of \$50,000 or more.

Proposed Law

This bill would require that a candidate or ballot measure appearing in a slate mailer be designated by an asterisk if the slate mailer organization or committee primarily formed to support or oppose one or more ballot measures has received payment to include the candidate or measure. The bill also makes several significant changes to the advertisement disclosure rules, including the following: 1) Radio, TV, and video ads authorized by a candidate must include a statement saying he/she approved the ad; 2) Radio, TV, and video ads that are not authorized by a candidate must disclose the top three cumulative donors of \$10,000 or more and TV and video ads must also include logos, if any, of those donors; 3) The definition of "cumulative contribution" would be changed to include contributions received by a committee 18 months (instead of the current 12 months) prior to the date the committee made its first expenditure; and, 4) Except for committees that are controlled by a candidate, a committee that pays for an advertisement shall establish and maintain a "committee disclosure Internet Web site" with specified information.

Status: Assembly Elections and Redistricting Committee. Hearing is scheduled for March 27, 2012.

Estimated Fiscal Impact: \$790,000

Staff Recommended Position: Neutral

Staff supports additional disclosure related to advertisements; however, there are likely constitutional issues related to this proposal. In addition, the bill would create an unmet fiscal impact.

AB 1730 (Olsen)

Legislative Transparency Act

Existing Law

The Act imposes various reporting and disclosure requirements on contributions made to or received by candidates and candidate-controlled committees.

Proposed Law

This bill would require a Member of the Legislature or a controlled committee of a Member to report within 24 hours a contribution of \$100 or more received within the seven days prior to specified legislative deadlines for a regular session of the Legislature. In addition, the bill contains provisions outside of the Act, which would prohibit either house of the Legislature from voting on a bill until it has been available on a public website for at least 72 hours (unless the house dispenses this requirement by a 2/3 vote), and would require the Rules Committees to provide to each Member of the Legislature a monthly report of that Member's office budget.

Status: Assembly Elections and Redistricting Committee

Estimated Fiscal Impact: \$41,000

Staff Recommended Position: Support the PRA provision only; no position on other provisions

This measure provides additional transparency for contributions received by Legislators.

AB 1881 (Donnelly)

Disclosure Threshold for Non-Candidate Controlled Committees

Existing Law

The Act requires that all campaign committees disclose in campaign statements specified information, including the name and address of contributors of \$100 or more.

Proposed Law

This bill would prohibit a committee that is not controlled by a candidate from disclosing in a campaign statement the name and address of a person whose cumulative contributions to that committee are less than \$5,000.

Status: Assembly Elections and Redistricting Committee

Estimated Fiscal Impact: \$500,000

Staff Recommended Position: Oppose

This proposal would create less transparency and does not further the purposes of the Act. In addition, the bill would create an unmet fiscal impact.

AB 2054 (Fong) – spot bill

Civil Service Classification

This bill in its current form makes nonsubstantive changes to a provision of the Act.

Status: Assembly Elections and Redistricting Committee

Estimated Fiscal Impact: Minor/absorbable

Staff Recommended Position: None

This proposal currently does not contain substantive language.

AB 2062 (Davis)

Statements of Economic Interests – Electronic Filing

Existing Law

The Counties of Los Angeles, Merced, Orange, Santa Clara, and Ventura and the City of Long Beach are authorized to permit electronic filing of Statements of Economic Interests (SEIs) as part of a pilot project that is scheduled to end as of March 1, 2012.

Proposed Law

This bill contains an urgency clause so, if approved, the provisions will be effective immediately. It would allow all filing officers to permit the electronic filing of SEIs upon system approval and certification from the Commission. In addition, it would allow the agencies that are currently accepting SEIs electronically to continue to do so until their systems are certified by the Commission. Staff is working with the author's office to amend the proposal to include a provision, which states that the Commission shall accept electronic copies of SEIs forwarded by an agency that has received an electronically filed SEI.

Status: Assembly Elections and Redistricting Committee. Hearing is scheduled for April 17, 2012.

Estimated Fiscal Impact: \$179,000

Staff Recommended Position: Support

Although there will likely be some impact to the Commission, staff encourages electronic filing, which increases transparency, and furthers the purposes of the Act.

AB 2129 (Cook)

Enforcement of San Bernardino County Campaign Ordinance

Existing Law

The Commission has the primary responsibility for the impartial, effective administration and implementation of the Act, including acting as the civil prosecutor responsible for the enforcement of the penalty provisions of the Act.

Proposed Law

The Commission shall have primary responsibility for the impartial, effective administration, implementation, and enforcement of the Campaign Reform Ordinance of the County of San Bernardino upon adoption of an ordinance or resolution by the board of supervisors that makes the provisions applicable.

Status: Assembly

Estimated Fiscal Impact: Funding to the Commission from the county will be negotiated.

Staff Recommended Position: Support

Staff has worked closely with the author's office and the county and believes the Commission is the best agency to provide neutral, unbiased enforcement for the county's campaign reform ordinance.

AB 2162 (Portantino)

Statements of Economic Interests (SEI) – Fair Market Value

Existing Law

The SEI (Form 700) provides four options for reporting the fair market value of investments and interests in real property: \$2,000 - \$10,000; \$10,001 - \$100,000; \$100,001 - \$1,000,000; and over \$1,000,000. The following four options are provided for reporting gross income received: \$500 - \$1,000; \$1,001 - \$10,000; \$10,001 - \$100,000; and over \$100,000.

Proposed Law

This bill would revise the fair market value ranges to provide the following 8 options for investments and real property interests: \$2,000 - \$25,000; \$25,001 - \$100,000; \$100,001 - \$250,000; \$250,001 - \$500,000; \$500,001 - \$1,000,000; \$1,000,001 - \$5,000,000; \$5,000,001 - \$10,000,000; and more than \$10,000,000. It would also revise the "gross income received" ranges to provide the following 10 options: \$500 - \$1,000; \$1,001 - \$10,000; \$10,001 - \$25,000; \$25,001 - \$100,000; \$100,001 - \$250,000; \$250,001 - \$500,000; \$500,001 - \$1,000,000; \$1,000,001 - \$5,000,000; \$5,000,001 - \$10,000,000; and more than \$10,000,000.

Status: Assembly Elections and Redistricting Committee. Hearing is scheduled for April 17, 2012.

Estimated Fiscal Impact: Minor/absorbable

Staff Recommended Position: Neutral

Staff believes the current ranges for the disclosure of economic interests provides pertinent information that is useful to the public for purposes of the Act, without infringing on an individual's right to privacy.

AB 2191 (Norby)

County Central Committee Members

Existing Law

The definition of "elective office" expressly includes membership on a county central committee of a qualified political party.

Proposed Law

If this bill is passed by the Legislature and approved by the Governor, it shall be submitted to the voters for approval at a statewide election. The bill would revise the definition of "elective office" to exclude membership on a county central committee of a qualified party and would revise the definition of committee to exclude an entity that is primarily formed to support or oppose a person seeking election to a county central committee of a qualified party. The bill would also revise the definition of "committee" to exclude entities formed primarily to support or oppose a person seeking election to a county central committee. In addition, the bill would prohibit a local government agency from imposing filing requirements or contribution limits on elected members of, or candidates for election to, a county central committee of a qualified political party.

Status: Assembly Elections and Redistricting Committee. Hearing is scheduled for April 17, 2012.

Estimated Fiscal Impact: \$41,000

Staff Recommended Position: Neutral

This proposal does not significantly impact the Commission's duties.

AB 2220 (Gatto)

Ballot Pamphlets

Existing Law

The Legislative Analyst is required to prepare an impartial fiscal analysis of each initiative measure that is included in the ballot pamphlet stating whether the measure would increase or decrease any revenue or cost to state or local government. The Legislative Analyst must also prepare for inclusion in the ballot pamphlet a summary statement regarding the general meaning and effect of “yes” and “no” votes on each state measure.

Proposed Law

This bill would require, except as specified, that if a fiscal analysis prepared by the Legislative Analyst determines that a measure would provide an increase in revenues to fund new or existing programs, that specified language be added at the end of the “yes” and “no” summary statement in the ballot pamphlet, advising that unless changed by a future measure approved by the voters, the initiative would forever dedicate the revenue to program identified in the initiative.

Status: Assembly Elections and Redistricting Committee. Hearing is scheduled for March 27, 2012.

Estimated Fiscal Impact: Minor/absorbable

Staff Recommended Position: Neutral

This measure does not directly affect the Commission’s duties. Although this proposal amends a section of the Act, the affected section is included in Chapter 8, which contains requirements for the state ballot pamphlet and expressly states that it is the responsibility of the Secretary of State to prepare the state ballot statement. Chapter 8 of the Act includes the requirements for the contents, format, printing specifications, etc., of the state ballot pamphlet and the provisions parallel provisions in the Elections Code.

AB 2239 (Norby)

Repeals Campaign Contribution Limits and Requires 24-Hour Reporting for All \$100 Contributions

Existing Law

The Act imposes limits on contributions that may be made to, or accepted by, candidates for elective state office. The Act also limits contributions to officers of specified agencies from a party to a proceeding before an agency involving a license or permit. In addition, the Act requires candidates and committees to file specified campaign statements, including semiannual, pre-election, and late contribution reports.

Proposed Law

If this bill is passed by the Legislature and approved by the Governor, it shall be submitted to the voters for approval at a statewide election. The bill would repeal limitations on contributions that may be made to, or accepted by, candidates for elective state office. It would also repeal the requirements for most existing campaign filing requirements and would instead require a candidate or committee that makes or receives a contribution of \$100 or more report the contribution to specified filing officers within 24 hours. An expenditure of \$100 or more made by a candidate or committee is also required to be reported within 24 hours and if the expenditure is a contribution or an independent expenditure, the report shall also include the cumulative amount of contributions or independent expenditures made relative to a candidate or ballot measure.

Status: Assembly Elections and Redistricting Committee. Hearing is scheduled for April 17, 2012.

Estimated Fiscal Impact: \$1,000,000

Staff Recommended Position: Commission staff has not taken a position on this bill. While staff believes the additional disclosure in the bill should be supported, we are unable to recommend support of the bill in its current form with the other provisions. The bill also imposes significant unmet fiscal needs.

AB 2256 (Portantino)

California Legislature Whistleblower Protection Act

Existing Law

The California Whistleblower Protection Act prohibits a state employee from using his or her official authority or influence to discourage or retaliate against any person in order to interfere with the right of that person to disclose evidence of an improper government activity. The State Auditor is required to investigate disclosures of improper government activities.

Proposed Law

This bill would enact, and would require the Commission to administer, the California Legislature Whistleblower Protection Act (LWPA). The LWPA would prohibit a member or employee of the Legislature from directly or indirectly using or attempting to use his or her official authority or influence to retaliate, threaten, coerce, or engage in any similar improper act for the purpose of interfering with the right of an employee of the Legislature to make a protected disclosure of improper governmental activity or to refuse an illegal order, as defined. Upon receipt of an allegation, the Commission may investigate the matter or may refer the matter to the Senate or Assembly Committee on Rules, the Attorney General, or the appropriate district attorney. The Commission would not have enforcement power.

Status: Assembly

Estimated Fiscal Impact: \$670,000

Staff Recommended Position: Oppose

This bill would impose duties on staff that are outside the Commission's purview. In addition, the bill would create an unmet fiscal impact.

AB 2452 (Ammiano)

Campaign Statements – Electronic Filing for Local Agencies

Existing Law

Specified candidates, committees, slate mailer organizations, lobbyists, lobbying firms, and lobbyist employers are required to file statements and reports electronically with the Secretary of State. The Act requires some of these entities to also file campaign statements and reports with local filing officers, as specified.

Proposed Law

This bill would authorize a local government agency to require an elected officer, candidate, committee, or other person required to file specified statements or reports to file online or electronically with a local filing officer. Specified criteria must be satisfied by a local government agency, including that the system be available free of charge to filers and to the public for viewing the filings. The system must also include a procedure to comply with the requirement that filers sign statements and reports under penalty of perjury.

Status: Assembly Elections and Redistricting Committee. Hearing is scheduled for May 1, 2012.

Estimated Fiscal Impact: \$80,000

Staff Recommended Position: Support

Although there will likely be some impact to the Commission, staff encourages electronic filing, which increases transparency, and furthers the purposes of the Act.

AB 2503 (Norby) – spot bill

Income

This bill in its current form makes nonsubstantive changes to the Act's definition of "income."

Status: Assembly

Estimated Fiscal Impact: Minor/absorbable

Staff Recommended Position: None

This proposal does not currently contain substantive language.

AB 2691 (Assembly Elections) – clean up bill

This bill repeals three provisions of the Act, which are now obsolete – 84604, 84609, and 84610. Sections 84604 and 84609 relate to online or electronic disclosure requirements specific to the 1998 statewide general election and the 2000 statewide primary election. Section 84610 provides for a \$1,100,000 appropriation to the Secretary of State, which has been available for encumbrance for more than 3 years.

Status: Assembly Elections and Redistricting Committee

Estimated Fiscal Impact: Minor/absorbable

Staff Recommended Position: None

AMENDED IN SENATE FEBRUARY 15, 2012

AMENDED IN SENATE AUGUST 22, 2011

AMENDED IN SENATE JUNE 9, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 41

Introduced by Assembly Member Hill

December 6, 2010

An act to amend Section 87200 of the Government Code, and to add Chapter 4 (commencing with Section 185040) to Division 19.5 of the Public Utilities Code, relating to conflicts of interest.

LEGISLATIVE COUNSEL'S DIGEST

AB 41, as amended, Hill. High-Speed Rail Authority: conflicts of interest: disqualification: ex parte communications.

(1) Existing provisions of the Political Reform Act of 1974 prohibit a public official at any level of state or local government from making, participating in making, or attempting to use his or her official position to influence a governmental decision in which he or she knows or has reason to know that he or she has a financial interest, as defined. Existing law also requires specified elected and appointed officers at the state and local level of government to disclose specified financial interests by filing periodic statements of economic interests. Existing law further requires public officials who hold specified offices and who have a financial interest in a decision within the meaning of the Political Reform Act of 1974 to publicly identify the financial interest giving rise to the conflict of interest or potential conflict of interest, recuse themselves from discussing and voting on the matter, and leave the

room until after the discussion, vote, and other disposition of the matter is concluded, except as specified.

This bill would add members of the High-Speed Rail Authority to those specified ~~offices~~ *officers* who must publicly identify a financial interest giving rise to a conflict of interest or potential conflict of interest, and recuse themselves accordingly.

Existing law makes a violation of the Political Reform Act of 1974 subject to administrative, civil, and criminal penalties. This bill would impose a state-mandated local program by exposing these members to potential criminal penalties for failing to make the disclosures and recuse themselves where required by this bill.

(2) Existing law creates the High-Speed Rail Authority with specified powers and duties relative to development and implementation of a high-speed train system. Existing law provides for the authority to be governed by a 9-member board.

This bill would prohibit a member of the authority board and any interested person, as defined, from conducting an *ex parte* communication, as defined. ~~The bill would require a, unless the board member to report an ex parte discloses and makes public the communication, as specified. The bill would require the Business, Transportation and Housing Agency agency overseeing the authority to enforce these provisions under certain specified conditions.~~

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act’s purposes upon a $\frac{2}{3}$ vote of each house and compliance with specified procedural requirements.

This bill would declare that it furthers the purposes of the act.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
 State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 87200 of the Government Code is
 2 amended to read:

1 87200. This article is applicable to elected state officers, judges
 2 and commissioners of courts of the judicial branch of government,
 3 members of the Public Utilities Commission, members of the State
 4 Energy Resources Conservation and Development Commission,
 5 members of the Fair Political Practices Commission, members of
 6 the California Coastal Commission, members of the High-Speed
 7 Rail Authority, members of planning commissions, members of
 8 the board of supervisors, district attorneys, county counsels, county
 9 treasurers, and chief administrative officers of counties, mayors,
 10 city managers, city attorneys, city treasurers, chief administrative
 11 officers and members of city councils of cities, and other public
 12 officials who manage public investments, and to candidates for
 13 any of these offices at any election.

14 SEC. 2. Chapter 4 (commencing with Section 185040) is added
 15 to Division 19.5 of the Public Utilities Code, to read:

16
 17
 18

CHAPTER 4. EX PARTE COMMUNICATIONS

19 185040. (a) For purposes of this chapter, except as provided
 20 in subdivision (b), an “ex parte communication” is any oral or
 21 written communication between a member of the authority and an
 22 interested person, about a matter within the authority’s jurisdiction,
 23 that does not occur in a public hearing, workshop, or other official
 24 proceeding, or on the official record of the proceeding on the
 25 matter.

26 (b) The following communications are not ex parte
 27 communications:

28 (1) Any communication between a staff member acting in his
 29 or her official capacity and any authority member or interested
 30 person.

31 (2) Any communication limited entirely to procedural issues,
 32 including, but not limited to, a meeting schedule, location, or
 33 format of a presentation.

34 (3) Any communication that takes place on the record during
 35 an official proceeding of a state, regional, or local agency that
 36 involves a member of the authority who also serves as an official
 37 of that agency.

38 (4) Any communication between a member of the authority,
 39 with regard to any action of another state agency or of a regional

1 or local agency of which the member is an official, and any other
 2 official or employee of that agency.

3 (5) *Any communication between a member of the authority and*
 4 *an interested person regarding a matter restricted to a current*
 5 *contract between the authority and the interested person.*

6 185041. For purposes of this chapter, an “interested person”
 7 ~~is any of a firm or person with a financial interest in a matter~~
 8 ~~before the authority, including, but not limited to, the following:~~

9 (a) ~~A bidder, potential bidder, vendor, or contractor, an agent~~
 10 ~~or an employee of a bidder, vendor, or contractor, or a person~~
 11 ~~receiving consideration for representing a bidder, vendor, or~~
 12 ~~contractor interested in obtaining a contract with the authority or~~
 13 ~~currently under contract to the authority.~~

14 (b) ~~A firm or person with a financial interest, as described in~~
 15 ~~Article 1 (commencing with Section 87100) of Chapter 7 of Title~~
 16 ~~9 of the Government Code, in a matter before the authority, or an~~
 17 ~~agent or employee of the firm or person with a financial interest,~~
 18 ~~or a person receiving consideration for representing the firm or~~
 19 ~~person with a financial interest~~ *An agent or employee of a bidder,*
 20 *potential bidder, vendor, or contractor.*

21 (c) ~~A representative acting on behalf of any regional or local~~
 22 ~~agency, or any environmental, neighborhood, business, labor,~~
 23 ~~trade, or similar organization, who intends to influence the decision~~
 24 ~~of an authority member on a matter before the authority. For the~~
 25 ~~purposes of this chapter, “regional or local agency” includes, but~~
 26 ~~is not limited to, a city, county, city and county, special district,~~
 27 ~~joint powers authority, council of governments, and transportation~~
 28 ~~authority~~ *A person receiving consideration for representing a*
 29 *bidder, potential bidder, vendor, or contractor.*

30 185042. (a) No authority member, nor any interested person,
 31 shall conduct an ex parte communication unless the authority
 32 member fully discloses and makes public the ex parte
 33 communication by providing a full report of the communication
 34 to the executive director within seven days after the communication
 35 or, if the communication occurs within seven days of the next
 36 authority meeting, to the authority on the record of the proceeding
 37 at that meeting.

38 (b) (1) The authority shall adopt standard disclosure forms for
 39 reporting ex parte communications which shall include, but not
 40 be limited to, all of the following information:

1 (A) The date, time, and location of the communication.

2 (B) The identity of the person or persons initiating and the
3 person or persons receiving the communication.

4 (C) A complete description of the content of the communication,
5 including the complete text of any written material that was a part
6 of the communication.

7 (2) The executive director shall place in the public record any
8 report of an ex parte communication.

9 (c) Communications shall cease to be ex parte communications
10 when fully disclosed and placed in the authority's official record.

11 185043. Nothing in this chapter prohibits any person, including
12 any interested person, from testifying at an authority hearing,
13 workshop, or other official proceeding, or from submitting written
14 comments for the record on a matter before the authority. Written
15 comments shall be submitted by mail or delivered to an authority
16 office, or may be delivered to the authority at the time and place
17 of a scheduled meeting.

18 185044. Any person, including an authority member, may
19 request the authority staff to conduct a workshop on any matter
20 before the authority or on any subject that may be useful to the
21 authority.

22 185045. No authority member or alternate shall make,
23 participate in making, or in any other way attempt to use his or
24 her official position to influence an authority decision about which
25 the member or alternate has knowingly had an ex parte
26 communication that has not been reported pursuant to Section
27 185042.

28 185046. ~~The Business, Transportation and Housing Agency~~
29 *agency overseeing the authority* shall be responsible for enforcing
30 this chapter. This section shall become operative only if legislation
31 is enacted placing the authority within ~~the~~ *an* agency.

32 SEC. 3. No reimbursement is required by this act pursuant to
33 Section 6 of Article XIII B of the California Constitution because
34 the only costs that may be incurred by a local agency or school
35 district will be incurred because this act creates a new crime or
36 infraction, eliminates a crime or infraction, or changes the penalty
37 for a crime or infraction, within the meaning of Section 17556 of
38 the Government Code, or changes the definition of a crime within
39 the meaning of Section 6 of Article XIII B of the California
40 Constitution.

1 SEC. 4. The Legislature finds and declares that Section 1 of
2 this act furthers the purposes of the Political Reform Act of 1974
3 within the meaning of subdivision (a) of Section 81012 of the
4 Government Code.

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AMENDED IN SENATE JANUARY 10, 2012

AMENDED IN SENATE JANUARY 4, 2012

AMENDED IN SENATE MARCH 23, 2011

SENATE BILL

No. 31

Introduced by Senator Correa

December 6, 2010

An act to amend Section 87406.3 of the Government Code, relating to the Political Reform Act of 1974.

LEGISLATIVE COUNSEL'S DIGEST

SB 31, as amended, Correa. Postgovernment employment: restrictions.

The Political Reform Act of 1974 prohibits, for a period of one year after the official leaves his or her position, elected and other specified local officials who held positions with a local government agency, as defined, from acting as agents or attorneys for, or otherwise representing, for compensation, any other person, by appearing before, or communicating with, that local government agency, or any committee, subcommittee, or present member of that local government agency, or any officer or employee of the local government agency, if the appearance or communication is made for the purpose of influencing administrative or legislative action, as specified, or influencing any action or proceeding involving the issuance, amendment, awarding, or revocation of a permit, license, grant, or contract, or the sale or purchase of goods or property.

This bill, in addition, would apply this prohibition to ~~local appointed officials~~ *other public officials serving as members of local governing boards or commissions with decisionmaking authority.*

Existing law makes a knowing or willful violation of the Political Reform Act of 1974 a misdemeanor and subjects offenders to criminal penalties.

This bill would impose a state-mandated local program by creating an additional crime.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act's purposes upon a $\frac{2}{3}$ vote of each house and compliance with specified procedural requirements.

This bill would declare that it furthers the purposes of the act.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 87406.3 of the Government Code is
2 amended to read:
3 87406.3. (a) A local elected ~~or appointed~~ official, *general*
4 *manager or* chief administrative officer of a *city or county, city*
5 ~~manager, or~~ general manager or chief administrator of a special
6 district, *or other public official serving as a member of a local*
7 *governing board or commission with decisionmaking authority*
8 who held a position with a local government agency as defined in
9 Section 82041 shall not, for a period of one year after leaving that
10 office or employment, act as agent or attorney for, or otherwise
11 represent, for compensation, any other person, by making any
12 formal or informal appearance before, or by making any oral or
13 written communication to, that local government agency, or any
14 committee, subcommittee, or present member of that local
15 government agency, or any officer or employee of the local
16 government agency, if the appearance or communication is made
17 for the purpose of influencing administrative or legislative action,
18 or influencing any action or proceeding involving the issuance,
19 amendment, awarding, or revocation of a permit, license, grant,
20 or contract, or the sale or purchase of goods or property.

1 (b) Subdivision (a) shall not apply to ~~any~~ *either of the following:*

2 (1) *An individual who is, at the time of the appearance or*
3 *communication, a board member, officer, or employee of another*
4 *local government agency or an employee or representative of a*
5 *public agency and is appearing or communicating on behalf of*
6 *that agency.*

7 (2) *An individual who is a member of a local governing board*
8 *or commission that is solely advisory.*

9 (c) Nothing in this section shall preclude a local government
10 agency from adopting an ordinance or policy that restricts the
11 appearance of a former local official before that local government
12 agency if that ordinance or policy is more restrictive than
13 subdivision (a).

14 (d) Notwithstanding Sections 82002 and 82037, the following
15 definitions shall apply for purposes of this section only:

16 (1) “Administrative action” means the proposal, drafting,
17 development, consideration, amendment, enactment, or defeat by
18 any local government agency of any matter, including any rule,
19 regulation, or other action in any regulatory proceeding, whether
20 quasi-legislative or quasi-judicial. Administrative action does not
21 include any action that is solely ministerial.

22 (2) “Legislative action” means the drafting, introduction,
23 modification, enactment, defeat, approval, or veto of any ordinance,
24 amendment, resolution, report, nomination, or other matter by the
25 legislative body of a local government agency or by any committee
26 or subcommittee thereof, or by a member or employee of the
27 legislative body of the local government agency acting in his or
28 her official capacity.

29 SEC. 2. No reimbursement is required by this act pursuant to
30 Section 6 of Article XIII B of the California Constitution because
31 the only costs that may be incurred by a local agency or school
32 district will be incurred because this act creates a new crime or
33 infraction, eliminates a crime or infraction, or changes the penalty
34 for a crime or infraction, within the meaning of Section 17556 of
35 the Government Code, or changes the definition of a crime within
36 the meaning of Section 6 of Article XIII B of the California
37 Constitution.

38 SEC. 3. The Legislature finds and declares that this bill furthers
39 the purposes of the Political Reform Act of 1974 within the

- 1 meaning of subdivision (a) of Section 81012 of the Government
- 2 Code.

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**Introduced by Senator Yee
(Coauthor: Senator Blakeslee)**

February 6, 2012

An act to amend Section 86102 of the Government Code, relating to the Political Reform Act of 1974.

LEGISLATIVE COUNSEL'S DIGEST

SB 1001, as introduced, Yee. Political Reform Act of 1974: lobbyists: registration fee.

Existing provisions of the Political Reform Act of 1974 regulate the activities of lobbyists, lobbying firms, and lobbyist employers, as defined, in connection with attempts to influence legislative and administrative action by legislative and other state officials. The act requires that lobbying firms and lobbyist employers register with the Secretary of State, and authorizes the Secretary of State to charge each lobbying firm and lobbyist employer a fee of up to \$25 per year for each lobbyist required to be listed on its registration statement.

This bill would increase the maximum amount of this fee to \$50 per year. The bill also would require the Fair Political Practices Commission to adjust this fee on December 1 of each even-numbered year to reflect any increase in the Consumer Price Index and to round the adjustment to the nearest \$5.

The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act's purposes upon a $\frac{2}{3}$ vote of each house and compliance with specified procedural requirements.

This bill would declare that it furthers the purposes of the act.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 86102 of the Government Code is
2 amended to read:

3 86102. (a) Each lobbying firm and lobbyist employer required
4 to file a registration statement under this chapter may be charged
5 not more than ~~twenty-five~~ *fifty* dollars ~~(\$25)~~ (\$50) per year for
6 each lobbyist required to be listed on its registration statement.

7 (b) *The Commission shall adjust the registration fee in*
8 *subdivision (a) on December 1 of each even-numbered year to*
9 *reflect any increase in the Consumer Price Index. The Commission*
10 *shall round each adjustment pursuant to this subdivision to the*
11 *nearest five dollars (\$5).*

12 SEC. 2. The Legislature finds and declares that this bill furthers
13 the purposes of the Political Reform Act of 1974 within the
14 meaning of subdivision (a) of Section 81012 of the Government
15 Code.

Introduced by Senator FullerFebruary 23, 2012

An act to amend Sections 336, 342, 9001, 9002, 9004, 9005, 9006, 9007, 9008, 9009, 9034, 9035, 9050, 9051, 9053, 9054, 9063, 9086, 9087, 13262, 13282, and 18602 of, and to repeal Section 9003 of, the Elections Code, and to amend Section 88002 of the Government Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

SB 1296, as introduced, Fuller. Elections: ballot titles.

Existing law requires the Attorney General, upon receipt of a draft of a petition for a proposed initiative or referendum, to prepare a title and summary of the proposed measure. Under existing law, the Attorney General is required to determine the effect of a proposed initiative measure on revenues and expenditures of the state or local government. If the Attorney General determines that a proposed measure would affect state or local revenues or expenditures, he or she must include in the title either the estimate of the amount of change in state or local revenues or costs or an opinion as to whether a substantial net change in state or local finances would result if the proposed initiative is adopted. Existing law requires the Department of Finance and the Joint Legislative Budget Committee to prepare jointly the fiscal estimate that may be included in the title. Existing law imposes specified deadlines on the preparation of a title and summary, and a fiscal estimate.

This bill would require the Legislative Analyst, instead of the Attorney General, to prepare the ballot title and summary for all measures submitted to the voters of the state and would require the Legislative Analyst, instead of the Department of Finance and the Joint Legislative Budget Committee, to prepare any fiscal estimate or opinion required

by a proposed initiative measure. The bill would also change the deadlines applicable to the preparation of a title and summary and a fiscal estimate or opinion.

The bill would make its operation contingent upon the approval by the voters of SCA ____ of the 2011–12 Regular Session.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 336 of the Elections Code is amended to
2 read:

3 336. The “official summary date” is the date a circulating title
4 and summary of a proposed initiative measure is delivered or
5 mailed by the ~~Attorney General~~ *Legislative Analyst* to the
6 proponents of the proposed measure.

7 SEC. 2. Section 342 of the Elections Code is amended to read:

8 342. “Proponent or proponents of an initiative or referendum
9 measure” means, for statewide initiative and referendum measures,
10 the elector or electors who submit the text of a proposed initiative
11 or referendum to the ~~Attorney General~~ *Legislative Analyst* with a
12 request that he or she prepare a circulating title and summary of
13 the chief purpose and points of the proposed measure; or for other
14 initiative and referendum measures, the person or persons who
15 publish a notice or intention to circulate petitions, or, ~~where if~~
16 publication is not required, *the person or persons* who file petitions
17 with the elections official or legislative body.

18 SEC. 3. Section 9001 of the Elections Code is amended to read:

19 9001. (a) Prior to the circulation of ~~any~~ *an* initiative or
20 referendum petition for signatures, the text of the proposed measure
21 shall be submitted to the ~~Attorney General~~ *Legislative Analyst*
22 with a written request that a circulating title and summary of the
23 chief purpose and points of the proposed measure be prepared.
24 The electors presenting the request shall be known as the
25 “proponents.” The ~~Attorney General~~ *Legislative Analyst* shall
26 preserve the written request until after the next general election.

27 (b) Each and every proponent of any proposed initiative measure
28 shall, at the time of submitting the text of the proposed measure,
29 provide both of the following:

1 (1) An original signed certification stating that “I, (insert name),
2 declare under penalty of perjury that I am a citizen of the United
3 States, 18 years of age or older, and a resident of (insert county),
4 California.”

5 (2) Public contact information.

6 (c) The proponents of any initiative measure, at the time of
7 submitting the text of the proposed measure to the ~~Attorney General~~
8 *Legislative Analyst*, shall pay a fee of two hundred dollars (\$200),
9 which shall be placed in a trust fund in the office of the Treasurer
10 and refunded to the proponents if the measure qualifies for the
11 ballot within two years from the date the summary is furnished to
12 the proponents. If the measure does not qualify within that period,
13 the fee shall be immediately paid into the General Fund of the
14 state.

15 (d) All referenda and proposed initiative measures must be
16 submitted to the ~~Attorney General’s~~ *Legislative Analyst’s* Initiative
17 Coordinator located in the Sacramento ~~Attorney General’s~~
18 *Legislative Analyst’s* Office via ~~U.S. United States~~ Postal Service,
19 alternative mail service, or personal delivery. Only printed
20 documents will be accepted; facsimile or e-mail delivery will not
21 be accepted.

22 (e) The ~~Attorney General’s office~~ *Legislative Analyst’s Office*
23 shall not deem a request for a circulating title and summary
24 submitted until all of the requirements of this section are met.

25 SEC. 4. Section 9002 of the Elections Code is amended to read:

26 9002. (a) The ~~Attorney General~~ *Legislative Analyst* shall
27 provide a copy of the title and summary to the Secretary of State
28 within ~~15~~ 30 days after receipt of the final version of a proposed
29 initiative measure, ~~or, if a fiscal estimate or opinion is to be~~
30 ~~included, within 15 days after receipt of the fiscal estimate or~~
31 ~~opinion prepared by the Department of Finance and the Joint~~
32 ~~Legislative Budget Committee pursuant to Section 9005.~~ If during
33 the ~~15-day~~ 30-day period the proponents of the proposed initiative
34 measure submit amendments, other than technical, nonsubstantive
35 amendments, to the final version of the measure, the ~~Attorney~~
36 ~~General~~ *Legislative Analyst* shall provide a copy of the title and
37 summary to the Secretary of State within ~~15~~ 30 days after receipt
38 of the amendments.

1 (b) The amendment must be submitted with a signed request
2 by all the proponents to prepare a circulating title and summary
3 using the amended language.

4 (c) The amendment must be submitted to the ~~Attorney General's~~
5 *Legislative Analyst's* Initiative Coordinator located in the
6 Sacramento ~~Attorney General's~~ *Legislative Analyst's* Office via
7 ~~U.S. United States~~ Postal Service, alternative mail service, or
8 personal delivery. Only printed documents will be accepted;,
9 facsimile or e-mail delivery will not be accepted.

10 SEC. 5. Section 9003 of the Elections Code is repealed.

11 ~~9003. In the event that the Attorney General is a proponent of~~
12 ~~a proposed measure, the circulating title and summary of the chief~~
13 ~~purpose and points of the proposed measure, including an estimate~~
14 ~~or opinion on the financial impact of the measure, shall be prepared~~
15 ~~by the Legislative Counsel, and the other duties of the Attorney~~
16 ~~General specified in this chapter with respect to the circulating~~
17 ~~title and ballot title and summary and an estimate of the financial~~
18 ~~effect of the measure shall be performed by the Legislative~~
19 ~~Counsel.~~

20 SEC. 6. Section 9004 of the Elections Code is amended to read:

21 9004. (a) Upon receipt of the text of a proposed initiative
22 measure, the ~~Attorney General~~ *Legislative Analyst* shall prepare
23 a circulating title and summary of the chief purposes and points
24 of the proposed measure. The circulating title and summary shall
25 not exceed a total of 100 words. The ~~Attorney General~~ *Legislative*
26 *Analyst* shall also provide a unique numeric identifier for each
27 proposed initiative measure. The circulating title and summary
28 shall be prepared in the manner provided for the preparation of
29 ballot titles and summaries in Article 5 (commencing with Section
30 9050), the provisions of which, in regard to the preparation, filing,
31 and settlement of ballot titles and summaries, are ~~hereby made~~
32 applicable to the circulating title and summary.

33 (b) The ~~Attorney General~~ *Legislative Analyst* shall provide a
34 copy of the circulating title and summary and its unique numeric
35 identifier to the proponents and to the Secretary of State within ~~15~~
36 ~~30~~ days after receipt of the ~~fiscal estimate or opinion prepared by~~
37 ~~the Department final version of Finance and the Joint Legislative~~
38 ~~Budget Committee pursuant to Section 9005 a proposed initiative~~
39 ~~measure.~~ The date the copy is delivered or mailed to the proponents
40 is the "official summary date."

1 (c) Upon receipt of the circulating title and summary from the
2 ~~Attorney General~~ *Legislative Analyst*, the Secretary of State shall,
3 within one business day, notify the proponents and county elections
4 official of each county of the official summary date and provide
5 a copy of the circulating title and summary to each county elections
6 official. This notification shall also include a complete schedule
7 showing the maximum filing deadline, and the certification
8 deadline by the counties to the Secretary of State.

9 SEC. 7. Section 9005 of the Elections Code is amended to read:

10 9005. (a) ~~The Attorney General~~ *Legislative Analyst*, in
11 preparing a circulating title and summary for a proposed initiative
12 measure, shall, in boldface print, include in the circulating title
13 and summary either the estimate of the amount of any increase or
14 decrease in revenues or costs to the state or local government, or
15 an opinion as to whether or not a substantial net change in state or
16 local finances would result if the proposed initiative is adopted.

17 ~~(b) The estimate as required by this section shall be made jointly~~
18 ~~by the Department of Finance and the Joint Legislative Budget~~
19 ~~Committee, who shall deliver the estimate to the Attorney General~~
20 ~~so that he or she may include the estimate in the circulating title~~
21 ~~and summary prepared by him or her.~~

22 (e)

23 ~~(b) The estimate shall be delivered to~~ *completed* ~~by the Attorney~~
24 ~~General~~ *Legislative Analyst* within ~~25 working days from the date~~
25 ~~of receipt of the final version of the proposed initiative measure~~
26 ~~from the Attorney General~~ *period specified in Section 9002*, unless,
27 in the opinion of ~~both the Department of Finance and the Joint~~
28 ~~Legislative Budget Committee~~ *Analyst*, a reasonable estimate of
29 the net impact of the proposed initiative measure cannot be
30 prepared within ~~the 25-day~~ *that* period. In the latter case, the
31 ~~Department of Finance and the Joint Legislative Budget Committee~~
32 ~~Analyst~~ shall, within the ~~25-day~~ *period specified in Section 9002*,
33 ~~give the Attorney General their~~ *his or her* opinion as to whether
34 or not a substantial net change in state or local finances would
35 result if the proposed initiative measure is adopted.

36 ~~(d) A statement of fiscal impact prepared by the Legislative~~
37 ~~Analyst pursuant to subdivision (b) of Section 12172 of the~~
38 ~~Government Code may be used by the Department of Finance and~~
39 ~~the Joint Legislative Budget Committee in the preparation of the~~
40 ~~fiscal estimate or the opinion.~~

1 SEC. 8. Section 9006 of the Elections Code is amended to read:
2 9006. (a) Upon receipt of the text of a proposed referendum,
3 ~~the Attorney General~~ *Legislative Analyst* shall prepare a circulating
4 title and summary of the chief purpose and points of the proposed
5 statute at issue. The circulating title and summary shall not exceed
6 a total of 100 words. No fiscal analysis shall be included.

7 (b) ~~The Attorney General~~ *Legislative Analyst* shall provide a
8 copy of the circulating title and summary of the proposed
9 referendum to the proponents and to the Secretary of State within
10 10 days after receipt of the proposed referendum.

11 (c) Upon receipt of the circulating title and summary from the
12 ~~Attorney General~~ *Legislative Analyst*, the Secretary of State shall,
13 within one business day, notify the proponents and county elections
14 official of each county of the official summary date and provide
15 a copy of the circulating title and summary to each county elections
16 official. This notification shall also include a complete schedule
17 showing the maximum filing deadline, and the certification
18 deadline by the counties to the Secretary of State.

19 SEC. 9. Section 9007 of the Elections Code is amended to read:

20 9007. Immediately upon the preparation of the circulating title
21 and summary of a proposed initiative or referendum measure, the
22 ~~Attorney General~~ *Legislative Analyst* shall forthwith transmit
23 copies of the text of the measure and the circulating title and
24 summary to the Senate and the Assembly. The appropriate
25 committees of each house may hold public hearings on the subject
26 of the measure. However, nothing in this section shall be construed
27 as authority for the Legislature to alter the measure or prevent it
28 from appearing on the ballot.

29 SEC. 10. Section 9008 of the Elections Code is amended to
30 read:

31 9008. Every proposed initiative measure, prior to circulation,
32 shall have placed across the top of the petition in 12-point or larger
33 roman boldface type; all of the following:

34 (a) ~~The Attorney General's~~ *Legislative Analyst's* unique numeric
35 identifier placed before the circulating title and summary upon
36 each page where the circulating title and summary is to appear.

37 (b) The circulating title and summary prepared by the ~~Attorney~~
38 ~~General~~ *Legislative Analyst* upon each page of the petition on
39 which signatures are to appear.

1 (c) The circulating title and summary prepared by the ~~Attorney~~
2 ~~General Legislative Analyst~~ upon each section of the petition
3 preceding the text of the measure.

4 (d) The circulating title and summary prepared by the ~~Attorney~~
5 ~~General Legislative Analyst~~ as required by subdivision (c) shall
6 be preceded by the following statement: “Initiative measure to be
7 submitted directly to the voters.”

8 SEC. 11. Section 9009 of the Elections Code is amended to
9 read:

10 9009. The heading of an initiative petition shall be in
11 substantially the following form:

12 Initiative Measure to Be Submitted Directly to the Voters

13 The ~~Attorney General~~ *Legislative Analyst* of California has
14 prepared the following circulating title and summary of the chief
15 purpose and points of the proposed measure:

16 (Here set forth the unique numeric identifier provided by the
17 ~~Attorney General~~ *Legislative Analyst* and circulating title and
18 summary prepared by the ~~Attorney General~~ *Legislative Analyst*.
19 Both the ~~Attorney General’s~~ *Legislative Analyst’s* unique numeric
20 identifier and the circulating title and summary must also be printed
21 across the top of each page of the petition whereon signatures are
22 to appear.)

23 To the Honorable Secretary of State of California

24 We, the undersigned, registered, qualified voters of California,
25 residents of ____ County (or City and County), hereby propose
26 amendments to the Constitution of California (the ____ Code,
27 relating to ____) and petition the Secretary of State to submit the
28 same to the voters of California for their adoption or rejection at
29 the next succeeding general election or at any special statewide
30 election held prior to that general election or as otherwise provided
31 by law. The proposed constitutional (or statutory) amendments
32 (full title and text of the measure) read as follows:

33 SEC. 12. Section 9034 of the Elections Code is amended to
34 read:

35 9034. Upon the certification of an initiative measure for the
36 ballot, the Secretary of State shall transmit copies of the initiative
37 measure, together with the circulating title and summary as
38 prepared by the ~~Attorney General~~ *Legislative Analyst* pursuant to
39 Section 9004, to the Senate and the Assembly. Each house shall
40 assign the initiative measure to its appropriate committees. The

1 appropriate committees shall hold joint public hearings on the
2 subject of ~~such~~ *the* measure prior to the date of the election at
3 which the measure is to be voted upon. However, no hearing may
4 be held within 30 days prior to the date of the election.

5 Nothing in this section shall be construed as authority for the
6 Legislature to alter the initiative measure or prevent it from
7 appearing on the ballot.

8 SEC. 13. Section 9035 of the Elections Code is amended to
9 read:

10 9035. An initiative measure may be proposed by presenting to
11 the Secretary of State a petition that sets forth the text of the
12 proposed statute or amendment to the Constitution and is certified
13 to have been signed by registered voters equal in number to 5
14 percent in the case of a statute, and 8 percent in the case of an
15 amendment to the *California* Constitution, of the voters for all
16 candidates for Governor at the last gubernatorial election preceding
17 the issuance of the circulating title and summary for the initiative
18 measure by the ~~Attorney General~~ *Legislative Analyst*.

19 SEC. 14. Section 9050 of the Elections Code is amended to
20 read:

21 9050. After the Secretary of State determines that a measure
22 will appear on the ballot at the next statewide election, the
23 Secretary of State shall promptly transmit a copy of the measure
24 to the ~~Attorney General~~ *Legislative Analyst*. The ~~Attorney General~~
25 *Legislative Analyst* shall provide and return to the Secretary of
26 State a ballot title and summary and ballot label for ~~each~~ *a* measure
27 submitted to the voters of the whole state by a date sufficient to
28 meet the ballot pamphlet public display deadlines.

29 SEC. 15. Section 9051 of the Elections Code is amended to
30 read:

31 9051. (a) (1) The ballot title and summary may differ from
32 the legislative, circulating, or other title and summary of the
33 measure and shall not exceed 100 words, not including the fiscal
34 impact.

35 (2) The ballot title and summary shall be amended to include a
36 summary of the Legislative Analyst's estimate of the net state and
37 local government fiscal impact prepared pursuant to Section 9087;
38 *of this code* and Section 88003 of the Government Code.

39 (b) The ballot label shall contain no more than 75 words and
40 shall be a condensed version of the ballot title and summary

1 including the financial impact summary prepared pursuant to
2 Section 9087 *of this code* and Section 88003 of the Government
3 Code.

4 (c) In providing the ballot title and summary, the ~~Attorney~~
5 ~~General~~ *Legislative Analyst* shall give a true and impartial
6 statement of the purpose of the measure in such language that the
7 ballot title and summary shall neither be an argument, nor be likely
8 to create prejudice, for or against the proposed measure.

9 SEC. 16. Section 9053 of the Elections Code is amended to
10 read:

11 9053. ~~Each~~ A measure shall be designated on the ballot by the
12 ballot label certified to the Secretary of State by the ~~Attorney~~
13 ~~General~~ *Legislative Analyst*.

14 SEC. 17. Section 9054 of the Elections Code is amended to
15 read:

16 9054. (a) Whenever a city, county, or city and county is
17 required by Section 203 (42 U.S.C. Sec. 1973aa-1a) or Section
18 4(f)(4) (42 U.S.C. Sec. 1973b(f)(4)) of the federal Voting Rights
19 Act of 1965 to provide a translation of ballot materials in a
20 language other than English, the Secretary of State shall provide
21 a translation of the ballot title and summary prepared pursuant to
22 Sections 9050 and 9051 and of the ballot label prepared pursuant
23 to Section 13247 in that language to the city, county, or city and
24 county for ~~each~~ a state measure submitted to the voters in a
25 statewide election not later than 68 days prior to that election.

26 (b) When preparing a translation in a language other than
27 English pursuant to subdivision (a), the Secretary of State shall
28 consult with an advisory body consisting of language experts and
29 nonpartisan organizations that advocate on behalf of, or provide
30 services to, individuals that speak that language.

31 (c) ~~All translations~~ *Translations* prepared pursuant to this section
32 shall be made available for public examination in the same time
33 and manner as the ballot pamphlet is made available for public
34 examination in accordance with Section 88006 of the Government
35 Code and Section 9092 of this code.

36 (d) The local elections official shall use ~~that~~ *the* translation of
37 the ballot label *prepared pursuant to this section* on the sample
38 ballot and the official ballot and may not select or contract with
39 another person to provide translations of the same text.

1 SEC. 18. Section 9063 of the Elections Code is amended to
2 read:

3 9063. The summary of a measure given in the press release
4 shall be the official circulating title and summary that has been
5 prepared by the ~~Attorney General~~ *Legislative Analyst*. The
6 Legislative Counsel Bureau shall prepare the summary on all other
7 measures.

8 SEC. 19. Section 9086 of the Elections Code is amended to
9 read:

10 9086. The ballot pamphlet shall contain as to each state measure
11 to be voted upon, the following, in the order set forth in this
12 section:

13 (a) (1) Upon the top portion of the first page, and not exceeding
14 one-third of the page, shall appear:

15 (A) Identification of the measure by number and title.

16 (B) The official summary prepared by the ~~Attorney General~~
17 *Legislative Analyst*.

18 (C) The total number of votes cast for and against the measure
19 in both the State Senate and Assembly, if the measure was passed
20 by the Legislature.

21 (2) The space in the title and summary that is used for an
22 explanatory table prepared pursuant to paragraph (2) of subdivision
23 (e) of Section 9087 and Section 88003 of the Government Code
24 shall not be included when measuring the amount of space the
25 information described in paragraph (1) has taken for purposes of
26 determining compliance with the restriction prohibiting the
27 information described in paragraph (1) from exceeding one-third
28 of the page.

29 (b) Beginning at the top of the right page shall appear the
30 analysis prepared by the Legislative Analyst, provided that the
31 analysis fits on a single page. If it does not fit on a single page,
32 the analysis shall begin on the lower portion of the first left page
33 and shall continue on subsequent pages until it is completed.

34 (c) Arguments for and against the measure shall be placed on
35 the next left and right pages, respectively, following the final page
36 of the analysis of the Legislative Analyst. The rebuttals shall be
37 placed immediately below the arguments.

38 (d) If no argument against the measure has been submitted, the
39 argument for the measure shall appear on the right page facing the
40 analysis.

1 (e) The complete text of each measure shall appear at the back
2 of the pamphlet. The text of the measure shall contain the
3 provisions of the proposed measure and the existing provisions of
4 law repealed or revised by the measure. The provisions of the
5 proposed measure differing from the existing provisions of law
6 affected shall be distinguished in print, so as to facilitate
7 comparison.

8 (f) The following statement shall be printed at the bottom of
9 each page where arguments appear: “Arguments printed on this
10 page are the opinions of the authors, and have not been checked
11 for accuracy by any official agency.”

12 SEC. 20. Section 9087 of the Elections Code is amended to
13 read:

14 9087. (a) The Legislative Analyst shall prepare an impartial
15 analysis of the measure describing the measure and including a
16 fiscal analysis of the measure showing the amount of any increase
17 or decrease in revenue or cost to state or local government. If it is
18 estimated that a measure would result in increased cost to the state,
19 an analysis of the measure’s estimated impact on the state shall be
20 provided, including an estimate of the percentage of the General
21 Fund that would be expended due to the measure, using visual aids
22 when appropriate. An estimate of increased cost to the state or
23 local governments shall be set out in boldface print in the ballot
24 pamphlet.

25 (b) The analysis shall be written in clear and concise terms, so
26 as to be easily understood by the average voter, and shall avoid
27 the use of technical terms wherever possible. The analysis may
28 contain background information, including the effect of the
29 measure on existing law and the effect of enacted legislation which
30 will become effective if the measure is adopted, and shall generally
31 set forth in an impartial manner the information the average voter
32 needs to adequately understand the measure. To the extent
33 practicable, the Legislative Analyst shall utilize a uniform method
34 in each analysis to describe the estimated increase or decrease in
35 revenue or cost of a measure, so that the average voter may draw
36 comparisons among the fiscal impacts of measures. The condensed
37 statement of the fiscal impact summary for the measure prepared
38 by the ~~Attorney General~~ *Legislative Analyst* to appear on the ballot
39 shall contain the uniform estimate of increase or decrease in

1 revenue or cost of the measure prepared pursuant to this
2 subdivision.

3 (c) The Legislative Analyst may contract with a professional
4 writer, educational specialist, or another person for assistance in
5 writing an analysis that fulfills the requirements of this section,
6 including the requirement that the analysis be written so that it
7 will be easily understood by the average voter. The Legislative
8 Analyst may also request the assistance of a state department,
9 agency, or official in preparing his or her analysis.

10 (d) Prior to submitting the analysis to the Secretary of State, the
11 Legislative Analyst shall submit the analysis to a committee of
12 five persons, appointed by the Legislative Analyst, for the purpose
13 of reviewing the analysis to confirm its clarity and easy
14 comprehension to the average voter. The committee shall be drawn
15 from the public at large, and one member shall be a specialist in
16 education, one member shall be bilingual, and one member shall
17 be a professional writer. Members of the committee shall be
18 reimbursed for reasonable and necessary expenses incurred in
19 performing their duties. Within five days of the submission of the
20 analysis to the committee, the committee shall make
21 recommendations to the Legislative Analyst as it deems appropriate
22 to guarantee that the analysis can be easily understood by the
23 average voter. The Legislative Analyst shall consider the
24 committee's recommendations, and he or she shall incorporate in
25 the analysis those changes recommended by the committee that
26 he or she deems to be appropriate. The Legislative Analyst is solely
27 responsible for determining the content of the analysis required
28 by this section.

29 (e) (1) The title and summary of any measure that appears on
30 the ballot shall be amended to contain a summary of the Legislative
31 Analyst's estimate of the net state and local government fiscal
32 impact.

33 (2) For state bond measures that are submitted to the voters for
34 their approval or rejection, the summary of the Legislative
35 Analyst's estimate described in paragraph (1) shall include an
36 explanatory table of the information in the summary.

37 SEC. 21. Section 13262 of the Elections Code is amended to
38 read:

39 13262. (a) The ballot shall contain the same material as to
40 candidates and measures, and shall be printed in the same order

1 as provided for paper ballots, and may be arranged in parallel
2 columns on one or more ballot cards as required, except that the
3 column in which the voter marks his or her choices may be at the
4 left of the names of candidates and the designation of measures.

5 (b) If there are a greater number of candidates for an office or
6 for a party nomination for an office than the number whose names
7 can be placed on one pair of facing ballot pages, a series of
8 overlaying pages printed only on the same, single side shall be
9 used, and the ballot shall be clearly marked to indicate that the list
10 of candidates for the office is continued on the following page or
11 pages. If the names of candidates for the office are not required to
12 be rotated, they shall be rotated by groups of candidates in a
13 manner so that the name of each candidate shall appear on each
14 page of the ballot in approximately the same number of precincts
15 as the names of all other candidates.

16 (c) Space shall be provided on the ballot or on a separate write-in
17 ballot to permit voters to write in names not printed on the ballot
18 when authorized by law. The size of the voting square and the
19 spacing of the material may be varied to suit the conditions
20 imposed by the use of ballot cards, provided the size of the type
21 is not reduced below the minimum size requirements set forth in
22 Chapter 2 (commencing with Section 13100).

23 (d) The statement of measure submitted to the voters may be
24 abbreviated if necessary on the ballot, ~~provided that~~ if each and
25 every statement of measures on that ballot is abbreviated.
26 Abbreviation of matters to be voted on throughout the state shall
27 be composed by the ~~Attorney General~~ *Legislative Analyst*.

28 SEC. 22. Section 13282 of the Elections Code is amended to
29 read:

30 13282. Whenever the ~~Attorney General~~ *Legislative Analyst*
31 prepares a ballot label, the ~~Attorney General~~ *Legislative Analyst*
32 shall file a copy of the ballot label with the Secretary of State. The
33 Secretary of State shall make a copy of the ballot label available
34 for public examination prior to the printing of the ballot label on
35 any ballot. The public shall be permitted to examine the ballot
36 label for at least 20 days, and the Secretary of State may
37 consolidate the examination requirement under this section with
38 the public examination requirements set forth in Section 9092. A
39 voter may seek a writ of mandate requiring a ballot label, or portion
40 thereof, to be amended or deleted. The provisions set forth in

1 Section 9092 concerning the issuance of the writ and the nature
2 of the proceedings shall be applicable to this section.

3 SEC. 23. Section 18602 of the Elections Code is amended to
4 read:

5 18602. ~~Any~~A person working for the proponent or proponents
6 of a statewide initiative or referendum measure who covers or
7 otherwise obscures the summary of the measure prepared by the
8 ~~Attorney General~~ *Legislative Analyst* from the view of a
9 prospective signer is guilty of a misdemeanor.

10 SEC. 24. Section 88002 of the Government Code is amended
11 to read:

12 88002. The ballot pamphlet shall contain as to each state
13 measure to be voted upon, the following in the order set forth in
14 this section:

15 (a) (1) Upon the top portion of the first page and not exceeding
16 one-third of the page shall appear:

17 (A) The identification of the measure by number and title.

18 (B) The official summary prepared by the ~~Attorney General~~
19 *Legislative Analyst*.

20 (C) The total number of votes cast for and against the measure
21 in both the State Senate and Assembly if the measure was passed
22 by the Legislature.

23 (2) The space in the title and summary that is used for an
24 explanatory table prepared pursuant to paragraph (2) of subdivision
25 (e) of Section 9087 of the Elections Code and Section 88003 shall
26 not be included when measuring the amount of space the
27 information described in paragraph (1) has taken for purposes of
28 determining compliance with the restriction prohibiting the
29 information described in paragraph (1) from exceeding one-third
30 of the page.

31 (b) Beginning at the top of the right page shall appear the
32 analysis prepared by the Legislative Analyst, provided that the
33 analysis fits on a single page. If it does not fit on a single page,
34 then the analysis shall begin on the lower portion of the first left
35 page and shall continue on subsequent pages until it is completed.

36 (c) Arguments for and against the measure shall be placed on
37 the next left and right pages, respectively, following the page on
38 which the analysis of the Legislative Analyst ends. The rebuttals
39 shall be placed immediately below the arguments.

1 (d) If no argument against the measure has been submitted, the
2 argument for the measure shall appear on the right page facing the
3 analysis.

4 (e) The complete text of each measure shall appear at the back
5 of the pamphlet. The text of the measure shall contain the
6 provisions of the proposed measure and the existing provisions of
7 law repealed or revised by the measure. The provisions of the
8 proposed measure differing from the existing provisions of law
9 affected shall be distinguished in print, so as to facilitate
10 comparison.

11 (f) The following statement shall be printed at the bottom of
12 each page where arguments appear: “Arguments printed on this
13 page are the opinions of the authors and have not been checked
14 for accuracy by any official agency.”

15 SEC. 25. Sections 1 to 24, inclusive, of this act shall become
16 operative only if Senate Constitutional Amendment ____ of the
17 2011–12 Regular Session is approved by voters at a statewide
18 general election.

Introduced by Senator Blakeslee

February 24, 2012

An act to amend Section 82013 of the Government Code, relating to the Political Reform Act of 1974.

LEGISLATIVE COUNSEL'S DIGEST

SB 1426, as introduced, Blakeslee. Political Reform Act of 1974: committees.

The Political Reform Act of 1974 defines the term "committee" for purposes of that act.

This bill would make nonsubstantive changes to that provision.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 82013 of the Government Code is
- 2 amended to read:
- 3 82013. "Committee" means ~~any~~ a person or combination of
- 4 persons who directly or indirectly does any of the following:
- 5 (a) Receives contributions totaling one thousand dollars (\$1,000)
- 6 or more in a calendar year.
- 7 (b) Makes independent expenditures totaling one thousand
- 8 dollars (\$1,000) or more in a calendar year; ~~or.~~
- 9 (c) Makes contributions totaling ten thousand dollars (\$10,000)
- 10 or more in a calendar year to, or at the behest of, candidates or
- 11 committees.

- 1 A person or combination of persons that becomes a committee
- 2 shall retain its status as a committee until such time as that status
- 3 is terminated pursuant to Section 84214.

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Introduced by Senator LowenthalFebruary 24, 2012

An act to add and repeal Section 84215.5 of the Government Code, relating to the Political Reform Act of 1974.

LEGISLATIVE COUNSEL'S DIGEST

SB 1553, as introduced, Lowenthal. Political Reform Act of 1974: campaign statements: electronic filing.

(1) The Political Reform act of 1974 requires elected officers, candidates for elective office, and campaign committees to file campaign statements reporting contributions and expenditures for specified reporting periods. Under the act, city elected officers, candidates for city office, their controlled committees, committees formed or existing primarily to support or oppose candidates or local measures to be voted upon in one city, and city general purpose committees are required to file campaign statements with the clerk of the city.

This bill would create a pilot program for the 2013 through 2014 reporting periods that authorizes the City of Long Beach to permit any person who files a campaign statement with the city clerk to file electronically. In addition, the bill would require the City of Long Beach, if it chooses to participate in the pilot program, to prepare a report evaluating the program under specified criteria, and would further require the Legislative Analyst's Office to prepare a report evaluating the program.

(2) This bill would make legislative findings and declarations as to the necessity of a special statute for a pilot program in the City of Long Beach.

(3) The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act's purposes

upon a $\frac{2}{3}$ vote of each house and compliance with specified procedural requirements.

This bill would declare that it furthers the purposes of the act.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 84215.5 is added to the Government
 2 Code, to read:
 3 84215.5. (a) (1) The City of Long Beach may permit any
 4 person who files a campaign statement with the city clerk pursuant
 5 to subdivision (d) of Section 84215 to file electronically.
 6 (2) If the City of Long Beach authorizes electronic filing
 7 pursuant to subdivision (a), the city clerk shall use a form, and
 8 follow procedures, prescribed by the Commission.
 9 (b) If the City of Long Beach chooses to participate, the pilot
 10 program created pursuant to this section shall commence on or
 11 after January 1, 2013, and shall be completed by January 31, 2015.
 12 The pilot program shall include all reporting periods commencing
 13 January 1, 2013, and ending December 31, 2014.
 14 (c) (1) If the City of Long Beach chooses to participate in the
 15 pilot program created pursuant to this section, the city shall submit
 16 to the Commission, by July 1, 2015, a report on the pilot program
 17 that shall include all of the following:
 18 (A) A listing and estimate of associated operational efficiencies
 19 and related savings.
 20 (B) A listing and estimate of associated costs from implementing
 21 and operating the pilot program.
 22 (C) A listing of safety, security, or privacy issues encountered
 23 and an explanation of the manner in which those issues were
 24 addressed.
 25 (D) Available information relating to feedback from electronic
 26 filing participants.
 27 (E) Any other relevant information on the implementation of
 28 the pilot program.
 29 (2) The Commission shall transmit the report received pursuant
 30 to paragraph (1), as well as any comments on the report, to the
 31 Legislative Analyst’s Office by August 15, 2015. The Legislative

1 Analyst’s Office shall provide a report to the Legislature evaluating
2 the pilot program by February 1, 2016.

3 (3) The Commission, in consultation with the Legislative
4 Analyst’s Office, may develop additional criteria for the report to
5 be submitted by the City of Long Beach pursuant to paragraph (1).

6 (d) This section shall remain in effect only until January 1, 2017,
7 and as of that date is repealed, unless a later enacted statute, that
8 is enacted before January 1, 2017, deletes or extends that date.

9 SEC. 2. The Legislature finds and declares that a special law
10 is necessary and that a general law cannot be made applicable
11 within the meaning of Section 16 of Article IV of the California
12 Constitution because of the need to create a pilot program in the
13 City of Long Beach to test the benefits of electronic filing of
14 campaign statements in order to develop a practical model that
15 will assist other local agencies in implementing their own electronic
16 filing procedures in the future.

17 SEC. 3. The Legislature finds and declares that this bill furthers
18 the purposes of the Political Reform Act of 1974 within the
19 meaning of subdivision (a) of Section 81012 of the Government
20 Code.

ASSEMBLY BILL

No. 1509

Introduced by Assembly Member Hayashi

January 12, 2012

An act to add Section 87505 to the Government Code, relating to the Political Reform Act of 1974.

LEGISLATIVE COUNSEL'S DIGEST

AB 1509, as introduced, Hayashi. Political Reform Act of 1974: statement of economic interests.

The Political Reform Act of 1974 requires persons holding specified public offices to file disclosures of investments, real property interests, and income within specified periods of assuming or leaving office, and annually while holding the office. Specified local elected officers file their statements of economic interests with the city clerk or county clerk, who makes and retains a copy of each statement and forwards the original to the Fair Political Practices Commission, which is the filing officer.

This bill would require a city or county clerk who maintains an Internet Web site to post a notification on that Internet Web site that identifies the elected officers who file statements of economic interests with that city or county clerk. The bill would also require the notification to include a statement that a copy of a statement of economic interests for those filers can be obtained by visiting the offices of the Commission or the city or county clerk, as specified. The bill would also require that the notification include a link to the Commission's Internet Web site and a statement that certain statements of economic interests may be available in an electronic format by visiting the Commission's Internet

Web site. By imposing additional duties on a local official, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act’s purposes upon a 2/3 vote of each house and compliance with specified procedural requirements.

This bill would declare that it furthers the purposes of the act.

Vote: 2/3. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 87505 is added to the Government Code,
- 2 to read:
- 3 87505. Each city clerk or county clerk who maintains an
- 4 Internet Web site shall post on that Internet Web site a notification
- 5 that includes all of the following:
- 6 (a) A list of the elected officers identified in Section 87200 who
- 7 file statements of economic interests with that city clerk or county
- 8 clerk pursuant to Section 87500.
- 9 (b) A statement that copies of the statements of economic
- 10 interests filed by the elected officers described in subdivision (a)
- 11 may be obtained by visiting the offices of the Commission or that
- 12 city clerk or county clerk, as appropriate. The statement shall
- 13 include the physical address for the Commission’s office and the
- 14 city clerk’s office or the county clerk’s office, as appropriate.
- 15 (c) A link to the Commission’s Internet Web site and a statement
- 16 that statements of economic interests for some state and local
- 17 government agency elected officers may be available in an
- 18 electronic format on the Commission’s Internet Web site.
- 19 SEC. 2. If the Commission on State Mandates determines that
- 20 this act contains costs mandated by the state, reimbursement to
- 21 local agencies and school districts for those costs shall be made

1 pursuant to Part 7 (commencing with Section 17500) of Division
2 4 of Title 2 of the Government Code.
3 SEC. 3. The Legislature finds and declares that this bill furthers
4 the purposes of the Political Reform Act of 1974 within the
5 meaning of subdivision (a) of Section 81012 of the Government
6 Code.

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ASSEMBLY BILL

No. 1648

Introduced by Assembly Member Brownley

(Principal coauthors: Assembly Members Fong and Gatto)

(Coauthors: Assembly Members Alejo, Ammiano, Beall, Blumenfield, Bonilla, Dickinson, Fletcher, Galgiani, Gordon, Hayashi, Hill, Huber, Huffman, Bonnie Lowenthal, V. Manuel Pérez, and Wieckowski)

(Coauthor: Senator Hancock)

February 13, 2012

An act to amend Sections 84305.5, 84504, and 84505 of, to add Sections 84506.1, 84506.2, and 84506.3 to, to repeal Sections 84502, 84503, and 84506.5 of, and to repeal and add Sections 84501, 84506, 84507, and 84508 of, the Government Code, relating to the Political Reform Act of 1974.

LEGISLATIVE COUNSEL'S DIGEST

AB 1648, as introduced, Brownley. Political Reform Act of 1974: advertisements: disclosure.

The Political Reform Act of 1974 regulates mass mailings, known as slate mailers, that support or oppose multiple candidates or ballot measures for an election. The act requires that each slate mailer identify the slate mailer organization or committee primarily formed to support or oppose one or more ballot measures that is sending the slate mailer, and to contain other specified information in specified formatting. The act requires that each candidate and each ballot measure that has paid to appear in the slate mailer be designated by an asterisk.

This bill would instead require that a candidate or ballot measure appearing in the slate mailer be designated by an asterisk if the slate

mailer organization or committee primarily formed to support or oppose one or more ballot measures that is sending the slate mailer has received payment to include the candidate or ballot measure in the slate mailer. The bill would also recast the language of the prescribed notice to voters that must be included on a slate mailer.

The act also regulates advertisements, which are defined as any general or public advertisement that is authorized and paid for by a person or committee for the purpose supporting or opposing a candidate for elective office or a ballot measure or ballot measures. The act places certain disclosure requirements on advertisements for or against any ballot measure, including that the advertisement disclose any person who has made cumulative contributions of \$50,000 or more, as prescribed. The act places more specific disclosure requirements on broadcast or mass mailing advertisements that are paid for by independent expenditures that support or oppose a candidate or ballot measure.

This bill would repeal provisions relating to disclosures for advertisements paid for by an independent expenditure and required disclosures of persons who have made cumulative contributions of \$50,000 or more. This bill would, instead, impose specified disclosure requirements on radio, television, and video advertisements, and certain mass mailing and print advertisements that support or oppose a candidate or ballot measure or solicit contributions in support of those purposes. The bill would require advertisements that are authorized by a candidate or agent of the candidate to include a statement in which the candidate identifies himself or herself and states that he or she approves the message, as specified. The bill would require advertisements that are not authorized by a candidate or an agent of the candidate to disclose, in a prescribed format, the 3 largest identifiable contributors, as defined, of the committee that paid for the advertisement. The bill would require mass mailings or print advertisements that are paid for by certain persons who are not committees to disclose the name of that person as the funder of the mass mailing or print advertisement. The bill would also require that certain committees establish and maintain a committee disclosure Internet Web site, as defined, which discloses the top 10 identifiable contributors and provides a link to the Internet Web site maintained by the Secretary of State for campaign finance disclosures of the committee. The bill would require these advertisements to identify the address for the committee disclosure Internet Web site.

Existing law makes a knowing or willful violation of the Political Reform Act of 1974 a misdemeanor and subjects offenders to criminal penalties.

This bill would impose a state-mandated local program by creating additional crimes.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act’s purposes upon a 2/3 vote of each house and compliance with specified procedural requirements.

This bill would declare that it furthers the purposes of the act.

Vote: 2/3. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 84305.5 of the Government Code is
2 amended to read:

3 84305.5. (a) ~~No~~A slate mailer organization or committee
4 primarily formed to support or oppose one or more ballot measures
5 shall *not* send a slate mailer unless *the slate mailer complies with*
6 *all of the following*:

7 (1) The name, street address, and city of the slate mailer
8 organization or committee primarily formed to support or oppose
9 one or more ballot measures are shown on the outside of each piece
10 of slate mail and on at least one of the inserts included with each
11 piece of slate mail in no less than 8-point roman type, which shall
12 be in a color or print ~~which~~ *that* contrasts with the background so
13 as to be easily legible. A post office box may be stated in lieu of
14 a street address if the street address of the slate mailer organization
15 or the committee primarily formed to support or oppose one or
16 more ballot ~~measure~~ *measures* is a matter of public record with
17 the Secretary of State’s Political Reform Division.

18 (2) At the top or bottom of the front side or surface of at least
19 one insert, or at the top or bottom of one side or surface of a
20 postcard or other self-mailer, there is a notice in at least 8-point

1 roman boldface type, which shall be in a color or print ~~which that~~
 2 contrasts with the background so as to be easily legible, and in a
 3 printed or drawn box and set apart from any other printed matter.
 4 The notice shall consist of the following statement:

5
 6
 7 NOTICE TO VOTERS
 8
 9 THIS DOCUMENT WAS PREPARED BY (name of slate
 10 mailer organization or committee primarily formed to support
 11 or oppose one or more ballot measures), NOT AN OFFICIAL
 12 POLITICAL PARTY ORGANIZATION. Appearance in this
 13 mailer does not necessarily imply endorsement of others
 14 appearing in this mailer, nor does it imply endorsement of, or
 15 opposition to, any issues set forth in this mailer. Appearance
 16 is paid for and authorized by each candidate and ballot measure
 17 ~~which that~~ is designated by an * *has been paid for*.

18
 19 ~~(3) The name, street address, and city of the slate mailer~~
 20 ~~organization or committee primarily formed to support or oppose~~
 21 ~~one or more ballot measures as required by paragraph (1) and the~~
 22 ~~notice required by paragraph (2) may appear on the same side or~~
 23 ~~surface of an insert.~~

24 ~~(4)~~
 25 (3) (A) Each candidate and each ballot measure ~~that for which~~
 26 ~~the slate mailer organization or committee primarily formed to~~
 27 ~~support or oppose one or more ballot measures has paid received~~
 28 ~~payment to appear include the candidate or ballot measure in the~~
 29 ~~slate mailer is designated by an *. Any A candidate or ballot~~
 30 ~~measure that for which the slate mailer organization or committee~~
 31 ~~primarily formed to support or oppose one or more ballot measures~~
 32 ~~has not paid received payment to appear include the candidate or~~
 33 ~~ballot measure in the slate mailer is shall not be designated by an~~
 34 ~~*~~.

35 (B) The * required by this ~~subdivision~~ *paragraph* shall be of
 36 the same type size, type style, color or contrast, and legibility as
 37 is used for the name of the candidate, or the ballot measure name
 38 or number and position advocated, to which the * designation
 39 applies, except that in no case shall the * be required to be larger

1 than 10-point boldface type. The designation shall immediately
 2 follow the name of the candidate, or the name or number and
 3 position advocated on the ballot measure, where the designation
 4 appears in the slate of candidates and measures. If there is no slate
 5 listing, the designation shall appear at least once in at least 8-point
 6 boldface type, immediately following the name of the candidate,
 7 or the name or number and position advocated on the ballot
 8 measure.

9 (5)

10 (4) The name of ~~any~~ a candidate appearing in the slate mailer
 11 who is a member of a political party differing from the political
 12 party ~~which~~ that the mailer appears by representation or indicia to
 13 represent is accompanied, immediately below the name, by the
 14 party designation of the candidate, in no less than 9-point roman
 15 type, which shall be in a color or print that contrasts with the
 16 background so as to be easily legible. The designation shall not
 17 be required in the case of candidates for nonpartisan office.

18 (b) ~~For purposes of the designations required by paragraph (4)~~
 19 ~~of subdivision (a), the payment of any sum made reportable by~~
 20 ~~subdivision (c) of Section 84219 by or at the behest of a candidate~~
 21 ~~or committee, whose name or position appears in the mailer, to~~
 22 ~~the~~ *The name, street address, and city of the slate mailer*
 23 *organization or committee primarily formed to support or oppose*
 24 *one or more ballot measures, shall constitute a payment to appear,*
 25 *requiring as required by paragraph (1) of subdivision (a), and the*
 26 ** designation. The payment shall also be deemed to constitute*
 27 *authorization to appear notice required by paragraph (2) of*
 28 *subdivision (a) may appear on the same side or surface of an insert*
 29 *in the slate mailer.*

30 SEC. 2. Section 84501 of the Government Code is repealed.

31 84501. (a) ~~“Advertisement” means any general or public~~
 32 ~~advertisement which is authorized and paid for by a person or~~
 33 ~~committee for the purpose of supporting or opposing a candidate~~
 34 ~~for elective office or a ballot measure or ballot measures.~~

35 (b) ~~“Advertisement” does not include a communication from~~
 36 ~~an organization other than a political party to its members, a~~
 37 ~~campaign button smaller than 10 inches in diameter, a bumper~~
 38 ~~sticker smaller than 60 square inches, or other advertisement as~~
 39 ~~determined by regulations of the commission.~~

1 SEC. 3. Section 84501 is added to the Government Code, to
2 read:

3 84501. For purposes of this article, the following terms have
4 the following meanings:

5 (a) (1) “Advertisement” means any general or public
6 advertisement which is authorized and paid for by a person or
7 committee for the purpose of supporting or opposing a candidate
8 for elective office or a ballot measure or ballot measures.

9 (2) “Advertisement” does not include a communication from
10 an organization other than a political party to its members, a
11 campaign button smaller than 10 inches in diameter, a bumper
12 sticker smaller than 60 square inches, or other advertisement as
13 determined by regulations of the Commission.

14 (b) “Committee disclosure Internet Web site” means the Internet
15 Web site for a committee identifying the top identifiable
16 contributors to that committee, as described in Section 84506.3.

17 (c) “Cumulative contributions” means the cumulative amount
18 of contributions received by a committee beginning 18 months
19 prior to the date the committee made its first expenditure to qualify,
20 support, or oppose a candidate for elective office or a ballot
21 measure or ballot measures and ending seven days before the
22 advertisement is sent to the printer or broadcast station or uploaded
23 to the Internet.

24 (d) “Identifiable contributor” means a person or committee that
25 has made cumulative contributions of at least ten thousand dollars
26 (\$10,000) to a committee.

27 SEC. 4. Section 84502 of the Government Code is repealed.

28 ~~84502. “Cumulative contributions” means the cumulative~~
29 ~~amount of contributions received by a committee beginning 12~~
30 ~~months prior to the date the committee made its first expenditure~~
31 ~~to qualify, support, or oppose the measure and ending within seven~~
32 ~~days of the time the advertisement is sent to the printer or broadcast~~
33 ~~station.~~

34 SEC. 5. Section 84503 of the Government Code is repealed.

35 ~~84503. (a) Any advertisement for or against any ballot measure~~
36 ~~shall include a disclosure statement identifying any person whose~~
37 ~~cumulative contributions are fifty thousand dollars (\$50,000) or~~
38 ~~more.~~

39 ~~(b) If there are more than two donors of fifty thousand dollars~~
40 ~~(\$50,000) or more, the committee is only required to disclose the~~

1 ~~highest and second highest in that order. In the event that more~~
2 ~~than two donors meet this disclosure threshold at identical~~
3 ~~contribution levels, the highest and second highest shall be selected~~
4 ~~according to chronological sequence.~~

5 SEC. 6. Section 84504 of the Government Code is amended
6 to read:

7 84504. (a) Any committee that supports or opposes one or
8 more ballot measures shall name and identify itself using a name
9 or phrase that clearly identifies the economic or other special
10 interest of its major donors of fifty thousand dollars (\$50,000) or
11 more in any reference to the committee required by law, including,
12 but not limited, to its statement of organization filed pursuant to
13 Section 84101.

14 (b) If the major donors of fifty thousand dollars (\$50,000) or
15 more share a common employer, the identity of the employer shall
16 also be disclosed.

17 (c) Any committee which supports or opposes a ballot measure;
18 shall print or broadcast its name as provided in this section as part
19 of any advertisement or other paid public statement, *unless the*
20 *advertisement is required to include a disclosure pursuant to any*
21 *other section of this article.*

22 (d) If candidates or their controlled committees, as a group or
23 individually, meet the contribution thresholds for a person, they
24 shall be identified by the controlling candidate's name.

25 SEC. 7. Section 84505 of the Government Code is amended
26 to read:

27 84505. In addition to the requirements of Sections ~~84503,~~
28 ~~84504, 84506, 84506.1, 84506.2, and 84506.5~~ 84506.3, the
29 committee placing the advertisement or persons acting in concert
30 with that committee shall be prohibited from creating or using a
31 noncandidate-controlled committee or a nonsponsored committee
32 to avoid, or that results in the avoidance of, the disclosure of any
33 individual, industry, business entity, controlled committee, or
34 sponsored committee as a major funding source.

35 SEC. 8. Section 84506 of the Government Code is repealed.

36 ~~84506. (a) A broadcast or mass mailing advertisement~~
37 ~~supporting or opposing a candidate or ballot measure, that is paid~~
38 ~~for by an independent expenditure, shall include a disclosure~~
39 ~~statement that identifies both of the following:~~

1 ~~(1) The name of the committee making the independent~~
2 ~~expenditure.~~

3 ~~(2) The names of the persons from whom the committee making~~
4 ~~the independent expenditure has received its two highest~~
5 ~~cumulative contributions of fifty thousand dollars (\$50,000) or~~
6 ~~more during the 12-month period prior to the expenditure. If the~~
7 ~~committee can show, on the basis that contributions are spent in~~
8 ~~the order they are received, that contributions received from the~~
9 ~~two highest contributors have been used for expenditures unrelated~~
10 ~~to the candidate or ballot measure featured in the communication,~~
11 ~~the committee shall disclose the contributors making the next~~
12 ~~largest cumulative contributions of fifty thousand dollars (\$50,000)~~
13 ~~or more.~~

14 ~~(b) If an acronym is used to identify any committee names~~
15 ~~required by this section, the names of any sponsoring organization~~
16 ~~of the committee shall be printed on print advertisements or spoken~~
17 ~~in broadcast advertisements.~~

18 SEC. 9. Section 84506 is added to the Government Code, to
19 read:

20 84506. (a) A radio advertisement that supports or opposes a
21 candidate or ballot measure or solicits contributions in support of
22 that purpose shall, if the advertisement is authorized by a candidate
23 or an agent of the candidate, include an audio statement in which
24 the candidate identifies himself or herself and states that the
25 candidate has approved the message.

26 (b) A radio advertisement that supports or opposes a candidate
27 or ballot measure or solicits contributions in support of that purpose
28 shall, if the advertisement is not authorized by a candidate or an
29 agent of the candidate, include at the end of the advertisement a
30 disclosure read in a clearly spoken manner in a pitch and tone
31 substantially similar to the rest of the advertisement that reads as
32 follows: "Top funders of this ad are [state names in descending
33 order of identifiable contributors who made the three largest
34 cumulative contributions to the committee that paid for the
35 advertisement]. Full funding details at [state Internet Web site
36 address of the committee disclosure Internet Web site]."

37 (c) If there are fewer than three identifiable contributors, the
38 disclosure shall be adjusted accordingly to disclose the qualifying
39 identifiable contributors, if any. If the committee does not have
40 any identifiable contributors, but the committee has received

1 cumulative contributions totaling at least ten thousand dollars
2 (\$10,000), the disclosure shall be adjusted to include the name of
3 the committee in the place of the names of identifiable contributors.

4 SEC. 10. Section 84506.1 is added to the Government Code,
5 to read:

6 84506.1. (a) A television or video advertisement that supports
7 or opposes a candidate or ballot measure or solicits contributions
8 in support of that purpose shall, if the advertisement is authorized
9 by a candidate or an agent of the candidate, include a statement in
10 which the candidate identifies himself or herself and states that
11 the candidate has approved the message. The candidate statement
12 shall be made using an unobscured, full-screen video of the
13 candidate, alone, making the statement, or by using an unobscured,
14 full-screen, and clearly identifiable photographic image of the
15 candidate, alone, that is displayed during an audio voiceover of
16 the candidate reading the statement.

17 (b) A television or video advertisement that supports or opposes
18 a candidate or ballot measure or solicits contributions in support
19 of that purpose shall, if the advertisement is not authorized by a
20 candidate or an agent of the candidate, include all of the following
21 at the end of the advertisement:

22 (1) A full-screen without audio on a black background for a
23 minimum of three seconds that is dedicated to the disclosure
24 described in this subdivision.

25 (2) The text “Top Funders for This Ad” located at the top of the
26 television or video display screen and centered horizontally. The
27 text shall be white in color and the font size shall be at least 5
28 percent of the height of the television or video display screen.

29 (3) Immediately below the text described in paragraph (2), the
30 logos, if any, as they appear on the Internet Web site homepage
31 of the identifiable contributor, for the identifiable contributors who
32 made the three largest cumulative contributions to the committee
33 that paid for the advertisement. Each logo shall occupy at least 15
34 percent of the width or height of the television or video display
35 screen and the logos shall be displayed from left to right in
36 descending order beginning with the largest identifiable contributor.

37 (4) Immediately below the logos, if any, described in paragraph
38 (3), or beneath the text described in paragraph (2) if no identifiable
39 contributor has a logo, the identifiable contributors who have made
40 the three largest cumulative contributions to the committee that

1 paid for the advertisement. The three identifiable contributors shall
 2 each be disclosed on a separate vertical line, in descending order,
 3 beginning with the identifiable contributor who made the largest
 4 cumulative contribution on the first line. The name of each of the
 5 three identifiable contributors shall be centered horizontally. The
 6 text shall be white in color and the font size shall be at least 5
 7 percent of the height of the television or video display screen.

8 (5) The text “Full Funding Details At [insert Internet Web site
 9 address of the committee disclosure Internet Web site].” The text
 10 shall be white in color and the font size shall be equivalent to 4
 11 percent of the height of the television or video display screen. The
 12 text shall be located in a position that is vertically 4 percent above
 13 the bottom of the television or video display screen.

14 (6) If there are fewer than three identifiable contributors, the
 15 disclosure shall be adjusted accordingly to disclose only those that
 16 qualify as identifiable contributors, if any. If the committee does
 17 not have any identifiable contributors, but the committee has
 18 received cumulative contributions totaling at least ten thousand
 19 dollars (\$10,000), the disclosure shall be adjusted to include the
 20 name of the committee in the place of the names of identifiable
 21 contributors.

22 SEC. 11. Section 84506.2 is added to the Government Code,
 23 to read:

24 84506.2. Except for slate mailers or advertisements that are
 25 authorized by a candidate or an agent of the candidate, any mass
 26 mailing or print advertisement that supports or opposes a candidate
 27 or ballot measure or solicits contributions in support of that purpose
 28 and that is paid for by a committee, or by any person who is not a
 29 committee and who spends more than one thousand dollars
 30 (\$1,000) on mass mailing or print advertising cumulatively in the
 31 period beginning 18 months prior to the date the person made his
 32 or her first expenditure to qualify, support, or oppose the candidate
 33 for elective office or the ballot measure and ending seven days
 34 before the mass mailing or print advertisement is sent to the printer,
 35 shall include a disclosure area on the largest page of the mass
 36 mailing or print advertisement that meets all of the following
 37 criteria:

38 (a) The disclosure area shall be set apart from the rest of the
 39 page on which it is located by a line framing the disclosure area
 40 in the shape of a square or rectangle and the line shall be a color

1 that is darker than the background color of the remainder of the
2 disclosure area. The disclosure area within the border line shall
3 have a solid background color that establishes a contrast to the
4 color of the disclosure text that is equivalent to or greater than the
5 text and background color contrast in the other areas of the mass
6 mailing or print advertisement.

7 (b) For purposes of a mass mailing or print advertisement paid
8 for by a committee, the disclosure shall include the following:

9 (1) The text “Top Fenders of This Ad” shall be located at the
10 top of the disclosure area and centered horizontally in the disclosure
11 area. The text shall be in a font size of at least 14-point for pages
12 smaller than 8.5 inches by 11 inches and at least 16-point for pages
13 that are equal to, or larger than, 8.5 inches by 11 inches.

14 (2) Immediately below the text described in paragraph (1) shall
15 be printed the logos, if any, as they appear on the Internet Web
16 site homepage of the identifiable contributor, for the identifiable
17 contributors who made the three largest cumulative contributions
18 to the committee. Each logo shall occupy at least 8 percent of the
19 width or height of the page on which the disclosure area is located
20 and the logos shall be displayed from left to right in descending
21 order beginning with the largest identifiable contributor.

22 (3) Immediately below the logos, if any, described in paragraph
23 (2), or beneath the text described in paragraph (1) if no identifiable
24 contributor has a logo, shall be identified by name the identifiable
25 contributors who have made the three largest cumulative
26 contributions to the committee that paid for the mass mailing or
27 print advertisement. The three identifiable contributors shall each
28 be disclosed on a separate vertical line, in descending order,
29 beginning with the identifiable contributor who made the largest
30 cumulative contribution on the first line. The name of each of the
31 three identifiable contributors shall be centered horizontally. The
32 text shall identify the identifiable contributor in a font size of at
33 least 10-point for pages smaller than 8.5 inches by 11 inches and
34 at least 12-point for pages that are equal to, or larger than, 8.5
35 inches by 11 inches.

36 (4) The text “Full Funding Details At [insert Internet Web site
37 address of the committee disclosure Internet Web site].” The text
38 shall be located at the bottom of the disclosure area and shall be
39 in 10-point font size for pages smaller than 8.5 inches by 11 inches

1 and at least 12-point font size for pages that are equal to, or larger
2 than, 8.5 inches by 11 inches.

3 (5) If there are fewer than three identifiable contributors, the
4 disclosure shall be adjusted accordingly to disclose the qualifying
5 identifiable contributors, if any. If the committee does not have
6 any identifiable contributors, but the committee has received
7 cumulative contributions totaling at least ten thousand dollars
8 (\$10,000), the disclosure shall be adjusted to include the name of
9 the committee in the place of the names of identifiable contributors.

10 (c) For purposes of a mass mailing or print advertisement paid
11 for by a person who is not a committee and who spends more than
12 one thousand dollars (\$1,000) on mass mailings or print
13 advertisements, as described in this section, the disclosure shall
14 include the text “This advertisement funded by [insert name of the
15 person who paid for the mass mailing or print advertisement].”
16 The text shall be centered within the disclosure area and shall be
17 in a font size of at least 14-point for pages smaller than 8.5 inches
18 by 11 inches and at least 16-point for pages that are equal to, or
19 larger than, 8.5 inches by 11 inches. The person shall not be
20 required to create or maintain a disclosure Internet Web site
21 described in Section 85406.3.

22 SEC. 12. Section 84506.3 is added to the Government Code,
23 to read:

24 84506.3. Except for a committee that is controlled by a
25 candidate, a committee that pays for an advertisement described
26 in this article shall establish and maintain a committee disclosure
27 Internet Web site. If the committee has an Internet Web site
28 homepage, that Internet Web site may also serve as the committee
29 disclosure Internet Web site. The homepage of the committee
30 disclosure Internet Web site and any other Internet Web sites
31 maintained by the committee shall include a disclosure statement
32 area for the purpose of making a contribution disclosure statement
33 that includes all of the following:

34 (a) The disclosure statement area shall be at least 250 pixels
35 wide. The disclosure area shall have a white background and a
36 border that is dark in color.

37 (b) A title that reads “Top Funders of This Committee.” The
38 text shall be black in color and shall be at least 10-point font size.

39 (c) Immediately below the text described in subdivision (b), a
40 list of the identifiable contributors who have made the 10 largest

1 cumulative contributions to the committee. Each of the 10
2 identifiable contributors shall be disclosed on a separate vertical
3 line, in descending order, beginning with the identifiable
4 contributor who made the largest cumulative contribution on the
5 first line. The text shall be black in color and shall be at least
6 9-point font size.

7 (d) Immediately below the text described in subdivision (c), the
8 logos, if any, as they appear on the Internet Web site homepage
9 of the identifiable contributor, for the identifiable contributors who
10 made the 10 largest cumulative contributions to the committee.
11 Each logo shall occupy at least 75 horizontal or vertical pixels and
12 shall be displayed from left to right in descending order beginning
13 with the largest identifiable contributor.

14 (e) A link to the Internet Web site maintained by the Secretary
15 of State that contains campaign finance disclosures made by the
16 committee pursuant to this title for the current election cycle. The
17 link shall be labeled “Full funding info at Secretary of State’s
18 Internet Web site.” The link shall be a standard hyperlink that is
19 displayed as blue underlined text in Arial equivalent font in at least
20 9-point font size.

21 (f) If there are fewer than 10 identifiable contributors, the
22 disclosure shall be adjusted accordingly to disclose the qualifying
23 identifiable contributors, if any. If the committee does not have
24 any identifiable contributors, but the committee has received
25 cumulative contributions totaling at least ten thousand dollars
26 (\$10,000), the disclosure shall be adjusted to include the name of
27 the committee in the place of the names of identifiable contributors.

28 SEC. 13. Section 84506.5 of the Government Code is repealed.

29 ~~84506.5. An advertisement supporting or opposing a candidate
30 that is paid for by an independent expenditure must include a
31 statement that it was not authorized by a candidate or a committee
32 controlled by a candidate.~~

33 SEC. 14. Section 84507 of the Government Code is repealed.

34 ~~84507. Any disclosure statement required by this article shall
35 be printed clearly and legibly in no less than 10-point type and in
36 a conspicuous manner as defined by the commission or, if the
37 communication is broadcast, the information shall be spoken so
38 as to be clearly audible and understood by the intended public and
39 otherwise appropriately conveyed for the hearing impaired.~~

1 SEC. 15. Section 84507 is added to the Government Code, to
2 read:

3 84507. For purposes of any disclosure required by Sections
4 84506 to 84506.3, inclusive, for advertisements that are not
5 authorized by a candidate or an agent of the candidate, the
6 following shall also apply in the event that an identifiable
7 contributor is a person who is an individual:

8 (a) If the committee receiving the contribution is supporting or
9 opposing a candidate, then the disclosure shall include the
10 occupation and employer of the identifiable contributor in addition
11 to the contributor’s name.

12 (b) If the committee receiving the contribution is supporting or
13 opposing a ballot measure, and the passage or defeat of the ballot
14 measure directly benefits or harms the employer of the identifiable
15 contributor, then the disclosure shall include the occupation and
16 employer of the identifiable contributor in addition to the
17 contributor’s name. However, if an employer of an identifiable
18 contributor is also an identifiable contributor of that committee,
19 then the contributions of the employees shall, instead, be deemed
20 to be contributions by the employer for purposes of determining
21 the total cumulative contribution made by the employer in order
22 to determine which identifiable contributors shall be disclosed on
23 an advertisement pursuant to this article.

24 (c) If the committee receiving the contribution is supporting or
25 opposing a ballot measure, and the passage or defeat of the ballot
26 measure does not directly benefit or harm the employer of the
27 identifiable contributor, then the disclosure shall include only the
28 name of the identifiable contributor.

29 SEC. 16. Section 84508 of the Government Code is repealed.

30 ~~84508. If disclosure of two major donors is required by Sections~~
31 ~~84503 and 84506, the committee shall be required to disclose, in~~
32 ~~addition to the committee name, only its highest major contributor~~
33 ~~in any advertisement which is:~~

- 34 ~~(a) An electronic broadcast of 15 seconds or less, or~~
- 35 ~~(b) A newspaper, magazine, or other public print media~~
36 ~~advertisement which is 20 square inches or less.~~

37 SEC. 17. Section 84508 is added to the Government Code, to
38 read:

39 84508. Disclosures made pursuant to Sections 84506 to
40 84506.3, inclusive, shall be sufficient to identify the identifiable

1 contributor but need not include such legal terms as “incorporated,”
2 “committee,” “political action committee,” or “company,” or their
3 abbreviations. Nothing in this section shall prevent a contributor
4 from being disclosed as a name used in common usage or parlance,
5 including, but not limited to, an abbreviation or acronym.

6 SEC. 18. No reimbursement is required by this act pursuant
7 to Section 6 of Article XIII B of the California Constitution because
8 the only costs that may be incurred by a local agency or school
9 district will be incurred because this act creates a new crime or
10 infraction, eliminates a crime or infraction, or changes the penalty
11 for a crime or infraction, within the meaning of Section 17556 of
12 the Government Code, or changes the definition of a crime within
13 the meaning of Section 6 of Article XIII B of the California
14 Constitution.

15 SEC. 19. The Legislature finds and declares that this bill
16 furthers the purposes of the Political Reform Act of 1974 within
17 the meaning of subdivision (a) of Section 81012 of the Government
18 Code.

O

ASSEMBLY BILL

No. 1730

Introduced by Assembly Member Olsen

February 16, 2012

An act to add Sections 9131.1, 9518, 82037.5, and 84203.1 to the Government Code, relating to the Legislature.

LEGISLATIVE COUNSEL'S DIGEST

AB 1730, as introduced, Olsen. Legislative Transparency Act.

Existing law requires the Assembly Committee on Rules, the Senate Committee on Rules, and the Joint Rules Committee to annually prepare a report to the public of all expenditures made from the operating fund subject to their direction and control, including a list of expenditures for each Member and committee of the Legislature, as prescribed.

This bill would require the Assembly Committee on Rules and the Senate Committee on Rules to provide to each Member of the Assembly and Senate, respectively, a monthly report of that Member's office budget, as specified. The bill would require each Member of the Legislature to publish the monthly budget report on the Member's Internet Web site.

Existing provisions of the California Constitution provide for the manner in which the Legislature may pass a bill, and authorize the Legislature to adopt rules for its proceedings.

This bill would prohibit either house of the Legislature from taking a vote on any bill until the bill, in its present form, has been made available to the public on an Internet Web site for at least 72 hours, unless the house dispenses with this requirement by a $\frac{2}{3}$ vote.

The Political Reform Act of 1974 imposes various reporting and disclosure requirements on contributions made to or by candidates and candidate-controlled committees.

This bill would require a Member of the Legislature or a controlled committee of a Member of the Legislature that receives a legislative deadline contribution to report that contribution within 24 hours, as prescribed. The bill would define “legislative deadline contribution” to mean a contribution of \$100 or more that is made to a Member of the Legislature or a controlled committee of a Member of the Legislature within the 7 days prior to specified legislative deadlines for a regular session of the Legislature.

Existing law makes a knowing or willful violation of the act a misdemeanor and subjects offenders to criminal penalties.

By creating additional crimes, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act’s purposes upon a $\frac{2}{3}$ vote of each house and compliance with specified procedural requirements.

This bill would declare that it furthers the purposes of the act.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. This act shall be known and may be cited as the
- 2 Legislative Transparency Act.
- 3 SEC. 2. Section 9131.1 is added to the Government Code, to
- 4 read:
- 5 9131.1. (a) The Assembly Committee on Rules and the Senate
- 6 Committee on Rules shall provide to each Member of the Assembly
- 7 and Senate, respectively, a monthly report of that Member’s office
- 8 budget. The monthly budget report shall include all allocations
- 9 and expenditures, including caucus allocations, travel expenses,
- 10 office rent, and staff salaries.

1 (b) Each Member of the Legislature shall publish the monthly
2 budget report provided to him or her pursuant to subdivision (a)
3 on the Member’s Internet Web site.

4 SEC. 3. Section 9518 is added to the Government Code, to
5 read:

6 9518. No vote shall be taken in either house of the Legislature
7 on a bill until that bill, in its present form, has been made available
8 to the public on an Internet Web site for at least 72 hours, unless
9 the house dispenses with this requirement by a roll call vote entered
10 in the journal, two-thirds of the membership concurring.

11 SEC. 4. Section 82037.5 is added to the Government Code, to
12 read:

13 82037.5. “Legislative deadline contribution” means a
14 contribution of one hundred dollars (\$100) or more that is made
15 to a Member of the Legislature or a controlled committee of a
16 Member of the Legislature within the seven days prior to any of
17 the following legislative deadlines for a regular session of the
18 Legislature:

19 (a) The June 15 deadline to pass a Budget Bill pursuant to
20 Section 12 of Article IV of the California Constitution.

21 (b) Any deadline imposed by the California Constitution, a
22 statute, or the Joint Rules of the Senate and Assembly for the
23 passage of a bill by the house in which the bill was introduced.

24 (c) Any date specified by the California Constitution, a statute,
25 or the Joint Rules of the Senate and Assembly by when the
26 Legislature is required to adjourn for a joint recess in an
27 odd-numbered year to reconvene in an even-numbered year or the
28 date for the Legislature to adjourn sine die in an even-numbered
29 year.

30 SEC. 5. Section 84203.1 is added to the Government Code, to
31 read:

32 84203.1. (a) Each Member of the Legislature or controlled
33 committee of a Member of the Legislature that receives a legislative
34 deadline contribution shall report the legislative deadline
35 contribution to each office with which the Member or committee
36 is required to file its next campaign statement pursuant to Section
37 84215. The recipient of the legislative deadline contribution shall
38 report his or her full name and street address, the date and amount
39 of the legislative deadline contribution, and whether the
40 contribution was made in the form of a loan. The recipient shall

1 also report the full name of the contributor, his or her street address,
2 his or her occupation, and the name of his or her employer or, if
3 self-employed, the name of the business.

4 (b) A legislative deadline contribution shall be reported by
5 facsimile transmission, guaranteed overnight delivery, or personal
6 delivery within 24 hours of the time it is received. The report to
7 the Secretary of State shall be by online or electronic transmission
8 only. A legislative deadline contribution shall be reported on
9 subsequent campaign statements without regard to reports filed
10 pursuant to this section.

11 (c) A legislative deadline contribution need not be reported nor
12 shall it be deemed accepted if it is not cashed, negotiated, or
13 deposited, and is returned to the contributor within 24 hours of its
14 receipt.

15 (d) A report filed pursuant to this section shall be in addition to
16 any other campaign statement required to be filed by this chapter.

17 SEC. 6. No reimbursement is required by this act pursuant to
18 Section 6 of Article XIII B of the California Constitution because
19 the only costs that may be incurred by a local agency or school
20 district will be incurred because this act creates a new crime or
21 infraction, eliminates a crime or infraction, or changes the penalty
22 for a crime or infraction, within the meaning of Section 17556 of
23 the Government Code, or changes the definition of a crime within
24 the meaning of Section 6 of Article XIII B of the California
25 Constitution.

26 SEC. 7. The Legislature finds and declares that this bill furthers
27 the purposes of the Political Reform Act of 1974 within the
28 meaning of subdivision (a) of Section 81012 of the Government
29 Code.

ASSEMBLY BILL

No. 1881

Introduced by Assembly Member Donnelly

February 22, 2012

An act to amend Sections 84204, 84204.5, and 84211 of the Government Code, relating to the Political Reform Act of 1974.

LEGISLATIVE COUNSEL'S DIGEST

AB 1881, as introduced, Donnelly. Political Reform Act of 1974: campaign statements.

The Political Reform Act of 1974 requires elected officers, candidates, and campaign committees to file periodic campaign statements that include prescribed information, including the name, address, occupation, and employer of each person who made a cumulative amount of contributions of \$100 or more to the campaign statement filer. Under the act, campaign statements are public records and are required to be open for public inspection.

This bill would prohibit a committee that is not controlled by a candidate from disclosing in a campaign statement the name and address of a person who has made a cumulative amount of contributions to that committee in an amount less than \$5,000. The bill would require, upon the request of the Fair Political Practices Commission, that the committee provide the withheld information to the Commission, but that information would not be a public record and would not be open for public inspection. The bill would also make conforming changes.

Existing law makes a knowing or willful violation of the act a misdemeanor and subjects offenders to criminal penalties.

By creating additional crimes, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act’s purposes upon a 2/3 vote of each house and compliance with specified procedural requirements.

This bill would declare that it furthers the purposes of the act.

Vote: 2/3. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 84204 of the Government Code is
 2 amended to read:
 3 84204. (a) A committee that makes a late independent
 4 expenditure, as defined in Section 82036.5, shall report the late
 5 independent expenditure by facsimile transmission, guaranteed
 6 overnight delivery, or personal delivery within 24 hours of the
 7 time it is made. If a late independent expenditure is required to be
 8 reported to the Secretary of State, the report to the Secretary of
 9 State shall be by online or electronic transmission only. A late
 10 independent expenditure shall be reported on subsequent campaign
 11 statements without regard to reports filed pursuant to this section.
 12 (b) A committee that makes a late independent expenditure shall
 13 report its full name and street address, as well as the name, office,
 14 and district of the candidate if the report is related to a candidate,
 15 or if the report is related to a measure, the number or letter of the
 16 measure, the jurisdiction in which the measure is to be voted upon,
 17 and the amount and the date, as well as a description of goods or
 18 services for which the late independent expenditure was made. In
 19 addition to the information required by this subdivision, a
 20 committee that makes a late independent expenditure shall include
 21 with its late independent expenditure report the information
 22 required by ~~paragraphs (1) to (5)~~ *subparagraphs (A) to (E)*,
 23 inclusive, *of paragraph (1)* of subdivision (f) of Section 84211,
 24 covering the period from the day after the closing date of the last
 25 campaign report filed to the date of the late independent

1 expenditure, or if the committee has not previously filed a
2 campaign statement, covering the period from the previous January
3 1 to the date of the late independent expenditure. No information
4 required by ~~paragraphs (1) to (5)~~ *subparagraphs (A) to (E)*,
5 inclusive, of *paragraph (1)* of subdivision (f) of Section 84211
6 that is required to be reported with a late independent expenditure
7 report by this subdivision is required to be reported on more than
8 one late independent expenditure report.

9 (c) A committee that makes a late independent expenditure shall
10 file a late independent expenditure report in the places where it
11 would be required to file campaign statements under this article
12 as if it were formed or existing primarily to support or oppose the
13 candidate or measure for or against which it is making the late
14 independent expenditure.

15 (d) A report filed pursuant to this section shall be in addition to
16 any other campaign statement required to be filed by this article.

17 (e) Expenditures that have been disclosed by candidates and
18 committees pursuant to Section 85500 are not required to be
19 disclosed pursuant to this section.

20 SEC. 2. Section 84204.5 of the Government Code is amended
21 to read:

22 84204.5. (a) In addition to any other report required by this
23 title, a committee pursuant to subdivision (a) of Section 82013 that
24 is required to file reports pursuant to Section 84605 shall file online
25 or electronically with the Secretary of State each time it makes
26 contributions totaling five thousand dollars (\$5,000) or more or
27 each time it makes independent expenditures totaling five thousand
28 dollars (\$5,000) or more to support or oppose the qualification or
29 passage of a single state ballot measure. The report shall be filed
30 within 10 business days of making the contributions or independent
31 expenditures and shall contain all of the following:

32 (1) The full name, street address, and identification number of
33 the committee.

34 (2) The number or letter of the measure if the measure has
35 qualified for the ballot and has been assigned a number or letter;
36 the title of the measure if the measure has not been assigned a
37 number or letter but has been issued a title by the Attorney General;
38 or the subject of the measure if the measure has not been assigned
39 a number or letter and has not been issued a title by the Attorney
40 General.

1 (3) In the case of a contribution, the date and amount of the
2 contribution and the name, address, and identification number of
3 the committee to whom the contribution was made. In addition,
4 the report shall include the information required by ~~paragraphs (1)~~
5 ~~to (5) subparagraphs (A) to (E)~~, inclusive, of *paragraph (1)* of
6 subdivision (f) of Section 84211, regarding contributions or loans
7 received from a person described in that subdivision, covering the
8 period from the day after the closing date of the last campaign
9 report filed to the date of the contribution requiring a report under
10 this section, or if the committee has not previously filed a campaign
11 statement, covering the period from the previous January 1 to the
12 date of the contribution requiring a report under this section. No
13 information described in ~~paragraphs (1) to (5) subparagraphs (A)~~
14 ~~to (E)~~, inclusive, of *paragraph (1)* of subdivision (f) of Section
15 84211 that is required to be reported pursuant to this subdivision
16 is required to be reported in more than one report provided for in
17 this subdivision for each contribution or loan received from a
18 person described in subdivision (f) of Section 84211.

19 (4) In the case of an independent expenditure, the date, amount,
20 and a description of the goods or services for which the expenditure
21 was made. In addition, the report shall include the information
22 required by ~~paragraphs (1) to (5) subparagraphs (A) to (E)~~,
23 inclusive, of *paragraph (1)* of subdivision (f) of Section 84211
24 regarding contributions or loans received from a person described
25 in that subdivision, covering the period from the day after the
26 closing date of the last campaign report filed to the date of the
27 expenditure, or if the committee has not previously filed a
28 campaign statement, covering the period from the previous January
29 1 to the date of the expenditure. No information described in
30 ~~paragraphs (1) to (5) subparagraphs (A) to (E)~~, inclusive, of
31 *paragraph (1)* of subdivision (f) of Section 84211 that is required
32 to be reported pursuant to this subdivision is required to be reported
33 in more than one report provided for in this subdivision for each
34 contribution or loan received from a person described in
35 subdivision (f) of Section 84211.

36 (b) Reports required by this section are not required to be filed
37 by a committee primarily formed to support or oppose the
38 qualification or passage of a state ballot measure for expenditures
39 made on behalf of the ballot measure or measures for which it is
40 formed.

1 (c) Independent expenditures that have been disclosed by a
2 committee pursuant to Section 84204 or 85500 are not required to
3 be disclosed pursuant to this section.

4 SEC. 3. Section 84211 of the Government Code is amended
5 to read:

6 84211. Each campaign statement required by this article shall
7 contain all of the following information:

8 (a) The total amount of contributions received during the period
9 covered by the campaign statement and the total cumulative amount
10 of contributions received.

11 (b) The total amount of expenditures made during the period
12 covered by the campaign statement and the total cumulative amount
13 of expenditures made.

14 (c) The total amount of contributions received during the period
15 covered by the campaign statement from persons who have given
16 a cumulative amount of one hundred dollars (\$100) or more.

17 (d) The total amount of contributions received during the period
18 covered by the campaign statement from persons who have given
19 a cumulative amount of less than one hundred dollars (\$100).

20 (e) The balance of cash and cash equivalents on hand at the
21 beginning and the end of the period covered by the campaign
22 statement.

23 (f) ~~If (1)~~ *Except as provided in paragraph (2), if* the cumulative
24 amount of contributions (including loans) received from a person
25 is one hundred dollars (\$100) or more and a contribution or loan
26 has been received from that person during the period covered by
27 the campaign statement, all of the following:

28 ~~(1)~~

29 (A) His or her full name.

30 ~~(2)~~

31 (B) His or her street address.

32 ~~(3)~~

33 (C) His or her occupation.

34 ~~(4)~~

35 (D) The name of his or her employer, or if self-employed, the
36 name of the business.

37 ~~(5)~~

38 (E) The date and amount received for each contribution received
39 during the period covered by the campaign statement and if the
40 contribution is a loan, the interest rate for the loan.

- 1 ~~(6)~~
- 2 (F) The cumulative amount of contributions.
- 3 (2) *A campaign statement of a committee that is not a candidate*
- 4 *controlled committee shall not disclose the name or street address*
- 5 *of a person who has made a cumulative amount of contributions*
- 6 *to the committee that is less than five thousand dollars (\$5,000).*
- 7 *However, upon request of the Commission, the committee shall*
- 8 *provide the Commission any name and street address that are*
- 9 *withheld from a campaign statement pursuant to this paragraph.*
- 10 *A record provided to the Commission pursuant to this paragraph*
- 11 *that contains the name and street address of a contributor is not*
- 12 *a public record and shall not be open for public inspection.*
- 13 (g) If the cumulative amount of loans received from or made to
- 14 a person is one hundred dollars (\$100) or more, and a loan has
- 15 been received from or made to a person during the period covered
- 16 by the campaign statement, or is outstanding during the period
- 17 covered by the campaign statement, all of the following:
- 18 (1) His or her full name.
- 19 (2) His or her street address.
- 20 (3) His or her occupation.
- 21 (4) The name of his or her employer, or if self-employed, the
- 22 name of the business.
- 23 (5) The original date and amount of each loan.
- 24 (6) The due date and interest rate of the loan.
- 25 (7) The cumulative payment made or received to date at the end
- 26 of the reporting period.
- 27 (8) The balance outstanding at the end of the reporting period.
- 28 (9) The cumulative amount of contributions.
- 29 (h) For each person, other than the filer, who is directly,
- 30 indirectly, or contingently liable for repayment of a loan received
- 31 or outstanding during the period covered by the campaign
- 32 statement, all of the following:
- 33 (1) His or her full name.
- 34 (2) His or her street address.
- 35 (3) His or her occupation.
- 36 (4) The name of his or her employer, or if self-employed, the
- 37 name of the business.
- 38 (5) The amount of his or her maximum liability outstanding.

1 (i) The total amount of expenditures made during the period
2 covered by the campaign statement to persons who have received
3 one hundred dollars (\$100) or more.

4 (j) The total amount of expenditures made during the period
5 covered by the campaign statement to persons who have received
6 less than one hundred dollars (\$100).

7 (k) For each person to whom an expenditure of one hundred
8 dollars (\$100) or more has been made during the period covered
9 by the campaign statement, all of the following:

10 (1) His or her full name.

11 (2) His or her street address.

12 (3) The amount of each expenditure.

13 (4) A brief description of the consideration for which each
14 expenditure was made.

15 (5) In the case of an expenditure which is a contribution to a
16 candidate, elected officer, or committee or an independent
17 expenditure to support or oppose a candidate or measure, in
18 addition to the information required in paragraphs (1) to (4) ~~above~~,
19 *inclusive*, the date of the contribution or independent expenditure,
20 the cumulative amount of contributions made to a candidate,
21 elected officer, or committee, or the cumulative amount of
22 independent expenditures made relative to a candidate or measure;
23 the full name of the candidate, and the office and district for which
24 he or she seeks nomination or election, or the number or letter of
25 the measure; and the jurisdiction in which the measure or candidate
26 is voted upon.

27 (6) The information required in paragraphs (1) to (4), inclusive,
28 for each person, if different from the payee, who has provided
29 consideration for an expenditure of five hundred dollars (\$500) or
30 more during the period covered by the campaign statement.

31 For purposes of subdivisions (i), (j), and (k) only, the terms
32 “expenditure” or “expenditures” mean any individual payment or
33 accrued expense, unless it is clear from surrounding circumstances
34 that a series of payments or accrued expenses are for a single
35 service or product.

36 (l) In the case of a controlled committee, an official committee
37 of a political party, or an organization formed or existing primarily
38 for political purposes, the amount and source of any miscellaneous
39 receipt.

1 (m) If a committee is listed pursuant to subdivision (f), (g), (h),
2 (k), (l), or (q), the number assigned to the committee by the
3 Secretary of State shall be listed, or if no number has been assigned,
4 the full name and street address of the treasurer of the committee.

5 (n) In a campaign statement filed by a candidate who is a
6 candidate in both a state primary and general election, his or her
7 controlled committee, or a committee primarily formed to support
8 or oppose such a candidate, the total amount of contributions
9 received and the total amount of expenditures made for the period
10 January 1 ~~through~~ to June 30, *inclusive*, and the total amount of
11 contributions received and expenditures made for the period July
12 1 ~~through~~ to December 31, *inclusive*.

13 (o) The full name, residential or business address, and telephone
14 number of the filer, or in the case of a campaign statement filed
15 by a committee defined by subdivision (a) of Section 82013, the
16 name, street address, and telephone number of the committee and
17 of the committee treasurer. In the case of a committee defined by
18 subdivision (b) or (c) of Section 82013, the name that the filer uses
19 on campaign statements shall be the name by which the filer is
20 identified for other legal purposes or any name by which the filer
21 is commonly known to the public.

22 (p) If the campaign statement is filed by a candidate, the name,
23 street address, and treasurer of any committee of which he or she
24 has knowledge which has received contributions or made
25 expenditures on behalf of his or her candidacy and whether the
26 committee is controlled by the candidate.

27 (q) A contribution need not be reported nor shall it be deemed
28 accepted if it is not cashed, negotiated, or deposited and is returned
29 to the contributor before the closing date of the campaign statement
30 on which the contribution would otherwise be reported.

31 (r) If a committee primarily formed for the qualification or
32 support of, or opposition to, an initiative or ballot measure is
33 required to report an expenditure to a business entity pursuant to
34 subdivision (k) and 50 percent or more of the business entity is
35 owned by a candidate or person controlling the committee, by an
36 officer or employee of the committee, or by a spouse of any of
37 these individuals, the committee's campaign statement shall also
38 contain, in addition to the information required by subdivision (k),
39 that person's name, the relationship of that person to the committee,

1 and a description of that person’s ownership interest or position
2 with the business entity.

3 (s) If a committee primarily formed for the qualification or
4 support of, or opposition to, an initiative or ballot measure is
5 required to report an expenditure to a business entity pursuant to
6 subdivision (k), and a candidate or person controlling the
7 committee, an officer or employee of the committee, or a spouse
8 of any of these individuals is an officer, partner, consultant, or
9 employee of the business entity, the committee’s campaign
10 statement shall also contain, in addition to the information required
11 by subdivision (k), that person’s name, the relationship of that
12 person to the committee, and a description of that person’s
13 ownership interest or position with the business entity.

14 (t) If the campaign statement is filed by a committee, as defined
15 in subdivision (b) or (c) of Section 82013, information sufficient
16 to identify the nature and interests of the filer, including:

17 (1) If the filer is an individual, the name and address of the
18 filer’s employer, if any, or his or her principal place of business
19 if the filer is self-employed, and a description of the business
20 activity in which the filer or his or her employer is engaged.

21 (2) If the filer is a business entity, a description of the business
22 activity in which it is engaged.

23 (3) If the filer is an industry, trade, or professional association,
24 a description of the industry, trade, or profession which it
25 represents, including a specific description of any portion or faction
26 of the industry, trade, or profession which the association
27 exclusively or primarily represents.

28 (4) If the filer is not an individual, business entity, or industry,
29 trade, or professional association, a statement of the person’s nature
30 and purposes, including a description of any industry, trade,
31 profession, or other group with a common economic interest which
32 the person principally represents or from which its membership
33 or financial support is principally derived.

34 SEC. 4. No reimbursement is required by this act pursuant to
35 Section 6 of Article XIII B of the California Constitution because
36 the only costs that may be incurred by a local agency or school
37 district will be incurred because this act creates a new crime or
38 infraction, eliminates a crime or infraction, or changes the penalty
39 for a crime or infraction, within the meaning of Section 17556 of
40 the Government Code, or changes the definition of a crime within

1 the meaning of Section 6 of Article XIII B of the California
2 Constitution.

3 SEC. 5. The Legislature finds and declares that this bill furthers
4 the purposes of the Political Reform Act of 1974 within the
5 meaning of subdivision (a) of Section 81012 of the Government
6 Code.

O

ASSEMBLY BILL

No. 2054

Introduced by Assembly Member Fong

February 23, 2012

An act to amend Section 83109 of the Government Code, relating to the Political Reform Act of 1974.

LEGISLATIVE COUNSEL'S DIGEST

AB 2054, as introduced, Fong. Fair Political Practices Commission: civil service classification.

The Political Reform Act of 1974 establishes the Fair Political Practices Commission to implement the act's provisions. Under the act, a nonclerical position in the Commission is not to be included in the same civil service classification with any position of any other department or agency.

This bill would correct an erroneous cross-reference in that provision.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 83109 of the Government Code is
- 2 amended to read:
- 3 83109. For purposes of Section ~~18801~~ 19818.6 of the
- 4 Government Code, ~~no non-clerical~~ a *nonclerical* position under
- 5 the Commission shall *not* be included in the same class in the civil

- 1 service classification plan with any position of any other
- 2 department or agency.

O

ASSEMBLY BILL

No. 2062

Introduced by Assembly Member Davis

February 23, 2012

An act to add Section 87500.2 to the Government Code, relating to the Political Reform Act of 1974, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 2062, as introduced, Davis. Political Reform Act of 1974: statements of economic interests: electronic filing.

Existing law establishes, until December 31, 2012, a pilot program authorizing specified local government agencies to develop and implement a system for the electronic filing of statements of economic interests by certain public officials, as specified.

This bill would authorize all agencies to permit the electronic filing of a statement of economic interests, in accordance with regulations adopted by the Fair Political Practices Commission. The bill would require the Commission to approve and certify an electronic filing system proposed by an agency if the system meets prescribed requirements. The bill would also authorize the Commission to conduct discretionary audits of an agency's electronic filing system to evaluate its performance and compliance with the requirements of this bill.

The bill would authorize a city or county that developed an electronic filing system pursuant to the pilot program to continue to use that system during the time it takes the Commission to adopt the regulations to govern the electronic filing system program, but would require the city or county to submit a description of its electronic filing system to the

Commission for approval and certification after the Commission’s regulations take effect, as specified.

Existing law makes a knowing or willful violation of the Political Reform Act of 1974 a misdemeanor and subjects offenders to criminal penalties.

By creating additional crimes, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act’s purposes upon a 2/3 vote of each house and compliance with specified procedural requirements.

This bill would declare that it furthers the purposes of the act.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: 2/3. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 87500.2 is added to the Government
2 Code, to read:

3 87500.2. (a) An agency may permit the electronic filing of a
4 statement of economic interests required by Article 2 (commencing
5 with Section 87200) or Article 3 (commencing with Section
6 87300), including amendments, in accordance with regulations
7 adopted by the Commission.

8 (b) In consultation with interested agencies, the Commission
9 shall use common database integration features in developing
10 database design requirements for all electronic filings that may be
11 used.

12 (c) (1) An agency that intends to permit electronic filing of a
13 statement of economic interests shall submit a proposal, which
14 shall include a description of the electronic filing system that the
15 agency proposes to use, to the Commission for approval and
16 certification.

1 (2) The Commission shall review an agency's proposal for
2 compliance with the system requirement regulations adopted
3 pursuant to subdivisions (a) and (b) and the requirements of
4 subdivision (d). If the proposed system complies with these
5 requirements, the Commission shall approve and certify the
6 agency's electronic filing system as soon as practicable after
7 receiving the agency's submitted proposal.

8 (d) An agency's proposed electronic filing system shall meet
9 the following requirements:

10 (1) A statement of economic interests filed electronically shall
11 include an electronic transmission that is submitted under penalty
12 of perjury and that conforms to subdivision (b) of Section 1633.11
13 of the Civil Code.

14 (2) (A) The agency's filing officer shall issue to a person who
15 electronically files his or her statement of economic interests or
16 amendment electronic confirmation that notifies the filer that his
17 or her statement of economic interests or amendment was received.
18 The confirmation shall include the date and the time that the
19 statement of economic interests or amendment was received by
20 the filing officer and the method by which the filer may view and
21 print the data received by the filing officer.

22 (B) A copy retained by the filer of a statement of economic
23 interests or amendment that was electronically filed and the
24 confirmation issued pursuant to subparagraph (A) that shows that
25 the filer timely filed his or her statement of economic interests or
26 amendment shall create a rebuttable presumption that the filer
27 timely filed his or her statement of economic interests or
28 amendment.

29 (3) The agency shall utilize an electronic filing system that
30 includes layered security to ensure data integrity. The system shall
31 have the capability to uniquely identify a filer electronically when
32 he or she accesses the electronic filing system. The operational
33 process for the system shall include industry best practices to
34 ensure that the security and integrity of the data and information
35 contained in the statement of economic interests is not jeopardized
36 or compromised.

37 (4) The agency shall provide the public with a copy of an
38 official's statement of economic interests upon request, in
39 accordance with Section 81008. The copy of the electronically
40 filed statement of economic interests shall be identical to the

1 statement of economic interests published by the Commission and
2 shall include the date that the statement was filed.

3 (e) The Commission may adopt regulations to require that an
4 agency redact information on a statement of economic interests
5 prior to posting the statement of economic interests on the Internet.

6 (f) The Commission may conduct discretionary audits of an
7 agency’s approved and certified electronic filing system to evaluate
8 its performance and compliance with the requirements of this
9 section.

10 (g) A city or county that developed an electronic filing system
11 pursuant to the pilot program established by Section 87500.1 may
12 continue to use that system for purposes of this section, including,
13 but not limited to, the time during which the Commission is
14 adopting the regulations required by this section. However, after
15 the Commission’s regulations take effect, the city or county shall
16 submit a description of its electronic filing system to the
17 Commission for approval and certification, within a reasonable
18 time to be determined by the Commission. A city or county shall
19 not continue to use an electronic filing system originally developed
20 for purposes of Section 87500.1 if the Commission does not
21 approve and certify that electronic filing system as complying with
22 the requirements of the Commission’s regulations and the other
23 requirements of this section.

24 SEC. 2. No reimbursement is required by this act pursuant to
25 Section 6 of Article XIII B of the California Constitution because
26 the only costs that may be incurred by a local agency or school
27 district will be incurred because this act creates a new crime or
28 infraction, eliminates a crime or infraction, or changes the penalty
29 for a crime or infraction, within the meaning of Section 17556 of
30 the Government Code, or changes the definition of a crime within
31 the meaning of Section 6 of Article XIII B of the California
32 Constitution.

33 SEC. 3. The Legislature finds and declares that this bill furthers
34 the purposes of the Political Reform Act of 1974 within the
35 meaning of subdivision (a) of Section 81012 of the Government
36 Code.

37 SEC. 4. This act is an urgency statute necessary for the
38 immediate preservation of the public peace, health, or safety within
39 the meaning of Article IV of the Constitution and shall go into
40 immediate effect. The facts constituting the necessity are:

1 In order to allow the Fair Political Practices Commission time
2 to develop regulations and procedures critical to the implementation
3 of a system for the electronic filing of statements of economic
4 interests prior to the 2013 filing period, which will allow state and
5 local agencies to achieve significant savings, and to allow the city
6 and county agencies that participated in the pilot program to
7 continue using electronic filing while the Commission develops
8 the necessary regulations in order to preserve the substantial
9 investment those agencies have already made in developing
10 electronic filing systems, it is necessary that this act take immediate
11 effect.

O

ASSEMBLY BILL

No. 2129

Introduced by Assembly Member Cook
(Principal coauthor: Senator Emmerson)

February 23, 2012

An act relating to the Political Reform Act of 1974.

LEGISLATIVE COUNSEL'S DIGEST

AB 2129, as introduced, Cook. Political Reform Act of 1974.

The Political Reform Act of 1974 establishes the Fair Political Practices Commission, which has the primary responsibility for the impartial, effective administration and implementation of the act, including acting as the civil prosecutor responsible for the enforcement of the penalty provisions of the act.

This bill would state the intent of the Legislature to enact legislation that would require the Fair Political Practices Commission to have primary responsibility for the impartial, effective administration, implementation, and enforcement of a campaign reform ordinance for the County of San Bernardino, which would apply as to the county only if the board of supervisors has adopted a campaign reform ordinance and also has adopted an ordinance to make the statute applicable in the county.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. It is the intent of the Legislature to enact
- 2 legislation that would require the Fair Political Practices

1 Commission to have the primary responsibility for the impartial,
2 effective administration, implementation, and enforcement of a
3 campaign reform ordinance for the County of San Bernardino,
4 which would apply as to the county only if the board of supervisors
5 has adopted a campaign reform ordinance and also has adopted
6 an ordinance to make the statute applicable in the county.

O

ASSEMBLY BILL

No. 2162

Introduced by Assembly Member Portantino

February 23, 2012

An act to amend Sections 87206 and 87207 of the Government Code, relating to the Political Reform Act of 1974.

LEGISLATIVE COUNSEL'S DIGEST

AB 2162, as introduced, Portantino. Political Reform Act of 1974: economic interest disclosure.

The Political Reform Act of 1974 requires persons holding specified public offices to file disclosures of investments, real property interests, and income within specified periods of assuming or leaving office, and annually while holding the office. The act requires the disclosures to include a statement indicating, within a specified value range, the fair market value of investments or interests in real property and the aggregate value of income received from a source.

This bill would revise the dollar amounts associated with these ranges to provide for 8 total ranges of fair market value of investments and real property interests and 10 total ranges of aggregate value of income.

Existing law makes a knowing or willful violation of the act a misdemeanor and subjects offenders to criminal penalties.

By creating additional crimes, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act’s purposes upon a 2/3 vote of each house and compliance with specified procedural requirements.

This bill would declare that it furthers the purposes of the act.

Vote: 2/3. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 87206 of the Government Code is
2 amended to read:

3 87206. (a) If an investment or an interest in real property is
4 required to be disclosed under this article, the statement shall
5 contain *all of the following*:

- 6 (a)
- 7 (1) A statement of the nature of the investment or interest.
- 8 (b)
- 9 (2) The name of the business entity in which each investment
10 is held, and a general description of the business activity in which
11 the business entity is engaged.
- 12 (c)
- 13 (3) The address or other precise location of the real property.
- 14 (d)
- 15 (4) A statement ~~whether~~ *indicating which of the following ranges*
16 *represents* the fair market value of the investment or interest in
17 real property ~~equals or exceeds two thousand dollars (\$2,000) but~~
18 ~~does not exceed ten thousand dollars (\$10,000), whether it exceeds~~
19 ~~ten thousand dollars (\$10,000) but does not exceed one hundred~~
20 ~~thousand dollars (\$100,000), whether it exceeds one hundred~~
21 ~~thousand dollars (\$100,000) but does not exceed one million dollars~~
22 ~~(\$1,000,000), or whether it exceeds one million dollars~~
23 ~~(\$1,000,000):~~
24 (A) *At least two thousand dollars (\$2,000) but not greater than*
25 *twenty-five thousand dollars (\$25,000).*
26 (B) *More than twenty-five thousand dollars (\$25,000) but not*
27 *greater than one hundred thousand dollars (\$100,000).*
28 (C) *More than one hundred thousand dollars (\$100,000) but*
29 *not greater than two hundred fifty thousand dollars (\$250,000).*

1 (D) More than two hundred fifty thousand dollars (\$250,000)
2 but not greater than five hundred thousand dollars (\$500,000).

3 (E) More than five hundred thousand dollars (\$500,000) but
4 not greater than one million dollars (\$1,000,000).

5 (F) More than one million dollars (\$1,000,000) but not greater
6 than five million dollars (\$5,000,000).

7 (G) More than five million dollars (\$5,000,000) but not greater
8 than ten million dollars (\$10,000,000).

9 (H) More than ten million dollars (\$10,000,000).

10 (e)

11 (5) In the case of a statement filed under ~~Sections~~ Section 87203
12 or 87204, if the investment or interest in real property was partially
13 or wholly acquired or disposed of during the period covered by
14 the statement, the date of acquisition or disposal.

15 (f)

16 (b) For purposes of disclosure under this article, “interest in real
17 property” does not include the principal residence of the filer or
18 any other property which the filer utilizes exclusively as the
19 personal residence of the filer.

20 SEC. 2. Section 87207 of the Government Code is amended
21 to read:

22 87207. (a) ~~When~~ Except as provided in subdivision (b), when
23 income is required to be reported under this article, the statement
24 shall contain, ~~except as provided in subdivision (b)~~ the following:

25 (1) The name and address of each source of income aggregating
26 five hundred dollars (\$500) or more in value, or fifty dollars (\$50)
27 or more in value if the income was a gift, and a general description
28 of the business activity, if any, of each source.

29 (2) A statement ~~whether~~ indicating which of the following ranges
30 represents the aggregate value of income from each source, or in
31 the case of a loan, the highest amount owed to each source, ~~was~~
32 at least five hundred dollars (\$500) but did not exceed one thousand
33 dollars (\$1,000), whether it was in excess of one thousand dollars
34 (\$1,000) but was not greater than ten thousand dollars (\$10,000),
35 whether it was greater than ten thousand dollars (\$10,000) but not
36 greater than one hundred thousand dollars (\$100,000), or whether
37 it was greater than one hundred thousand dollars (\$100,000):.

38 (A) At least five hundred dollars (\$500) but not greater than
39 one thousand dollars (\$1,000).

1 (B) More than one thousand dollars (\$1,000) but not greater
2 than ten thousand dollars (\$10,000).

3 (C) More than ten thousand dollars (\$10,000) but not greater
4 than twenty-five thousand dollars (\$25,000).

5 (D) More than twenty-five thousand dollars (\$25,000) but not
6 greater than one hundred thousand dollars (\$100,000).

7 (E) More than one hundred thousand dollars (\$100,000) but
8 not greater than two hundred fifty thousand dollars (\$250,000).

9 (F) More than two hundred fifty thousand dollars (\$250,000)
10 but not greater than five hundred thousand dollars (\$500,000).

11 (G) More than five hundred thousand dollars (\$500,000) but
12 not greater than one million dollars (\$1,000,000).

13 (H) More than one million dollars (\$1,000,000) but not greater
14 than five million dollars (\$5,000,000).

15 (I) More than five million dollars (\$5,000,000) but not greater
16 than ten million dollars (\$10,000,000).

17 (J) More than ten million dollars (\$10,000,000).

18 (3) A description of the consideration, if any, for which the
19 income was received.

20 (4) In the case of a gift, the amount and the date on which the
21 gift was received.

22 (5) In the case of a loan, the annual interest rate, the security,
23 if any, given for the loan, and the term of the loan.

24 (b) When the filer's pro rata share of income to a business entity,
25 including income to a sole proprietorship, is required to be reported
26 under this article, the statement shall contain *the following*:

27 (1) The name, address, and a general description of the business
28 activity of the business entity.

29 (2) The name of every person from whom the business entity
30 received payments if the filer's pro rata share of gross receipts
31 from that person was equal to or greater than ten thousand dollars
32 (\$10,000) during a calendar year.

33 (c) When a payment, including an advance or reimbursement,
34 for travel is required to be reported pursuant to this section, it may
35 be reported on a separate travel reimbursement schedule which
36 shall be included in the filer's statement of economic interest. A
37 filer who chooses not to use the travel schedule shall disclose
38 payments for travel as a gift, unless it is clear from all surrounding
39 circumstances that the services provided were equal to or greater

1 in value than the payments for the travel, in which case the travel
2 may be reported as income.

3 SEC. 3. No reimbursement is required by this act pursuant to
4 Section 6 of Article XIII B of the California Constitution because
5 the only costs that may be incurred by a local agency or school
6 district will be incurred because this act creates a new crime or
7 infraction, eliminates a crime or infraction, or changes the penalty
8 for a crime or infraction, within the meaning of Section 17556 of
9 the Government Code, or changes the definition of a crime within
10 the meaning of Section 6 of Article XIII B of the California
11 Constitution.

12 SEC. 4. The Legislature finds and declares that this bill furthers
13 the purposes of the Political Reform Act of 1974 within the
14 meaning of subdivision (a) of Section 81012 of the Government
15 Code.

ASSEMBLY BILL

No. 2191

Introduced by Assembly Member Norby

February 23, 2012

An act to amend Sections 81009.5, 82013, 82023, and 85703 of the Government Code, relating to the Political Reform Act of 1974.

LEGISLATIVE COUNSEL'S DIGEST

AB 2191, as introduced, Norby. Political Reform Act of 1974: county central committees.

The Political Reform Act of 1974 requires elected officers, candidates for elective office, and committees to prepare and file various campaign finance reports, as specified. The act defines “committee” to include, among other things, any person or combination of persons who directly or indirectly receive contributions totaling \$1,000 or more in a calendar year. The act defines “elective office” to expressly include membership on a county central committee of a qualified political party, thereby making elected members of, and candidates for election to, a county central committee of a qualified political party subject to the reporting requirements of the act.

This bill would revise the definition of “elective office” to exclude membership on a county central committee of a qualified political party and would revise the definition of “committee” to exclude an entity that is primarily formed to support or oppose a person seeking election to a county central committee of a qualified political party.

The act imposes limitations on contributions by persons to candidates for elective state office and permits local jurisdictions to impose additional contribution limitations, as specified. The act also authorizes

a local agency to impose additional filing requirements on a person, except as specified.

This bill would prohibit a local government agency from imposing filing requirements on elected members of, or candidates for election to, a county central committee of a qualified political party. The bill would also prohibit a local agency from imposing any contribution limitations or prohibitions on elected members of, or candidates for election to, a county central committee of a qualified political party, or on a committee primarily formed to support or oppose a person seeking election to a county central committee of a qualified political party.

The Political Reform Act of 1974, an initiative measure, provides that the act may be amended by a statute that becomes effective upon approval of the voters.

This bill would require the Secretary of State to submit the provisions of the bill that would amend the Political Reform Act of 1974 to the voters for approval at a statewide election, as specified.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 81009.5 of the Government Code is
 2 amended to read:
 3 81009.5. (a) ~~Any~~A local government agency ~~which~~ that has
 4 enacted, enacts, amends, or repeals an ordinance or other provision
 5 of law affecting campaign contributions and expenditures shall
 6 file a copy of the action with the ~~commission~~ Commission.
 7 (b) Notwithstanding Section 81013, ~~no~~ a local government
 8 agency shall *not* enact any ordinance imposing filing requirements
 9 additional to or different from those set forth in Chapter 4
 10 (commencing with Section 84100) for elections held in its
 11 jurisdiction unless the additional or different filing requirements
 12 apply only to the candidates seeking election in that jurisdiction,
 13 their controlled committees or committees formed or existing
 14 primarily to support or oppose their candidacies, and to committees
 15 formed or existing primarily to support or oppose a candidate or
 16 to support or oppose the qualification of, or passage of, a local
 17 ballot measure which is being voted on only in that jurisdiction,
 18 and to city or county general purpose committees active only in
 19 that city or county, respectively. *However, a local government*

1 *agency shall not impose any filing requirements on elected*
2 *members of, or candidates for election to, a county central*
3 *committee of a qualified political party or on committees primarily*
4 *formed to support or oppose a person seeking election to a county*
5 *central committee of a qualified political party.*

6 SEC. 2. Section 82013 of the Government Code is amended
7 to read:

8 82013. “Committee” means any person or combination of
9 persons who directly or indirectly does any of the following:

10 (a) Receives contributions totaling one thousand dollars (\$1,000)
11 or more in a calendar year.

12 (b) Makes independent expenditures totaling one thousand
13 dollars (\$1,000) or more in a calendar year; ~~or.~~

14 (c) Makes contributions totaling ten thousand dollars (\$10,000)
15 or more in a calendar year to or at the behest of candidates or
16 committees.

17 A person or combination of persons that becomes a committee
18 shall retain its status as a committee until ~~such time as~~ that status
19 is terminated pursuant to Section 84214.

20 “Committee” does not include an entity primarily formed to
21 support or oppose a person seeking election to a county central
22 committee of a qualified political party.

23 SEC. 3. Section 82023 of the Government Code is amended
24 to read:

25 82023. “Elective office” means any state, regional, county,
26 municipal, district, or judicial office that is filled at an election.

27 “Elective office” also includes ~~membership on a county central~~
28 ~~committee of a qualified political party,~~ and membership through
29 election on the Board of Administration of the Public Employees’
30 Retirement System or the Teachers’ Retirement Board. “*Elective*
31 *office*” does not include membership on a county central committee
32 of a qualified political party.

33 SEC. 4. Section 85703 of the Government Code is amended
34 to read:

35 85703. (a) Nothing in this act shall nullify contribution
36 limitations or prohibitions of any local jurisdiction that apply to
37 elections for local elective office, except that these limitations and
38 prohibitions may not conflict with ~~the provisions of~~ Section 85312.
39 *However, a local jurisdiction shall not impose any contribution*
40 *limitations or prohibitions on elected members of, or candidates*

1 *for election to, a county central committee of a qualified political*
2 *party, or on a committee primarily formed to support or oppose*
3 *a person seeking election to a county central committee of a*
4 *qualified political party.*

5 (b) Limitations and prohibitions imposed by a local jurisdiction
6 on payments for a member communication, as defined in
7 subdivision (c), that conflict with Section 85312 and which are
8 thereby prohibited by subdivision (a) include, but are not limited
9 to, any of the following:

10 (1) Source restrictions on payments for member communications
11 that are not expressly made applicable to member communications
12 by a state statute or by a regulation adopted by the ~~commission~~
13 *Commission* pursuant to Section 83112.

14 (2) Limitations on payments to a political party committee for
15 a member communication that are not expressly made applicable
16 to member communications by a state statute or by a regulation
17 adopted by the ~~commission~~ *Commission* pursuant to Section 83112.

18 (3) Limitations on the scope of payments considered directly
19 related to the making of a member communication, including costs
20 associated with the formulation, design, production, and
21 distribution of the communication such as surveys, list acquisition,
22 and consulting fees that are not expressly made applicable to
23 member communications by a state statute or by a regulation
24 adopted by the ~~commission~~ *Commission* pursuant to Section 83112.

25 (c) For purposes of this section, “member communication”
26 means a communication, within the meaning of Section 85312, to
27 members, employees, shareholders, or families of members,
28 employees, or shareholders of an organization, including a
29 communication by a political party to its members who are
30 registered with that party.

31 SEC. 5. The Secretary of State shall, pursuant to subdivision
32 (b) of Section 81012 of the Government Code, submit Sections 1
33 to 4, inclusive, of this act to the voters for approval at a statewide
34 election in accordance with Section 9040 of the Elections Code.

ASSEMBLY BILL

No. 2220

Introduced by Assembly Member Gatto

February 24, 2012

An act to amend Section 9085 of the Elections Code, and to amend Section 88002.5 of the Government Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 2220, as introduced, Gatto. Elections: statewide ballot pamphlet.

The Political Reform Act of 1974 requires the Legislative Analyst to prepare an impartial analysis of each initiative measure to appear on the ballot, and provides that the Legislative Analyst is solely responsible for determining the content of the analysis. The act requires the Legislative Analyst to prepare an impartial fiscal analysis of a measure that is included in the ballot pamphlet stating whether the measure would increase or decrease any revenue or cost to state or local government. Existing law also requires the Legislative Analyst to prepare for inclusion in the ballot pamphlet a summary statement regarding the general meaning and effect of “yes” and “no” votes on each state measure.

The Political Reform Act of 1974, an initiative statute, generally provides that the Legislature may amend the act to further the act's purposes upon a $\frac{2}{3}$ vote of each house and compliance with specified procedural requirements. The act also provides that, notwithstanding this requirement, the Legislature may without restriction amend specified provisions of the act to add to the ballot pamphlet information regarding candidates or other information.

This bill would, except as specified, require, if a fiscal analysis prepared by the Legislative Analyst determines that a measure would

provide an increase in revenues to fund new or existing programs, that specified language be added at the end of the “yes” and “no” summary statement in the ballot pamphlet advising that, unless changed by a future measure approved by the voters, the initiative would forever dedicate the revenue it generates to programs identified in the initiative by its backers and that these revenues would not be available to meet other responsibilities of the state not identified in the initiative. The bill also would contain a finding and declaration of the Legislature that the bill permits or requires additional information to be included in the ballot pamphlet in accordance with the provision of the Political Reform Act of 1974 described above that authorizes the Legislature to add information to the ballot pamphlet.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 9085 of the Elections Code is amended
2 to read:
3 9085. (a) The ballot pamphlet shall also contain a section,
4 located near the front of the pamphlet, that provides a concise
5 summary of the general meaning and effect of “yes” and “no”
6 votes on each state measure.
7 (b) The summary statements required by this section shall be
8 prepared by the Legislative Analyst. These statements are not
9 intended to provide comprehensive information on each measure.
10 The Legislative Analyst shall be solely responsible for determining
11 the contents of these statements. The statements shall be available
12 for public examination and amendment pursuant to Section 9092.
13 (c) (1) *Except as provided in paragraph (2), if an initiative*
14 *measure qualifies for the ballot and the analysis prepared pursuant*
15 *to Section 9087 determines that the initiative measure would*
16 *provide for an increase in revenues to fund new or existing*
17 *programs, the Legislative Analyst shall add a paragraph at the*
18 *end of the summary statement prepared pursuant to this section,*
19 *stating as follows:*
20 *“Unless changed by a future measure approved by the voters,*
21 *this initiative would forever dedicate the revenue it generates to*
22 *programs identified in the initiative by its backers, and these*

1 *revenues would not be available to meet other responsibilities of*
2 *the state not identified in the initiative.”*

3 *(2) Paragraph (1) shall not apply if the measure provides that*
4 *the increase in revenues is to be deposited without restriction into*
5 *the General Fund commencing at a future date after its enactment,*
6 *or if the initiative measure allows the Legislature to reallocate the*
7 *increase in revenues.*

8 SEC. 2. Section 88002.5 of the Government Code is amended
9 to read:

10 88002.5. (a) The ballot pamphlet shall also contain a section,
11 located near the front of the pamphlet, that provides a concise
12 summary of the general meaning and effect of “yes” and “no”
13 votes on each state measure.

14 (b) The summary statements required by this section shall be
15 prepared by the Legislative Analyst. These statements are not
16 intended to provide comprehensive information on each measure.
17 The Legislative Analyst shall be solely responsible for determining
18 the contents of these statements. The statements shall be available
19 for public examination and amendment pursuant to Section 88006.

20 *(c) (1) Except as provided in paragraph (2), if an initiative*
21 *measure qualifies for the ballot and the analysis prepared pursuant*
22 *to Section 88003 determines that the initiative measure would*
23 *provide for an increase in revenues to fund new or existing*
24 *programs, the Legislative Analyst shall add a paragraph at the*
25 *end of the summary statement prepared pursuant to this section,*
26 *stating as follows:*

27 *“Unless changed by a future measure approved by the voters,*
28 *this initiative would forever dedicate the revenue it generates to*
29 *programs identified in the initiative by its backers, and these*
30 *revenues would not be available to meet other responsibilities of*
31 *the state not identified in the initiative.”*

32 *(2) Paragraph (1) shall not apply if the measure provides that*
33 *the increase in revenues is to be deposited without restriction into*
34 *the General Fund commencing at a future date after its enactment,*
35 *or if the initiative measure allows the Legislature to reallocate the*
36 *increase in revenues.*

37 SEC. 3. The Legislature finds and declares that this act permits
38 or requires the inclusion of additional information on the ballot

- 1 pamphlet in accordance with Section 88007 of the Government
- 2 Code.

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AMENDED IN ASSEMBLY MARCH 22, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 2239

Introduced by Assembly Member Norby

February 24, 2012

An act to amend Section 170.1 of the Code of Civil Procedure, and to amend Sections 56100.1, 82036.5, 83124, 84101, 84103, 84108, 84203.3, 84203.5, 84204, 84204.5, 84215, 84216, 84218, 84300, 84308, 84602, 84604, 84605, 84609, 85304, 85304.5, 85306, 85310, 85315, 85316, 85501, 89510, 89511.5, 89512.5, 89513, and 90002 of, to repeal Sections 84200.5, 84200.6, 84200.7, 84200.8, 84200.9, 84202.3, 84202.5, 84202.7, 84203, 84205, 84206, 84209, 84211, 84216.5, 84220, 84302, 85300, 85301, 85302, 85303, 85305, 85307, 85309, 85314, 85320, 85321, 85701, 85702, and 85704 of, to repeal Article 2.5 (commencing with Section 84250) of Chapter 4 of Title 9 of, and to repeal and add Section 84200 of, the Government Code, relating to the Political Reform Act of 1974.

LEGISLATIVE COUNSEL'S DIGEST

AB 2239, as amended, Norby. Political Reform Act of 1974.

The Political Reform Act of 1974 imposes various limitations on contributions that may be made to, or accepted by, candidates for elective office and campaign committees that support or oppose candidates and ballot measures, including, among other things, limiting the maximum dollar amount of contributions that may be accepted by candidates for elective state office, prohibiting candidates from accepting public funds for the purpose of seeking public office, limiting contributions to an officer of an agency from a party who has a financial interest in a permit or license proceeding before that agency, and

prohibiting elected state officers or candidates for elective state office from accepting contributions from lobbyists registered to lobby the governmental agency of which the elected official is a member or for which the candidate seeks election.

This bill would repeal limitations on contributions that may be made to, or accepted by, candidates for elective office.

The act requires candidates and committees to file specified campaign finance reports, including semiannual statements, preelection statements, supplemental preelection statements, and late contribution reports, that include prescribed campaign finance information.

This bill would repeal the requirements to file these reports and would, instead, require that a candidate or committee who makes or receives a contribution of \$100 or more to report that contribution to specified filing officers within 24 hours of receiving the contribution. The bill would require a candidate or committee making the contribution to report his, her, or its full name and address, the full name and address of the recipient, the office sought by the candidate or the ballot measure, as appropriate, and the date and amount of the contribution. The bill would require the recipient of the contribution to report his, her, or its full name and address, the date and amount of the contribution, whether the contribution is in the form of a loan, and the full name of the contributor, and his or her street address, occupation, and employer or the name of the business, if self-employed. ~~The bill would require a candidate or committee who is required to report to the Secretary of State to file the report online or by electronic transmission only.~~

The bill would require a candidate or committee that makes an expenditure of \$100 or more to report the expenditure to specified filing officers within 24 hours. The bill would require the candidate or committee making the expenditure to report his, her, or its full name and street address, the amount of the expenditure, the full name and street address for the person to whom the expenditure was made, and a brief description of the consideration for which the expenditure was made. The bill would require the disclosure of additional information if the expenditure is a contribution to a candidate, elected officer, or committee or an independent expenditure to support or oppose a candidate or measure.

The bill would require a candidate or committee who is required to report a contribution or expenditure to the Secretary of State to file that report online or by electronic transmission only.

The bill would also make conforming changes.

By increasing the duties of local government officials, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The Political Reform Act of 1974, an initiative measure, provides that the act may be amended by a statute that becomes effective upon approval of the voters.

This bill would require the Secretary of State to submit the provisions of the bill that would amend the Political Reform Act of 1974 to the voters for approval at a statewide election, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 170.1 of the Code of Civil Procedure is
2 amended to read:
3 170.1. (a) A judge shall be disqualified if any one or more of
4 the following are true:
5 (1) (A) The judge has personal knowledge of disputed
6 evidentiary facts concerning the proceeding.
7 (B) A judge shall be deemed to have personal knowledge within
8 the meaning of this paragraph if the judge, or the spouse of the
9 judge, or a person within the third degree of relationship to either
10 of them, or the spouse of such a person, is to the judge's knowledge
11 likely to be a material witness in the proceeding.
12 (2) (A) The judge served as a lawyer in the proceeding, or in
13 any other proceeding involving the same issues he or she served
14 as a lawyer for a party in the present proceeding, or gave advice
15 to a party in the present proceeding upon a matter involved in the
16 action or proceeding.
17 (B) A judge shall be deemed to have served as a lawyer in the
18 proceeding if within the past two years:
19 (i) A party to the proceeding, or an officer, director, or trustee
20 of a party, was a client of the judge when the judge was in the
21 private practice of law or a client of a lawyer with whom the judge
22 was associated in the private practice of law.

- 1 (ii) A lawyer in the proceeding was associated in the private
2 practice of law with the judge.
- 3 (C) A judge who served as a lawyer for, or officer of, a public
4 agency that is a party to the proceeding shall be deemed to have
5 served as a lawyer in the proceeding if he or she personally advised
6 or in any way represented the public agency concerning the factual
7 or legal issues in the proceeding.
- 8 (3) (A) The judge has a financial interest in the subject matter
9 in a proceeding or in a party to the proceeding.
- 10 (B) A judge shall be deemed to have a financial interest within
11 the meaning of this paragraph if:
- 12 (i) A spouse or minor child living in the household has a
13 financial interest.
- 14 (ii) The judge or the spouse of the judge is a fiduciary who has
15 a financial interest.
- 16 (C) A judge has a duty to make reasonable efforts to inform
17 himself or herself about his or her personal and fiduciary interests
18 and those of his or her spouse and the personal financial interests
19 of children living in the household.
- 20 (4) The judge, or the spouse of the judge, or a person within the
21 third degree of relationship to either of them, or the spouse of such
22 a person, is a party to the proceeding or an officer, director, or
23 trustee of a party.
- 24 (5) A lawyer or a spouse of a lawyer in the proceeding is the
25 spouse, former spouse, child, sibling, or parent of the judge or the
26 judge's spouse or if such a person is associated in the private
27 practice of law with a lawyer in the proceeding.
- 28 (6) (A) For any reason:
- 29 (i) The judge believes his or her recusal would further the
30 interests of justice.
- 31 (ii) The judge believes there is a substantial doubt as to his or
32 her capacity to be impartial.
- 33 (iii) A person aware of the facts might reasonably entertain a
34 doubt that the judge would be able to be impartial.
- 35 (B) Bias or prejudice toward a lawyer in the proceeding may
36 be grounds for disqualification.
- 37 (7) By reason of permanent or temporary physical impairment,
38 the judge is unable to properly perceive the evidence or is unable
39 to properly conduct the proceeding.

1 (8) (A) The judge has a current arrangement concerning
2 prospective employment or other compensated service as a dispute
3 resolution neutral or is participating in, or within the last two years
4 has participated in, discussions regarding prospective employment
5 or service as a dispute resolution neutral, or has been engaged in
6 that employment or service, and any of the following applies:

7 (i) The arrangement is, or the prior employment or discussion
8 was, with a party to the proceeding.

9 (ii) The matter before the judge includes issues relating to the
10 enforcement of either an agreement to submit a dispute to an
11 alternative dispute resolution process or an award or other final
12 decision by a dispute resolution neutral.

13 (iii) The judge directs the parties to participate in an alternative
14 dispute resolution process in which the dispute resolution neutral
15 will be an individual or entity with whom the judge has the
16 arrangement, has previously been employed or served, or is
17 discussing or has discussed the employment or service.

18 (iv) The judge will select a dispute resolution neutral or entity
19 to conduct an alternative dispute resolution process in the matter
20 before the judge, and among those available for selection is an
21 individual or entity with whom the judge has the arrangement,
22 with whom the judge has previously been employed or served, or
23 with whom the judge is discussing or has discussed the employment
24 or service.

25 (B) For the purposes of this paragraph, all of the following
26 apply:

27 (i) “Participating in discussions” or “has participated in
28 discussion” means that the judge solicited or otherwise indicated
29 an interest in accepting or negotiating possible employment or
30 service as an alternative dispute resolution neutral, or responded
31 to an unsolicited statement regarding, or an offer of, that
32 employment or service by expressing an interest in that
33 employment or service, making an inquiry regarding the
34 employment or service, or encouraging the person making the
35 statement or offer to provide additional information about that
36 possible employment or service. If a judge’s response to an
37 unsolicited statement regarding, a question about, or offer of,
38 prospective employment or other compensated service as a dispute
39 resolution neutral is limited to responding negatively, declining

1 the offer, or declining to discuss that employment or service, that
2 response does not constitute participating in discussions.

3 (ii) “Party” includes the parent, subsidiary, or other legal affiliate
4 of any entity that is a party and is involved in the transaction,
5 contract, or facts that gave rise to the issues subject to the
6 proceeding.

7 (iii) “Dispute resolution neutral” means an arbitrator, mediator,
8 temporary judge appointed under Section 21 of Article VI of the
9 California Constitution, referee appointed under Section 638 or
10 639, special master, neutral evaluator, settlement officer, or
11 settlement facilitator.

12 (9) (A) The judge has received a contribution in excess of one
13 thousand five hundred dollars (\$1,500) from a party or lawyer in
14 the proceeding, and either of the following applies:

15 (i) The contribution was received in support of the judge’s last
16 election, if the last election was within the last six years.

17 (ii) The contribution was received in anticipation of an upcoming
18 election.

19 (B) Notwithstanding subparagraph (A), the judge shall be
20 disqualified based on a contribution of a lesser amount if
21 subparagraph (A) of paragraph (6) applies.

22 (C) The judge shall disclose any contribution from a party or
23 lawyer in a matter that is before the court that is required to be
24 reported under Section 84200 of the Government Code, even if
25 the amount would not require disqualification under this paragraph.
26 The manner of disclosure shall be the same as that provided in
27 Canon 3E of the Code of Judicial Ethics.

28 (D) Notwithstanding paragraph (1) of subdivision (b) of Section
29 170.3, the disqualification required under this paragraph may be
30 waived by the party that did not make the contribution unless there
31 are other circumstances that would prohibit a waiver pursuant to
32 paragraph (2) of subdivision (b) of Section 170.3.

33 (b) A judge before whom a proceeding was tried or heard shall
34 be disqualified from participating in any appellate review of that
35 proceeding.

36 (c) At the request of a party or on its own motion an appellate
37 court shall consider whether in the interests of justice it should
38 direct that further proceedings be heard before a trial judge other
39 than the judge whose judgment or order was reviewed by the
40 appellate court.

1 SEC. 2. Section 56100.1 of the Government Code is amended
2 to read:

3 56100.1. (a) Contributions and expenditures for political
4 purposes related to a proposal or proceeding shall be disclosed and
5 reported pursuant to Article 2 (commencing with Section 84200)
6 of Chapter 4 of the Political Reform Act of 1974 (Title 9
7 (commencing with Section 81000)).

8 (b) A commission may require, through the adoption of written
9 policies and procedures, additional disclosure of contributions in
10 support of or opposition to a proposal, which shall be made either
11 to the commission's executive officer, in which case it shall be
12 posted on the commission's Internet Web site, if applicable, or to
13 the board of supervisors of the county in which the commission
14 is located, which may designate a county officer to receive the
15 disclosure. Disclosure pursuant to a requirement under the authority
16 provided in this section shall be in addition to any disclosure
17 otherwise required by Section 56700.1, 57009, or local ordinance.

18 SEC. 3. Section 82036.5 of the Government Code is amended
19 to read:

20 82036.5. "Late independent expenditure" means any
21 independent expenditure that totals in the aggregate one thousand
22 dollars (\$1,000) or more and is made for or against any specific
23 candidate or measure involved in an election within the 12 days
24 before the date of the election. For purposes of the Board of
25 Administration of the Public Employees' Retirement System and
26 the Teachers' Retirement Board, "the date of the election" is the
27 deadline to return ballots.

28 SEC. 4. Section 83124 of the Government Code is amended
29 to read:

30 83124. The commission shall adjust the voluntary expenditure
31 limitations provisions in Section 85400 in January of every
32 odd-numbered year to reflect any increase or decrease in the
33 Consumer Price Index. Those adjustments shall be rounded to the
34 nearest one thousand dollars (\$1,000).

35 SEC. 5. Section 84101 of the Government Code is amended
36 to read:

37 84101. (a) A committee that is a committee by virtue of
38 subdivision (a) of Section 82013 shall file a statement of
39 organization. The committee shall file the original of the statement
40 of organization with the Secretary of State and shall also file a

1 copy of the statement of organization with the local filing officer,
2 if any, with whom the committee is required to file the originals
3 of its campaign reports pursuant to Section 84215. The original
4 and copy of the statement of organization shall be filed within 10
5 days after the committee has qualified as a committee. The
6 Secretary of State shall assign a number to each committee that
7 files a statement of organization and shall notify the committee of
8 the number. The Secretary of State shall send a copy of statements
9 filed pursuant to this section to the county elections official of each
10 county that he or she deems appropriate. A county elections official
11 who receives a copy of a statement of organization from the
12 Secretary of State pursuant to this section shall send a copy of the
13 statement to the clerk of each city in the county that he or she
14 deems appropriate.

15 (b) In addition to filing the statement of organization as required
16 by subdivision (a), if a committee qualifies as a committee under
17 subdivision (a) of Section 82013 within the 12 days before the
18 date of an election in connection with which the committee is
19 required to file campaign statements, the committee shall file, by
20 facsimile transmission, guaranteed overnight delivery, or personal
21 delivery within 24 hours of qualifying as a committee, the
22 information required to be reported in the statement of organization.
23 The information required by this subdivision shall be filed with
24 the filing officer with whom the committee is required to file the
25 originals of its campaign reports pursuant to Section 84215.

26 (c) If an independent expenditure committee qualifies as a
27 committee pursuant to subdivision (a) of Section 82013 during the
28 time period described in Section 82036.5 and makes independent
29 expenditures of one thousand dollars (\$1,000) or more to support
30 or oppose a candidate or candidates for office, the committee shall
31 file, by facsimile transmission, online transmission, guaranteed
32 overnight delivery, or personal delivery within 24 hours of
33 qualifying as a committee, the information required to be reported
34 in the statement of organization. The information required by this
35 section shall be filed with the filing officer with whom the
36 committee is required to file the original of its campaign reports
37 pursuant to Section 84215, and shall be filed at all locations
38 required for the candidate or candidates supported or opposed by
39 the independent expenditures. The filings required by this section
40 are in addition to filings that may be required by Section 84204.

1 (d) For purposes of this section, in calculating whether one
2 thousand dollars (\$1,000) in contributions has been received,
3 payments for a filing fee or for a statement of qualifications to
4 appear in a sample ballot shall not be included if these payments
5 have been made from the candidate's personal funds.

6 SEC. 6. Section 84103 of the Government Code is amended
7 to read:

8 84103. (a) Whenever there is a change in any of the
9 information contained in a statement of organization, an
10 amendment shall be filed within 10 days to reflect the change. The
11 committee shall file the original of the amendment with the
12 Secretary of State and shall also file a copy of the amendment with
13 the local filing officer, if any, with whom the committee is required
14 to file the originals of its campaign reports pursuant to Section
15 84215.

16 (b) In addition to filing an amendment to a statement of
17 organization as required by subdivision (a), a committee as defined
18 in subdivision (a) of Section 82013 shall, by facsimile transmission,
19 online transmission, guaranteed overnight delivery, or personal
20 delivery within 24 hours, notify the filing officer with whom it is
21 required to file the originals of its campaign reports pursuant to
22 Section 84215 when the change requiring the amendment occurs
23 within the 12 days before the date of the election in connection
24 with which the committee is required to file a campaign statement
25 if any of the following information is changed:

26 (1) The name of the committee.

27 (2) The name of the treasurer or other principal officers.

28 (3) The name of any candidate or committee by which the
29 committee is controlled or with which it acts jointly.

30 The notification shall include the changed information, the date
31 of the change, the name of the person providing the notification,
32 and the committee's name and identification number.

33 A committee may file a notification online only if the appropriate
34 filing officer is capable of receiving the notification in that manner.

35 SEC. 7. Section 84108 of the Government Code is amended
36 to read:

37 84108. (a) Every slate mailer organization shall comply with
38 the requirements of Sections 84100, 84101, 84103, and 84104.

39 (b) The statement of organization of a slate mailer organization
40 shall include:

1 (1) The name, street address, and telephone number of the
2 organization. In the case of an individual or business entity that
3 qualifies as a slate mailer organization, the name of the slate mailer
4 organization shall include the name by which the individual or
5 entity is identified for legal purposes. Whenever identification of
6 a slate mailer organization is required by this title, the identification
7 shall include the full name of the slate mailer organization as
8 contained in its statement of organization.

9 (2) The full name, street address, and telephone number of the
10 treasurer and other principal officers.

11 (3) The full name, street address, and telephone number of each
12 person with final decisionmaking authority as to which candidates
13 or measures will be supported or opposed in the organization's
14 slate mailers.

15 (c) The statement of organization shall be filed with the
16 Secretary of State within 10 days after the slate mailer organization
17 receives or is promised five hundred dollars (\$500) or more for
18 producing one or more slate mailers. However, if an entity qualifies
19 as a slate mailer organization within the 12 days before the date
20 of an election in which it is required to file campaign statements,
21 the slate mailer organization shall file with the Secretary of State,
22 by facsimile transmission, guaranteed overnight delivery, or
23 personal delivery within 24 hours of qualifying as a slate mailer
24 organization, the information required to be reported in the
25 statement of organization.

26 SEC. 8. Section 84200 of the Government Code is repealed.

27 SEC. 9. Section 84200 is added to the Government Code, to
28 read:

29 84200. (a) (1) Each candidate or committee that makes or
30 receives a contribution of one hundred dollars (\$100) or more shall
31 report the contribution to each office with which the candidate or
32 committee is required to file its statements pursuant to Section
33 84215 or 84218. The candidate or committee that makes the
34 contribution shall report his or her full name and street address
35 and the full name and street address of the person to whom the
36 contribution has been made, the office sought if the recipient is a
37 candidate, or the ballot measure number or letter if the recipient
38 is a committee primarily formed to support or oppose a ballot
39 measure, and the date and amount of the contribution. The recipient
40 of the contribution shall report his or her full name and street

1 address, the date and amount of the contribution, and whether the
2 contribution was made in the form of a loan. The recipient shall
3 also report the full name of the contributor, his or her street address,
4 occupation, and the name of his or her employer, or if
5 self-employed, the name of the business.

6 *(2) A contribution need not be reported, nor shall it be deemed*
7 *accepted, if it is not cashed, negotiated, or deposited and is*
8 *returned to the contributor within 24 hours of its receipt.*

9 *(b) Each candidate or committee that makes an expenditure of*
10 *one hundred dollars (\$100) or more shall report the expenditure*
11 *to each office with which the candidate or committee is required*
12 *to file its statements pursuant to Section 84215 or 84218. The*
13 *candidate or committee that makes the expenditure shall report*
14 *his or her full name and street address, the amount of the*
15 *expenditure, the full name and street address for the person to*
16 *whom the expenditure was made, and a brief description of the*
17 *consideration for which the expenditure was made. In the case of*
18 *an expenditure that is a contribution to a candidate, elected officer,*
19 *or committee or an independent expenditure to support or oppose*
20 *a candidate or measure, the report shall also include the date of*
21 *the contribution or independent expenditure, the cumulative amount*
22 *of contributions made to the candidate, elected officer, or*
23 *committee, or the cumulative amount of independent expenditures*
24 *made relative to a candidate or measure, the full name of the*
25 *candidate, and the office and district for which he or she seeks*
26 *nomination or election, or the number or letter of the measure,*
27 *and the jurisdiction in which the measure or candidate is voted*
28 *upon.*

29 ~~(b)~~

30 *(c) A contribution or expenditure shall be reported by facsimile*
31 *transmission, guaranteed overnight delivery, or personal delivery*
32 *within 24 hours of the time it is made in the case of the candidate*
33 *or committee that makes the contribution and within 24 hours of*
34 *the time it is received in the case of the recipient. If a contribution*
35 *or expenditure is required to be reported to the Secretary of State,*
36 *the report to the Secretary of State shall be by online or electronic*
37 *transmission only.*

38 ~~*(e) A contribution need not be reported, nor shall it be deemed*~~
39 ~~*accepted, if it is not cashed, negotiated, or deposited and is returned*~~
40 ~~*to the contributor within 24 hours of its receipt.*~~

- 1 SEC. 10. Section 84200.5 of the Government Code is repealed.
- 2 SEC. 11. Section 84200.6 of the Government Code is repealed.
- 3 SEC. 12. Section 84200.7 of the Government Code is repealed.
- 4 SEC. 13. Section 84200.8 of the Government Code is repealed.
- 5 SEC. 14. Section 84200.9 of the Government Code is repealed.
- 6 SEC. 15. Section 84202.3 of the Government Code is repealed.
- 7 SEC. 16. Section 84202.5 of the Government Code is repealed.
- 8 SEC. 17. Section 84202.7 of the Government Code is repealed.
- 9 SEC. 18. Section 84203 of the Government Code is repealed.
- 10 SEC. 19. Section 84203.3 of the Government Code is amended

11 to read:

12 84203.3. Any candidate or committee that makes a contribution
13 that is an in-kind contribution shall notify the recipient in writing
14 of the value of the in-kind contribution. The notice shall be received
15 by the recipient within 24 hours of the time the contribution is
16 made.

17 SEC. 20. Section 84203.5 of the Government Code is amended
18 to read:

19 84203.5. (a) In addition to any campaign statements required
20 by this article, if a candidate or committee has made independent
21 expenditures totaling one thousand dollars (\$1,000) or more in a
22 calendar year to support or oppose a candidate, a measure or
23 qualification of a measure, it shall file independent expenditure
24 reports at the times prescribed by the Commission.

25 (b) An independent expenditure report shall contain the
26 following information:

27 (1) The name, street address, and telephone number of the
28 candidate or committee making the expenditure and of the
29 committee’s treasurer, and the number assigned to the committee
30 by the Secretary of State.

31 (2) If the report is related to a candidate, the full name of the
32 candidate and the office and district for which the candidate seeks
33 nomination or election. If the report is related to a measure or
34 qualification of a measure, the number or letter of the measure, or
35 if none has yet been assigned, a brief description of the subject
36 matter of the measure, and the jurisdiction in which the measure
37 is to be voted on or would be voted on if it qualified.

38 (3) The total amount of expenditures related to the candidate or
39 measure during the period covered by the report made to persons
40 who have received less than one hundred dollars (\$100).

1 (4) The total amount of expenditures related to the candidate or
2 measure during the period covered by the report made to persons
3 who have received one hundred dollars (\$100) or more.

4 (5) For each person to whom an expenditure of one hundred
5 dollars (\$100) or more related to the candidate or measure has
6 been made during the period covered by the report and for each
7 person who has provided consideration for an expenditure of one
8 hundred dollars (\$100) or more during the period covered by the
9 report:

10 (A) His or her full name.

11 (B) His or her street address.

12 (C) If the person is a committee, the name of the committee,
13 the number assigned to the committee by the Secretary of State,
14 or if no number has been assigned, the full name and street address
15 of the treasurer of the committee.

16 (D) The date of the expenditure.

17 (E) The amount of the expenditure.

18 (F) A brief description of the consideration for which each
19 expenditure was made and the value of the consideration if less
20 than the total amount of the expenditure.

21 (G) The cumulative amount of expenditures to the person.

22 (6) A list of all the filing officers with whom the committee
23 filed its most recent campaign statement.

24 (c) Filing officers shall maintain paper reports filed pursuant to
25 this section under the name of the candidate or measure supported
26 or opposed by the independent expenditure.

27 SEC. 21. Section 84204 of the Government Code is amended
28 to read:

29 84204. (a) A committee that makes a late independent
30 expenditure, as defined in Section 82036.5, shall report the late
31 independent expenditure by facsimile transmission, guaranteed
32 overnight delivery, or personal delivery within 24 hours of the
33 time it is made. If a late independent expenditure is required to be
34 reported to the Secretary of State, the report to the Secretary of
35 State shall be by online or electronic transmission only. A late
36 independent expenditure shall be reported on subsequent campaign
37 statements without regard to reports filed pursuant to this section.

38 (b) A committee that makes a late independent expenditure shall
39 report its full name and street address, as well as the name, office,
40 and district of the candidate if the report is related to a candidate,

1 or if the report is related to a measure, the number or letter of the
 2 measure, the jurisdiction in which the measure is to be voted upon,
 3 and the amount and the date, as well as a description of goods or
 4 services for which the late independent expenditure was made.

5 (c) A committee that makes a late independent expenditure shall
 6 file a late independent expenditure report in the places where it
 7 would be required to file campaign statements under this article
 8 as if it were formed or existing primarily to support or oppose the
 9 candidate or measure for or against which it is making the late
 10 independent expenditure.

11 (d) A report filed pursuant to this section shall be in addition to
 12 any other campaign statement required to be filed by this article.

13 (e) Expenditures that have been disclosed by candidates and
 14 committees pursuant to Section 85500 are not required to be
 15 disclosed pursuant to this section.

16 SEC. 22. Section 84204.5 of the Government Code is amended
 17 to read:

18 84204.5. (a) In addition to any other report required by this
 19 title, a committee pursuant to subdivision (a) of Section 82013 that
 20 is required to file reports pursuant to Section 84605 shall file online
 21 or electronically with the Secretary of State each time it makes
 22 independent expenditures totaling five thousand dollars (\$5,000)
 23 or more to support or oppose the qualification or passage of a
 24 single state ballot measure. The report shall be filed within 10
 25 business days of making the contributions or independent
 26 expenditures and shall contain all of the following:

27 (1) The full name, street address, and identification number of
 28 the committee.

29 (2) The number or letter of the measure if the measure has
 30 qualified for the ballot and has been assigned a number or letter;
 31 the title of the measure if the measure has not been assigned a
 32 number or letter but has been issued a title by the Attorney General;
 33 or the subject of the measure if the measure has not been assigned
 34 a number or letter and has not been issued a title by the Attorney
 35 General.

36 (3) The date, amount, and a description of the goods or services
 37 for which the expenditure was made.

38 (b) Reports required by this section are not required to be filed
 39 by a committee primarily formed to support or oppose the
 40 qualification or passage of a state ballot measure for expenditures

1 made on behalf of the ballot measure or measures for which it is
2 formed.

3 (c) Independent expenditures that have been disclosed by a
4 committee pursuant to Section 84204 or 85500 are not required to
5 be disclosed pursuant to this section.

6 SEC. 23. Section 84205 of the Government Code is repealed.

7 SEC. 24. Section 84206 of the Government Code is repealed.

8 SEC. 25. Section 84209 of the Government Code is repealed.

9 SEC. 26. Section 84211 of the Government Code is repealed.

10 SEC. 27. Section 84215 of the Government Code is amended
11 to read:

12 84215. All candidates and elected officers and their controlled
13 committees, except as provided in subdivisions (d) and (e), shall
14 file one copy of the campaign statements required by Section 84200
15 with the elections official of the county in which the candidate or
16 elected official is domiciled, as defined in subdivision (b) of
17 Section 349 of the Elections Code. In addition, campaign
18 statements shall be filed at the following places:

19 (a) Statewide elected officers, including members of the State
20 Board of Equalization; Members of the Legislature; Supreme Court
21 justices, court of appeal justices, and superior court judges;
22 candidates for those offices and their controlled committees;
23 committees formed or existing primarily to support or oppose these
24 candidates, elected officers, justices and judges, or statewide
25 measures, or the qualification of state ballot measures; and all state
26 general purpose committees and filers not specified in subdivisions
27 (b) to (e), inclusive, shall file a campaign statement by online or
28 electronic means, as specified in Section 84605, and shall file the
29 original and one copy of the campaign statement in paper format
30 with the Secretary of State.

31 (b) Elected officers in jurisdictions other than legislative
32 districts, State Board of Equalization districts, or appellate court
33 districts that contain parts of two or more counties, candidates for
34 these offices, their controlled committees, and committees formed
35 or existing primarily to support or oppose candidates or local
36 measures to be voted upon in one of these jurisdictions shall file
37 the original and one copy with the elections official of the county
38 with the largest number of registered voters in the jurisdiction.

39 (c) County elected officers, candidates for these offices, their
40 controlled committees, committees formed or existing primarily

1 to support or oppose candidates or local measures to be voted upon
 2 in any number of jurisdictions within one county, other than those
 3 specified in subdivision (d), and county general purpose
 4 committees shall file the original and one copy with the elections
 5 official of the county.

6 (d) City elected officers, candidates for city office, their
 7 controlled committees, committees formed or existing primarily
 8 to support or oppose candidates or local measures to be voted upon
 9 in one city, and city general purpose committees shall file the
 10 original and one copy with the clerk of the city and are not required
 11 to file with the local elections official of the county in which they
 12 are domiciled.

13 (e) Elected members of the Board of Administration of the
 14 Public Employees’ Retirement System, elected members of the
 15 Teachers’ Retirement Board, candidates for these offices, their
 16 controlled committees, and committees formed or existing
 17 primarily to support or oppose these candidates or elected members
 18 shall file the original and one copy with the Secretary of State, and
 19 a copy shall be filed at the relevant board’s office in Sacramento.
 20 These elected officers, candidates, and committees need not file
 21 with the elections official of the county in which they are
 22 domiciled.

23 (f) Notwithstanding any other provision of this section, a
 24 committee, candidate, or elected officer is not required to file more
 25 than the original and one copy, or one copy, of a campaign
 26 statement with any one county elections official or city clerk or
 27 with the Secretary of State.

28 (g) If a committee is required to file campaign statements
 29 required by Section 84200 in places designated in subdivisions (a)
 30 to (d), inclusive, it shall continue to file these statements in those
 31 places, in addition to any other places required by this title, until
 32 the end of the calendar year.

33 SEC. 28. Section 84216 of the Government Code is amended
 34 to read:

35 84216. (a) Notwithstanding Section 82015, a loan received
 36 by a candidate or committee is a contribution unless the loan is
 37 received from a commercial lending institution in the ordinary
 38 course of business, or it is clear from the surrounding circumstances
 39 that it is not made for political purposes.

1 (b) A loan, whether or not there is a written contract for the
2 loan, shall be reported as provided in Section 84200 when any of
3 the following apply:

4 (1) The loan is a contribution.

5 (2) The loan is received by a committee.

6 (3) The loan is received by a candidate and is used for political
7 purposes.

8 SEC. 29. Section 84216.5 of the Government Code is repealed.

9 SEC. 30. Section 84218 of the Government Code is amended
10 to read:

11 84218. (a) A slate mailer organization shall file semiannual
12 campaign statements no later than July 31 for the period ending
13 June 30, and no later than January 31 for the period ending
14 December 31.

15 (b) A slate mailer organization shall file two copies of its
16 campaign reports with the clerk of the county in which it is
17 domiciled. A slate mailer organization is domiciled at the address
18 listed on its statement of organization unless it is domiciled outside
19 California, in which case its domicile shall be deemed to be Los
20 Angeles County for purposes of this section.

21 In addition, slate mailer organizations shall file campaign reports
22 as follows:

23 (1) A slate mailer organization which produces one or more
24 slate mailers supporting or opposing candidates or measures voted
25 on in a state election, or in more than one county, shall file
26 campaign reports in the same manner as state general purpose
27 committees pursuant to subdivision (a) of Section 84215.

28 (2) A slate mailer organization which produces one or more
29 slate mailers supporting or opposing candidates or measures voted
30 on in only one county, or in more than one jurisdiction within one
31 county, shall file campaign reports in the same manner as county
32 general purpose committees pursuant to subdivision (c) of Section
33 84215.

34 (3) A slate mailer organization which produces one or more
35 slate mailers supporting or opposing candidates or measures voted
36 on in only one city shall file campaign reports in the same manner
37 as city general purpose committees pursuant to subdivision (d) of
38 Section 84215.

39 (4) Notwithstanding the above, no slate mailer organization
40 shall be required to file more than the original and one copy, or

1 two copies, of a campaign report with any one county or city clerk
2 or with the Secretary of State.

3 SEC. 31. Section 84220 of the Government Code is repealed.

4 SEC. 32. Article 2.5 (commencing with Section 84250) of
5 Chapter 4 of Title 9 of the Government Code is repealed.

6 SEC. 33. Section 84300 of the Government Code is amended
7 to read:

8 84300. (a) No expenditure of one hundred dollars (\$100) or
9 more shall be made in cash.

10 (b) The value of all in-kind contributions of one hundred dollars
11 (\$100) or more shall be reported in writing to the recipient upon
12 the request in writing of the recipient.

13 SEC. 34. Section 84302 of the Government Code is repealed.

14 SEC. 35. Section 84308 of the Government Code is amended
15 to read:

16 84308. (a) The definitions set forth in this subdivision shall
17 govern the interpretation of this section.

18 (1) "Party" means any person who files an application for, or
19 is the subject of, a proceeding involving a license, permit, or other
20 entitlement for use.

21 (2) "Participant" means any person who is not a party but who
22 actively supports or opposes a particular decision in a proceeding
23 involving a license, permit, or other entitlement for use and who
24 has a financial interest in the decision, as described in Article 1
25 (commencing with Section 87100) of Chapter 7. A person actively
26 supports or opposes a particular decision in a proceeding if he or
27 she lobbies in person the officers or employees of the agency,
28 testifies in person before the agency, or otherwise acts to influence
29 officers of the agency.

30 (3) "Agency" means an agency as defined in Section 82003,
31 except that it does not include the courts or any agency in the
32 judicial branch of government, local governmental agencies whose
33 members are directly elected by the voters, the Legislature, the
34 State Board of Equalization, or constitutional officers. However,
35 this section applies to any person who is a member of an exempted
36 agency but is acting as a voting member of another agency.

37 (4) "Officer" means any elected or appointed officer of an
38 agency, any alternate to an elected or appointed officer of an
39 agency, and any candidate for elective office in an agency.

1 (5) “License, permit, or other entitlement for use” means all
2 business, professional, trade, and land use licenses and permits
3 and all other entitlements for use, including all entitlements for
4 land use, all contracts (other than competitively bid, labor, or
5 personal employment contracts), and all franchises.

6 (6) “Contribution” includes contributions to candidates and
7 committees in federal, state, or local elections.

8 (b) Prior to rendering any decision in a proceeding involving a
9 license, permit, or other entitlement for use pending before an
10 agency, each officer of the agency who received a contribution
11 within the preceding 12 months in an amount of more than two
12 hundred fifty dollars (\$250) from a party or from any participant
13 shall disclose that fact on the record of the proceeding. No officer
14 of an agency shall make, participate in making, or in any way
15 attempt to use his or her official position to influence the decision
16 in a proceeding involving a license, permit, or other entitlement
17 for use pending before the agency if the officer has willfully or
18 knowingly received a contribution in an amount of more than two
19 hundred fifty dollars (\$250) within the preceding 12 months from
20 a party or his or her agent, or from any participant, or his or her
21 agent if the officer knows or has reason to know that the participant
22 has a financial interest in the decision, as that term is described
23 with respect to public officials in Article 1 (commencing with
24 Section 87100) of Chapter 7.

25 If an officer receives a contribution which ~~would~~ *that* otherwise
26 require disqualification under this section, *and* returns the
27 contribution within 30 days from the time he or she knows, or
28 should have known, about the contribution and the proceeding
29 involving a license, permit, or other entitlement for use, he or she
30 shall be permitted to participate in the proceeding.

31 (c) A party to a proceeding before an agency involving a license,
32 permit, or other entitlement for use shall disclose on the record of
33 the proceeding any contribution in an amount of more than two
34 hundred fifty dollars (\$250) made within the preceding 12 months
35 by the party, or his or her agent, to any officer of the agency. No
36 party, or his or her agent, to a proceeding involving a license,
37 permit, or other entitlement for use pending before any agency
38 and no participant, or his or her agent, in the proceeding shall make
39 a contribution of more than two hundred fifty dollars (\$250) to
40 any officer of that agency during the proceeding and for three

1 months following the date a final decision is rendered by the
2 agency in the proceeding. When a closed corporation is a party to,
3 or a participant in, a proceeding involving a license, permit, or
4 other entitlement for use pending before an agency, the majority
5 shareholder is subject to the disclosure and prohibition
6 requirements specified in subdivision (b) and this subdivision.

7 (d) Nothing in this section shall be construed to imply that any
8 contribution subject to being reported under this title shall not be
9 so reported.

10 SEC. 36. Section 84602 of the Government Code is amended
11 to read:

12 84602. To implement the Legislature's intent, the Secretary of
13 State, in consultation with the Commission, notwithstanding any
14 other provision of the Government Code, shall do all of the
15 following:

16 (a) Develop online and electronic filing processes for use by
17 persons and entities specified in Sections 84604 and 84605 that
18 are required to file statements and reports with the Secretary of
19 State's office pursuant to Chapter 4 (commencing with Section
20 84100) and Chapter 6 (commencing with Section 86100). Those
21 processes shall each enable a user to comply with all the disclosure
22 requirements of this title and shall include, at a minimum, the
23 following:

24 (1) A means or method whereby filers subject to this chapter
25 may submit required filings free of charge. Any means or method
26 developed pursuant to this provision shall not provide any
27 additional or enhanced functions or services that exceed the
28 minimum requirements necessary to fulfill the disclosure provisions
29 of this title. At least one means or method shall be made available
30 no later than December 31, 2002.

31 (2) The definition of a nonproprietary standardized record format
32 or formats using industry standards for the transmission of the data
33 that is required of those persons and entities specified in
34 subdivision (a) of Section 84604 and Section 84605 and that
35 conforms with the disclosure requirements of this title. The
36 Secretary of State shall hold public hearings prior to development
37 of the record format or formats as a means to ensure that affected
38 entities have an opportunity to provide input into the development
39 process. The format or formats shall be made public no later than

1 July 1, 1999, to ensure sufficient time to comply with the
2 requirements of this chapter.

3 (b) Accept test files from software vendors and others wishing
4 to file reports electronically, for the purpose of determining whether
5 the file format is in compliance with the standardized record format
6 developed pursuant to subdivision (a) and is compatible with the
7 Secretary of State's system for receiving the data. A list of the
8 software and service providers who have submitted acceptable test
9 files shall be published by the Secretary of State and made available
10 to the public. Acceptably formatted files shall be submitted by a
11 filer in order to meet the requirements of this chapter.

12 (c) Develop a system that provides for the online or electronic
13 transfer of the data specified in this section utilizing
14 telecommunications technology that assures the integrity of the
15 data transmitted and that creates safeguards against efforts to
16 tamper with or subvert the data.

17 (d) Make all the data filed available on the Internet in an easily
18 understood format that provides the greatest public access. The
19 data shall be made available free of charge and as soon as possible
20 after receipt. All contribution reports and late independent
21 expenditure reports shall be made available on the Internet within
22 24 hours of receipt. The data made available on the Internet shall
23 not contain the street name and building number of the persons or
24 entity representatives listed on the electronically filed forms or
25 any bank account number required to be disclosed pursuant to this
26 title.

27 (e) Develop a procedure for filers to comply with the
28 requirement that they sign under penalty of perjury pursuant to
29 Section 81004.

30 (f) Maintain all filed data online for 10 years after the date it is
31 filed, and then archive the information in a secure format.

32 (g) Provide assistance to those seeking public access to the
33 information.

34 (h) Implement sufficient technology to seek to prevent
35 unauthorized alteration or manipulation of the data.

36 (i) Provide the Commission with necessary information to enable
37 it to assist agencies, public officials, and others, with the
38 compliance with and administration of this title.

39 (j) Report to the Legislature on the implementation and
40 development of the online and electronic filing and disclosure

1 requirements of this chapter. The report shall include an
2 examination of system security, private security issues, software
3 availability, compliance costs to filers, use of the filing system and
4 software provided by the Secretary of State, and other issues
5 relating to this chapter, and shall recommend appropriate changes
6 if necessary. In preparing the report, the Commission may present
7 to the Secretary of State and the Legislature its comments regarding
8 this chapter as it relates to the duties of the Commission and
9 suggest appropriate changes if necessary. There shall be one report
10 due before the system is operational as set forth in Section 84603,
11 one report due no later than June 1, 2002, and one report due no
12 later than January 31, 2003.

13 (k) Review the current filing and disclosure requirements of
14 this chapter and report to the Legislature, no later than June 1,
15 2005, recommendations on revising these requirements so as to
16 promote greater reliance on electronic and online submissions.

17 SEC. 37. Section 84604 of the Government Code is amended
18 to read:

19 84604. (a) The Secretary of State shall implement an online
20 or electronic disclosure program in connection with the 2000 state
21 primary election and the lobbying activities specified in paragraph
22 (4). Entities specified in paragraphs (1), (2), and (3) shall
23 commence online or electronic disclosure with the first preelection
24 statement filed in connection with the 2000 statewide direct
25 primary election for the period ending January 22, 2000, and shall
26 continue to disclose online or electronically all required reports
27 and statements up to and including the semiannual statement for
28 the period ending June 30, 2000. Entities specified in paragraph
29 (4) shall commence online or electronic disclosure with the
30 quarterly report for the period ending March 31, 2000, and shall
31 continue to disclose online or electronically all required reports
32 and statements up to and including the quarterly report for the
33 period ending June 30, 2000. The entities subject to this section
34 are the following:

35 (1) Any candidate, including appellate court and Supreme Court
36 candidates and officeholders, committee, or other persons who are
37 required, pursuant to Chapter 4 (commencing with Section 84100),
38 to file statements, reports, or other documents in connection with
39 a state elective office or state measure appearing on the 2000
40 statewide direct primary ballot, provided that the total cumulative

1 reportable amount of contributions received, expenditures made,
2 loans made, or loans received is one hundred thousand dollars
3 (\$100,000) or more. For the purpose of cumulating totals, the
4 period covered shall commence January 1, 1999.

5 (2) Any general purpose committees, as defined in Section
6 82027.5, including the general purpose committees of political
7 parties, and small contributor committees, as defined in Section
8 85203, that cumulatively receive contributions or make
9 expenditures totaling one hundred thousand dollars (\$100,000) or
10 more to support or oppose candidates for any elective state office
11 or state measure appearing on the 2000 statewide direct primary
12 ballot. For the purpose of cumulating totals, the period covered
13 shall commence January 1, 1999.

14 (3) Any slate mailer organization with cumulative reportable
15 payments received or made for the purposes of producing slate
16 mailers of one hundred thousand dollars (\$100,000) or more in
17 connection with the 2000 statewide direct primary election. For
18 the purpose of cumulating totals, the period covered shall
19 commence January 1, 1999.

20 (4) Any lobbyist, lobbying firm, lobbyist employer, or other
21 persons required, pursuant to Chapter 6 (commencing with Section
22 86100), to file statements, reports, or other documents, provided
23 that the total amount of any category of reportable payments,
24 expenses, contributions, gifts, or other items is one hundred
25 thousand dollars (\$100,000) or more in a calendar quarter.

26 (b) Filers specified in subdivision (a) shall also continue to file
27 required disclosure forms in paper format. The paper copy shall
28 continue to be the official version for audit and other legal
29 purposes. Committees and other persons that are not required to
30 file online or electronically by this section may do so voluntarily.

31 (c) The Secretary of State shall also disclose on the Internet any
32 contribution report or late independent expenditure report not
33 covered by subdivision (a).

34 (d) It shall be presumed that online or electronic filers file under
35 penalty of perjury.

36 SEC. 38. Section 84605 of the Government Code is amended
37 to read:

38 84605. (a) The following persons shall file online or
39 electronically with the Secretary of State:

1 (1) Any candidate, including superior court, appellate court,
2 and Supreme Court candidates and officeholders, committee, or
3 other persons who are required, pursuant to Chapter 4 (commencing
4 with Section 84100), to file statements, reports, or other documents
5 in connection with a state elective office or state measure, provided
6 that the total cumulative reportable amount of contributions
7 received, expenditures made, loans made, or loans received is
8 twenty-five thousand dollars (\$25,000) or more. In determining
9 the cumulative reportable amount, all controlled committees, as
10 defined by Section 82016, shall be included. For a committee
11 subject to this title prior to January 1, 2000, the beginning date for
12 calculating cumulative totals is January 1, 2000. For a committee
13 that is first subject to this title on or after January 1, 2000, the
14 beginning date for calculating cumulative totals is the date the
15 committee is first subject to this title. A committee, as defined in
16 subdivision (c) of Section 82013, shall file online or electronically
17 if it makes contributions of twenty-five thousand dollars (\$25,000)
18 or more in a calendar year.

19 (2) Any general purpose committees, as defined in Section
20 82027.5, including the general purpose committees of political
21 parties, and small contributor committees, as defined in Section
22 85203, that cumulatively receive contributions or make
23 expenditures totaling twenty-five thousand dollars (\$25,000) or
24 more to support or oppose candidates for any elective state office
25 or state measure. For a committee subject to this title prior to
26 January 1, 2000, the beginning date for calculating cumulative
27 totals is January 1, 2000. For a committee that first is subject to
28 this title on or after January 1, 2000, the beginning date for
29 calculating cumulative totals is the date the committee is first
30 subject to this title.

31 (3) Any slate mailer organization with cumulative reportable
32 payments received or made for the purposes of producing slate
33 mailers of twenty-five thousand dollars (\$25,000) or more. For a
34 slate mailer organization subject to this title prior to January 1,
35 2000, the beginning date for calculating cumulative totals is
36 January 1, 2000. For a slate mailer organization that first is subject
37 to this title on or after January 1, 2000, the beginning date for
38 calculating cumulative totals is the date the organization is first
39 subject to this title.

1 (4) Any lobbyist, lobbying firm, lobbyist employer, or other
2 persons required, pursuant to Chapter 6 (commencing with Section
3 86100), to file statements, reports, or other documents, provided
4 that the total amount of any category of reportable payments,
5 expenses, contributions, gifts, or other items is two thousand five
6 hundred dollars (\$2,500) or more in a calendar quarter.

7 (b) The Secretary of State shall also disclose on the Internet any
8 contribution report or late independent expenditure report not
9 covered by paragraph (1), (2), or (3) of subdivision (a) or any other
10 provision of law.

11 (c) Committees and other persons that are not required to file
12 online or electronically by this section may do so voluntarily.

13 (d) Once a person or entity is required to file online or
14 electronically, subject to subdivision (a) or (c), the person or entity
15 shall be required to file all subsequent reports online or
16 electronically.

17 (e) It shall be presumed that online or electronic filers file under
18 penalty of perjury.

19 (f) Persons filing online or electronically shall also continue to
20 file required disclosure statements and reports in paper format.
21 The paper copy shall continue to be the official filing for audit and
22 other legal purposes until the Secretary of State, pursuant to Section
23 84606, determines the system is operating securely and effectively.

24 (g) The Secretary of State shall maintain at all times a secured,
25 official version of all original online and electronically filed
26 statements and reports required by this chapter. Upon determination
27 by the Secretary of State, pursuant to Section 84606, that the
28 system is operating securely and effectively, this online or
29 electronic version shall be the official version for audit and other
30 legal purposes.

31 (h) Except for statements related to a local elective office or a
32 local ballot measure filed by a candidate for local elective office
33 who is also a candidate for elective state office, a copy of a
34 statement, report, or other document filed by online or electronic
35 means with the Secretary of State shall not be filed with a local
36 filing officer.

37 SEC. 39. Section 84609 of the Government Code is amended
38 to read:

39 84609. All candidates and ballot measure committees who are
40 required, pursuant to Chapter 4 (commencing with Section 84100),

1 to file statements, reports, or other documents in connection with
2 a statewide elective office or state measure appearing on the
3 November 1998 ballot shall provide at the time of filing, in addition
4 to a paper submission, a copy of the required report on computer
5 disk in either an ASCII or PDF format with documentation
6 detailing the field layout or file structure. Filers who submit
7 computer disks which are not readable, cannot be copied, or do
8 not have documentation have not complied with the requirements
9 of this section. Candidate and ballot measure committees who
10 make their report available on the Internet through the Secretary
11 of State's office are not required to file the report on computer
12 disk. The Secretary of State shall make copies available to the
13 public, upon payment of fees covering direct costs of duplication,
14 or a statutory fee, if applicable. The Secretary of State shall also
15 disclose online any contribution report or late independent
16 expenditure report filed in connection with any elective state office
17 or ballot measure appearing on the November 1998 ballot.

18 SEC. 40. Section 85300 of the Government Code is repealed.

19 SEC. 41. Section 85301 of the Government Code is repealed.

20 SEC. 42. Section 85302 of the Government Code is repealed.

21 SEC. 43. Section 85303 of the Government Code is repealed.

22 SEC. 44. Section 85304 of the Government Code is amended

23 to read:

24 85304. (a) A candidate for elective state office or an elected
25 state officer may establish a separate account to defray attorney's
26 fees and other related legal costs incurred for the candidate's or
27 officer's legal defense if the candidate or officer is subject to one
28 or more civil or criminal proceedings or administrative proceedings
29 arising directly out of the conduct of an election campaign, the
30 electoral process, or the performance of the officer's governmental
31 activities and duties. These funds may be used only to defray those
32 attorney's fees and other related legal costs.

33 (b) All contributions shall be reported in the manner prescribed
34 by Section 84200.

35 (c) Once the legal dispute is resolved, the candidate shall dispose
36 of any funds remaining after all expenses associated with the
37 dispute are discharged for one or more of the purposes set forth in
38 paragraphs (1) to (5), inclusive, of subdivision (b) of Section
39 89519.

1 SEC. 45. Section 85304.5 of the Government Code is amended
2 to read:

3 85304.5. (a) A candidate for elective office other than an
4 elective state office or an elected officer other than an elected state
5 officer may establish a separate account pursuant to subdivision
6 (a) of Section 85304 and may use these funds only to defray
7 attorney's fees and other related legal costs.

8 (b) A candidate for an elective office other than an elective state
9 office may receive contributions to the separate account, which
10 shall not be subject to any limitations provided by local ordinance.
11 However, all contributions to these separate accounts shall be
12 reported in the manner prescribed by Section 84200.

13 (c) Once the legal dispute is resolved, the candidate or elected
14 officer shall dispose of any funds remaining in the separate
15 accounts after all expenses associated with the dispute are
16 discharged for one or more of the purposes set forth in paragraphs
17 (1) to (5), inclusive, of subdivision (b) of Section 89519.

18 SEC. 46. Section 85305 of the Government Code is repealed.

19 SEC. 47. Section 85306 of the Government Code is amended
20 to read:

21 85306. (a) A candidate may transfer campaign funds from one
22 controlled committee to a controlled committee for elective state
23 office of the same candidate. Contributions transferred shall be
24 attributed to specific contributors using a "last in, first out" or "first
25 in, first out" accounting method.

26 (b) Notwithstanding subdivision (a), a candidate for elective
27 state office, other than a candidate for statewide elective office,
28 who possesses campaign funds on January 1, 2001, may use those
29 funds to seek elective office without attributing the funds to specific
30 contributors.

31 (c) Notwithstanding subdivision (a), a candidate for statewide
32 elective office who possesses campaign funds on November 6,
33 2002, may use those funds to seek elective office without
34 attributing the funds to specific contributors.

35 SEC. 48. Section 85307 of the Government Code is repealed.

36 SEC. 49. Section 85309 of the Government Code is repealed.

37 SEC. 50. Section 85310 of the Government Code is amended
38 to read:

39 85310. (a) Any person who makes a payment or a promise of
40 payment totaling fifty thousand dollars (\$50,000) or more for a

1 communication that clearly identifies a candidate for elective state
2 office, but does not expressly advocate the election or defeat of
3 the candidate, and that is disseminated, broadcast, or otherwise
4 published within 45 days of an election, shall file online or
5 electronically with the Secretary of State a report disclosing the
6 name of the person, address, occupation, and employer, and amount
7 of the payment. The report shall be filed within 48 hours of making
8 the payment or the promise to make the payment.

9 (b) (1) Except as provided in paragraph (2), if any person has
10 received a payment or a promise of a payment from other persons
11 totaling five thousand dollars (\$5,000) or more for the purpose of
12 making a communication described in subdivision (a), the person
13 receiving the payments shall disclose on the report the name,
14 address, occupation and employer, and date and amount received
15 from the person.

16 (2) A person who receives or is promised a payment that is
17 otherwise reportable under paragraph (1) is not required to report
18 the payment if the person is in the business of providing goods or
19 services and receives or is promised the payment for the purpose
20 of providing those goods or services.

21 SEC. 51. Section 85314 of the Government Code is repealed.

22 SEC. 52. Section 85315 of the Government Code is amended
23 to read:

24 85315. (a) Notwithstanding any other provision of this chapter,
25 an elected state officer may establish a committee to oppose the
26 qualification of a recall measure; and the recall election. This
27 committee may be established when the elected state officer
28 receives a notice of intent to recall pursuant to Section 11021 of
29 the Elections Code. An elected state officer may accept campaign
30 contributions to oppose the qualification of a recall measure. The
31 voluntary expenditure limits do not apply to expenditures made
32 to oppose the qualification of a recall measure or to oppose the
33 recall election.

34 (b) After the failure of a recall petition or after the recall
35 election, the committee formed by the elected state officer shall
36 wind down its activities and dissolve. Any remaining funds shall
37 be treated as surplus funds and shall be expended within 30 days
38 after the failure of the recall petition or after the recall election for
39 a purpose specified in subdivision (b) of Section 89519.

1 SEC. 53. Section 85316 of the Government Code is amended
2 to read:

3 85316. (a) Except as provided in subdivision (b), a contribution
4 for an election may be accepted by a candidate for elective state
5 office after the date of the election only to the extent that the
6 contribution does not exceed net debts outstanding from the
7 election.

8 (b) Notwithstanding subdivision (a), an elected state officer
9 may accept contributions after the date of the election for the
10 purpose of paying expenses associated with holding the office
11 provided that the contributions are not expended for any
12 contribution to any state or local committee. Contributions received
13 pursuant to this subdivision shall be deposited into a bank account
14 established solely for the purposes specified in this subdivision.

15 (c) Any contribution received pursuant to this section shall be
16 deemed to be a contribution to that candidate for election to any
17 state office that he or she may seek during the term of office to
18 which he or she is currently elected, including, but not limited to,
19 reelection to the office he or she currently holds. None of the
20 expenditures made by elected state officers pursuant to this
21 subdivision shall be subject to the voluntary expenditure limitations
22 in Section 85400.

23 SEC. 54. Section 85320 of the Government Code is repealed.

24 SEC. 55. Section 85321 of the Government Code is repealed.

25 SEC. 56. Section 85501 of the Government Code is amended
26 to read:

27 85501. A controlled committee of a candidate may not make
28 independent expenditures to support or oppose other candidates.

29 SEC. 57. Section 85701 of the Government Code is repealed.

30 SEC. 58. Section 85702 of the Government Code is repealed.

31 SEC. 59. Section 85704 of the Government Code is repealed.

32 SEC. 60. Section 89510 of the Government Code is amended
33 to read:

34 89510. All contributions deposited into the campaign account
35 shall be deemed to be held in trust for expenses associated with
36 the election of the candidate or for expenses associated with
37 holding office.

38 SEC. 61. Section 89511.5 of the Government Code is amended
39 to read:

1 89511.5. (a) An incumbent elected officer may utilize his or
2 her personal funds for expenditures authorized by Section 89510
3 without first depositing those funds in his or her controlled
4 committee’s campaign bank account, if both of the following
5 conditions are met:

- 6 (1) The expenditures are not campaign expenses.
- 7 (2) The treasurer of the committee is provided with a dated
8 receipt and a written description of the expenditure.

9 (b) An incumbent elected officer may be reimbursed for
10 expenditures of his or her personal funds, from either the controlled
11 committee campaign bank account established pursuant to Section
12 85201 with respect to election to the incumbent term of office, or
13 from a controlled committee campaign bank account established
14 pursuant to Section 85201 with respect to election to a future term
15 of office, if all of the following conditions are met:

- 16 (1) The expenditures are not campaign expenses.
- 17 (2) The incumbent elected officer, prior to reimbursement,
18 provides the treasurer of the committee with a dated receipt and a
19 written description of each expenditure.
- 20 (3) Reimbursement is paid within 90 days of the expenditure,
21 in the case of a cash expenditure, or within 90 days of the end of
22 the billing period in which it was included, in the case of an
23 expenditure charged to a credit card or charge account.

24 (c) If reimbursement is not paid within the time authorized by
25 this section, the expenditure shall be reported on the campaign
26 statement as a nonmonetary contribution received on the 90th day
27 after the expenditure is paid, in the case of a cash expenditure, or
28 within 90 days of the end of the billing period in which it was
29 included, in the case of an expenditure charged to a credit card or
30 charge account.

31 (d) This section shall not be construed to authorize an incumbent
32 elected officer to make expenditures from any campaign bank
33 account for expenses other than those expenses associated with
34 his or her election to the specific office for which the account was
35 established and expenses associated with holding that office.

36 SEC. 62. Section 89512.5 of the Government Code is amended
37 to read:

38 89512.5. (a) Subject to the provisions of subdivision (b), any
39 expenditure by a committee not subject to the trust imposed by

1 Section 89510 shall be reasonably related to a political, legislative,
2 or governmental purpose of the committee.

3 (b) Any expenditure by a committee that confers a substantial
4 personal benefit on any individual or individuals with authority to
5 approve the expenditure of campaign funds held by the committee,
6 shall be directly related to a political, legislative, or governmental
7 purpose of the committee.

8 SEC. 63. Section 89513 of the Government Code is amended
9 to read:

10 89513. This section governs the use of campaign funds for the
11 specific expenditures set forth in this section. It is the intent of the
12 Legislature that this section shall guide the interpretation of the
13 standard imposed by Section 89512 as applied to other expenditures
14 not specifically set forth in this section.

15 (a) (1) Campaign funds shall not be used to pay or reimburse
16 the candidate, the elected officer, or any individual or individuals
17 with authority to approve the expenditure of campaign funds held
18 by a committee, or employees or staff of the committee or the
19 elected officer's governmental agency for travel expenses and
20 necessary accommodations except when these expenditures are
21 directly related to a political, legislative, or governmental purpose.

22 (2) For the purposes of this section, payments or reimbursements
23 for travel and necessary accommodations shall be considered as
24 directly related to a political, legislative, or governmental purpose
25 if the payments would meet standards similar to the standards of
26 the Internal Revenue Service pursuant to Sections 162 and 274 of
27 the Internal Revenue Code for deductions of travel expenses under
28 the federal income tax law.

29 (3) For the purposes of this section, payments or reimbursement
30 for travel by the household of a candidate or elected officer when
31 traveling to the same destination in order to accompany the
32 candidate or elected officer shall be considered for the same
33 purpose as the candidate's or elected officer's travel.

34 (4) Whenever campaign funds are used to pay or reimburse for
35 travel expenses and necessary accommodations, any mileage credit
36 that is earned or awarded pursuant to an airline bonus mileage
37 program shall be deemed personally earned by or awarded to the
38 individual traveler. Neither the earning or awarding of mileage
39 credit, nor the redeeming of credit for actual travel, shall be subject
40 to reporting.

1 (b) (1) Campaign funds shall not be used to pay for or reimburse
2 the cost of professional services unless the services are directly
3 related to a political, legislative, or governmental purpose.

4 (2) Expenditures by a committee to pay for professional services
5 reasonably required by the committee to assist it in the performance
6 of its administrative functions are directly related to a political,
7 legislative, or governmental purpose.

8 (3) Campaign funds shall not be used to pay health-related
9 expenses for a candidate, elected officer, or any individual or
10 individuals with authority to approve the expenditure of campaign
11 funds held by a committee, or members of his or her household.
12 “Health-related expenses” includes, but is not limited to,
13 examinations by physicians, dentists, psychiatrists, psychologists,
14 or counselors, expenses for medications, treatments, or medical
15 equipment, and expenses for hospitalization, health club dues, and
16 special dietary foods. However, campaign funds may be used to
17 pay employer costs of health care benefits of a bona fide employee
18 or independent contractor of the committee.

19 (c) Campaign funds shall not be used to pay or reimburse fines,
20 penalties, judgments, or settlements, except those resulting from
21 either of the following:

22 (1) Parking citations incurred in the performance of an activity
23 that was directly related to a political, legislative, or governmental
24 purpose.

25 (2) Any other action for which payment of attorney’s fees from
26 contributions would be permitted pursuant to this title.

27 (d) Campaign funds shall not be used for campaign, business,
28 or casual clothing, except specialty clothing that is not suitable for
29 everyday use, including, but not limited to, formal wear, if this
30 attire is to be worn by the candidate or elected officer and is directly
31 related to a political, legislative, or governmental purpose.

32 (e) (1) Except where otherwise prohibited by law, campaign
33 funds may be used to purchase or reimburse for the costs of
34 purchase of tickets to political fundraising events for the attendance
35 of a candidate, elected officer, or his or her immediate family, or
36 an officer, director, employee, or staff of the committee or the
37 elected officer’s governmental agency.

38 (2) Campaign funds shall not be used to pay for or reimburse
39 for the costs of tickets for entertainment or sporting events for the
40 candidate, elected officer, or members of his or her immediate

1 family, or an officer, director, employee, or staff of the committee,
2 unless their attendance at the event is directly related to a political,
3 legislative, or governmental purpose.

4 (3) The purchase of tickets for entertainment or sporting events
5 for the benefit of persons other than the candidate, elected officer,
6 or his or her immediate family are governed by subdivision (f).

7 (f) (1) Campaign funds shall not be used to make personal gifts
8 unless the gift is directly related to a political, legislative, or
9 governmental purpose. The refund of a campaign contribution
10 does not constitute the making of a gift.

11 (2) Nothing in this section shall prohibit the use of campaign
12 funds to reimburse or otherwise compensate a public employee
13 for services rendered to a candidate or committee while on
14 vacation, leave, or otherwise outside of compensated public time.

15 (3) An election victory celebration or similar campaign event,
16 or gifts with a total cumulative value of less than two hundred fifty
17 dollars (\$250) in a single year made to an individual employee, a
18 committee worker, or an employee of the elected officer's agency,
19 are considered to be directly related to a political, legislative, or
20 governmental purpose. For purposes of this paragraph, a gift to a
21 member of a person's immediate family shall be deemed to be a
22 gift to that person.

23 (g) Campaign funds shall not be used to make loans other than
24 to organizations pursuant to Section 89515, or, unless otherwise
25 prohibited, to a candidate for elective office, political party, or
26 committee.

27 SEC. 64. Section 90002 of the Government Code is amended
28 to read:

29 90002. (a) Audits and investigations of lobbying firms and
30 lobbyist employers shall be performed on a biennial basis and shall
31 cover reports filed during a period of two years.

32 (b) If a lobbying firm or lobbyist employer keeps a separate
33 account for all receipts and payments for which reporting is
34 required by this chapter, the requirement of an audit under
35 subdivision (a) of Section 90001 shall be satisfied by an audit of
36 that account and the supporting documentation required to be
37 maintained by Section 86110.

38 (c) No audit or investigation of any candidate, controlled
39 committee, or committee primarily supporting or opposing a
40 candidate or a measure in connection with a report or statement

1 required by Chapter 4 (commencing with Section 84100), shall
2 begin until after the last date for filing the first report or statement
3 following the general, runoff, or special election for the office for
4 which the candidate ran, or following the election at which the
5 measure was adopted or defeated, except that audits and
6 investigations of statewide candidates, their controlled committees,
7 and committees primarily supporting or opposing those statewide
8 candidates who were defeated in the primary election and who are
9 not required to file statements for the general election may begin
10 after the last date for filing the first report or statement following
11 the primary election. When the campaign statements or reports of
12 a candidate, controlled committee, or a committee primarily
13 supporting or opposing a candidate are audited and investigated
14 pursuant to Section 90001, the audit and investigation shall cover
15 all campaign statements and reports filed for the primary and
16 general or special or runoff elections and any previous campaign
17 statement or report filed pursuant to Section 84200 since the last
18 election for that office, but shall exclude any statements or reports
19 which have previously been audited pursuant to Section 90001 or
20 90003. When the campaign statements or reports of a committee
21 primarily supporting or opposing a measure are audited and
22 investigated, the audit and investigation shall cover all campaign
23 statements and reports from the beginning date of the first
24 campaign statement filed by the committee in connection with the
25 measure. For all other committees, the audit and investigation shall
26 cover all campaign statements filed during the previous two
27 calendar years.

28 SEC. 65. No reimbursement is required by this act pursuant to
29 Section 6 of Article XIII B of the California Constitution because
30 the duties imposed on a local agency or school district by this act
31 were expressly included in a ballot measure approved by the voters
32 in a statewide election, within the meaning of Section 17556 of
33 the Government Code.

34 SEC. 66. The Secretary of State shall, pursuant to subdivision
35 (b) of Section 81012 of the Government Code, submit Sections 3
36 to 64, inclusive, of this act to the voters for approval at a statewide
37 election in accordance with Section 9040 of the Elections Code.

38 SEC. 67. Sections 1 and 2 of this act shall not become operative
39 unless and until the voters approve the amendments to the Political
40 Reform Act of 1974 (Title 9 (commencing with Section 81000))

1 of the Government Code) made by Sections 3 to 64, inclusive, of
2 this act, at the statewide election described in Section 66.

O

ASSEMBLY BILL

No. 2256

Introduced by Assembly Member Portantino

February 24, 2012

An act to add Article 11 (commencing with Section 9149.50) to Chapter 1.5 of Part 1 of Division 2 of Title 2 of the Government Code, relating to the Legislature.

LEGISLATIVE COUNSEL'S DIGEST

AB 2256, as introduced, Portantino. California Legislature Whistleblower Protection Act.

Existing law, the California Whistleblower Protection Act, prohibits a state employee from using his or her official authority or influence to discourage or retaliate against any person in order to interfere with the right of that person to disclose evidence of an improper government activity. The act requires the State Auditor to investigate disclosures of improper government activities. The act expressly does not apply to an employee who is a Member or employee of the Legislature.

This bill would enact, and would require the Fair Political Practices Commission to administer, the California Legislature Whistleblower Protection Act. The act would prohibit a Member or employee of the Legislature from directly or indirectly using or attempting to use his or her official authority or influence to retaliate, threaten, coerce, or engage in any similar improper act for the purpose of interfering with the right of an employee of the Legislature to make a protected disclosure of improper governmental activity or to refuse an illegal order, as defined. The act would authorize a current, prospective, or former employee of the Legislature, as specified, within one year of the most recent improper act complained of, to file a written complaint with his or her supervisor,

manager, or other officer designated by the Senate Committee on Rules or the Assembly Committee on Rules alleging actual or attempted violations of these prohibited acts. The act would provide that any Member or employee of the Legislature who intentionally engages in these prohibited acts is subject to, except as specified, a civil action brought by the injured party in addition to specified civil and criminal penalties.

The act would require the commission to create the means for the submission of allegations of improper governmental activities to the commission, and would authorize the commission to investigate the allegations or refer them to the Senate Committee on Rules or the Assembly Committee on Rules, the Attorney General, or the appropriate district attorney for investigation. The act would require the commission, if it investigates an allegation and determines that a Member or employee of the Legislature may have engaged or participated in such activities, to prepare an investigative report and send a copy to the Senate Committee on Rules or the Assembly Committee on Rules, as applicable. The act would also authorize the commission, as it deems appropriate, to send a copy of the investigative report to other entities.

This bill would impose a state-mandated local program by creating additional crimes.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) The California Whistleblower Protection Act prohibits a
- 4 state employee from using his or her official authority or influence
- 5 for the purpose of intimidating, threatening, coercing, or
- 6 commanding any person for the purpose of interfering with his or
- 7 her right to make a protected disclosure of improper governmental
- 8 activity. The Legislature has passed legislation exempting itself
- 9 and its employees from this prohibition.

1 (b) The California Whistleblower Protection Act requires the
2 State Auditor to investigate and report on improper state
3 governmental activities. The State Auditor has maintained that she
4 will not investigate California Whistleblower Protection Act
5 violation allegations against Members or employees of the
6 Legislature because the Legislature is one of the State Auditor's
7 clients.

8 (c) The California Whistleblower Protection Act authorizes a
9 state employee or applicant for state employment who files a
10 written complaint alleging reprisal, retaliation, or similar prohibited
11 acts to also file a copy of the written complaint with the State
12 Personnel Board, together with a sworn statement that the
13 complaint is true, under penalty of perjury. The act provides that
14 any person who intentionally engages in acts of reprisal, retaliation,
15 or similar prohibited acts against a state employee or applicant for
16 state employment for having made a protected disclosure is subject
17 to punishment for a misdemeanor, and shall be liable in an action
18 for civil damages brought by the injured party. The Legislature
19 has exempted itself from these provisions and, therefore, legislative
20 employees have no protection against reprisal or retaliation for
21 reporting fraud, waste, criminal acts, abuse, or other improper
22 governmental activities.

23 (d) There currently is no place where employees of the
24 Legislature can report fraud, waste, criminal acts, abuse, or other
25 improper governmental activities anonymously and without fear
26 of reprisal or retaliation. The lack of a forum to anonymously
27 disclose improper governmental activities creates an environment
28 of secrecy and closed government in the Legislature that serves to
29 ensure that no corrective action or measures are taken.

30 (e) It is the intent of the Legislature that its decisions be made
31 openly. If there are instances of fraud, waste, criminal acts, abuse,
32 or other improper governmental activities, it is the policy of the
33 Legislature that these be reported and corrected. The Legislature
34 actively seeks openness and accountability in government.
35 Employees of the Legislature need to be free to report these abuses
36 with the same protections as other state employees.

37 SEC. 2. Article 11 (commencing with Section 9149.50) is
38 added to Chapter 1.5 of Part 1 of Division 2 of Title 2 of the
39 Government Code, to read:

1 Article 11. California Legislature Whistleblower Protection
2 Act

3
4 9149.50. This article shall be known and may be cited as the
5 California Legislature Whistleblower Protection Act.

6 9149.51. (a) The Legislature finds and declares that employees
7 of each house of the Legislature should be free to report waste,
8 fraud, abuse of authority, violations of law, or threats to the public
9 without fear of retribution. The Legislature further finds and
10 declares that legislative employees best serve the citizens of this
11 state when they can be candid and honest without reservation in
12 conducting the people’s business. Employees of each house of the
13 Legislature have an affirmative duty to disclose or report improper
14 governmental activity.

15 (b) The Legislature finds and declares that access to information
16 concerning the conduct of the people’s business by the Legislature
17 is a fundamental and necessary right of every citizen in this state.
18 It is the intent of the Legislature that the Legislature conduct the
19 people’s business in a manner that is free from improper
20 governmental activity. To this end, the Legislature encourages and
21 requires that instances of fraud, waste, abuse of authority, violations
22 of law, or threats to public safety be reported to an independent
23 entity for review and action.

24 9149.52. For the purposes of this article, the following terms
25 have the following meanings:

26 (a) “Illegal order” means a directive to violate or assist in
27 violating a federal, state, or local law, rule, or regulation, or an
28 order to work or cause others to work in conditions outside of their
29 line of duty that would unreasonably threaten the health or safety
30 of employees or the public.

31 (b) “Improper governmental activity” means an activity of a
32 Member or employee of either house of the Legislature that is
33 undertaken in the performance of the Member’s or employee’s
34 duties, whether or not that activity is within the scope of his or her
35 employment, and is in violation of any state or federal law or
36 regulation, including corruption, malfeasance, bribery, theft of
37 government property, fraudulent claims, fraud, coercion,
38 conversion, malicious prosecution, misuse of government property,
39 or willful omission to perform a duty, or that is economically

1 wasteful or involves gross misconduct, incompetency, or
2 inefficiency.

3 (c) “Protected disclosure” means a good faith communication,
4 including a communication based on, or when carrying out, job
5 duties, that discloses or demonstrates an intention to disclose
6 information that may evidence (1) an improper governmental
7 activity, or (2) a condition that may significantly threaten the health
8 or safety of employees or the public if the disclosure or intention
9 to disclose was made for the purpose of remedying that condition.
10 Protected disclosure specifically includes a good faith
11 communication to the Fair Political Practices Commission alleging
12 an improper governmental activity and any evidence delivered to
13 the commission in support of the allegation. “Protected disclosure”
14 also includes a complaint made to the Commission on Judicial
15 Performance.

16 9149.53. (a) (1) A Member or employee of either house of
17 the Legislature shall not directly or indirectly use or attempt to use
18 his or her official authority or influence to retaliate, threaten,
19 coerce, or engage in any similar improper act for the purpose of
20 interfering with the right of an employee of either house of the
21 Legislature to make a protected disclosure of improper
22 governmental activity or to refuse an illegal order.

23 (2) For the purposes of this subdivision, the use of “official
24 authority or influence” includes promising to confer, or conferring,
25 any benefit; effecting, or threatening to effect, any reprisal; or
26 taking, or directing others to take, or recommending, processing,
27 or approving, any personnel action, including appointment,
28 promotion, transfer, assignment, performance evaluation,
29 suspension, or other disciplinary action.

30 (b) An employee of either house of the Legislature or applicant
31 for employment with either house of the Legislature may file a
32 written complaint with his or her supervisor, manager, or other
33 officer designated for that purpose by the Senate Committee on
34 Rules or the Assembly Committee on Rules, as applicable, alleging
35 actual or attempted acts of reprisal, retaliation, threats, coercion,
36 or similar improper acts prohibited by subdivision (a), together
37 with a sworn statement that the contents of the complaint are true,
38 or are believed by the affiant to be true, under penalty of perjury.
39 The complaint shall be filed within one year of the most recent
40 improper act complained about. The Senate Committee on Rules

1 and the Assembly Committee on Rules shall each designate an
2 officer to receive complaints pursuant to this subdivision. A former
3 employee of either house of the Legislature may file a complaint
4 pursuant to this subdivision if the alleged acts complained of
5 occurred on or after January 1, 2013.

6 (c) Except to the extent that a Member of the Legislature is
7 immune from liability under the doctrine of legislative immunity,
8 a person who intentionally engages in an act prohibited by
9 subdivision (a) is subject to all of the following:

10 (1) (A) A civil action for damages brought against him or her
11 by the injured party. Punitive damages may be awarded by the
12 court if the acts of the offending party are proven to be malicious.
13 If liability is established, the injured party shall also be entitled to
14 reasonable attorney's fees.

15 (B) In any civil action pursuant to this paragraph, once it has
16 been demonstrated by a preponderance of evidence that an activity
17 protected by this article was a contributing factor in the alleged
18 reprisal, retaliation, threat, coercion, or other similar improper act
19 against a former, current, or prospective employee of the
20 Legislature, the burden of proof shall be on the offending party to
21 demonstrate by clear and convincing evidence that the alleged
22 action would have occurred for legitimate and independent reasons
23 even if the employee had not engaged in a protected disclosure or
24 refused an illegal order.

25 (2) A fine not to exceed ten thousand dollars (\$10,000).

26 (3) Imprisonment in a county jail for a period not to exceed one
27 year.

28 (d) This section does not prevent a Member or employee of
29 either house of the Legislature from taking, directing others to
30 take, recommending, or approving any personnel action or from
31 taking or failing to take a personnel action with respect to any
32 employee of either house of the Legislature or applicant for
33 employment with either house of the Legislature if the Member
34 or employee reasonably believes any action or inaction is justified
35 on the basis of evidence separate and apart from the fact that the
36 person has made a protected disclosure or refused an illegal order.

37 (e) This article does not diminish the rights, privileges, or
38 remedies of any employee under any other federal or state law,
39 nor does it authorize an individual to disclose information
40 otherwise prohibited by or under law.

1 9149.54. (a) The Fair Political Practices Commission shall
2 administer this article. For purposes of this article, the commission
3 does not have any enforcement power.

4 (b) The commission shall establish the means for the submission
5 of allegations of improper governmental activity to the commission
6 by transmission via mail or other carrier to a specified mailing
7 address and by electronic submission through an Internet Web site
8 portal. The commission may request that a person submitting an
9 allegation voluntarily provide his or her name and contact
10 information and the names and contact information for any persons
11 who could substantiate the claim. However, the commission shall
12 not require a person submitting an allegation to provide his or her
13 name or contact information, and shall clearly state on its Internet
14 Web site that this information is not required in order to submit
15 an allegation.

16 (c) Upon receipt of an allegation pursuant to subdivision (b),
17 the commission may investigate the matter. The identity of the
18 person submitting the allegation that initiated the investigation, or
19 of any person providing information in confidence to further an
20 investigation, shall not be disclosed without the express permission
21 of that person, except that the commission may make the disclosure
22 to a law enforcement agency that is conducting a criminal
23 investigation pursuant to subdivision (d) or (e).

24 (d) As an alternative to conducting its own investigation, if the
25 commission determines that there is reasonable cause to believe
26 that a Member or employee of either house of the Legislature may
27 have engaged in an improper governmental activity, the
28 commission may refer the allegation to the Senate Committee on
29 Rules or the Assembly Committee on Rules to conduct an
30 investigation of the allegation. If the commission refers an
31 allegation to the Senate Committee on Rules or the Assembly
32 Committee on Rules, that committee shall investigate the allegation
33 and report the results of the investigation to the commission within
34 60 days of the referral and monthly thereafter until final action has
35 been taken. In addition, whenever the commission determines that
36 there is reasonable cause to believe that a Member or employee
37 of either house of the Legislature may have engaged in an improper
38 governmental activity, the commission may refer the allegation to
39 the Attorney General or the appropriate district attorney.

1 (e) If, after investigating an allegation, the commission finds
2 that a Member or employee of either house of the Legislature may
3 have engaged or participated in an improper governmental activity,
4 the commission shall prepare an investigative report and send a
5 copy of that report to the Senate Committee on Rules or the
6 Assembly Committee on Rules and the office of the Member or
7 employee who is the subject of the allegation. The investigative
8 report may include the commission's recommended actions to
9 prevent the continuation or recurrence of the activity. The
10 commission may, as it deems appropriate, also send a copy of the
11 investigative report to the Attorney General, the appropriate district
12 attorney, the policy committees of the Senate and Assembly having
13 jurisdiction over the subject involved, or to any other entity. The
14 commission may provide to the Senate Committee on Rules or the
15 Assembly Committee on Rules any evidence gathered during the
16 investigation that, in the judgment of the commission, is necessary
17 to support any of the recommendations. Within 60 days of
18 receiving the commission's investigative report, the Senate
19 Committee on Rules or the Assembly Committee on Rules, as
20 applicable, shall report to the commission any actions that it has
21 taken or that it intends to take to implement the recommendations.
22 The committee shall file subsequent reports on a monthly basis
23 until final action has been taken.

24 (f) The commission may request the assistance of any Member
25 or employee of either house of the Legislature, or the Senate
26 Committee on Rules or the Assembly Committee on Rules, in
27 evaluating an allegation or conducting any investigation of an
28 improper governmental activity as authorized by this article. In
29 response to a request for assistance from the commission, the
30 Member or employee, or the Senate Committee on Rules or the
31 Assembly Committee on Rules, as applicable, shall provide the
32 assistance, including providing access to documents or other
33 information in a timely manner. No information obtained from the
34 commission by a Member or employee, or the Senate Committee
35 on Rules or the Assembly Committee on Rules, as a result of the
36 commission's request for assistance, or any information obtained
37 thereafter as a result of further investigation, shall be divulged or
38 made known to any person without the prior approval of the
39 commission.

1 (g) The commission shall keep confidential every investigation,
2 including all investigative files and work product, except that the
3 commission, whenever it determines that it is necessary to serve
4 the interests of the state, may issue a public report of an
5 investigation that has substantiated an improper governmental
6 activity, keeping confidential the identity of the employee or
7 employees involved. In addition, the commission may release any
8 findings or evidence supporting any findings resulting from an
9 investigation conducted pursuant to this article whenever the
10 commission determines it is necessary to serve the interests of the
11 state.

12 SEC. 3. No reimbursement is required by this act pursuant to
13 Section 6 of Article XIII B of the California Constitution because
14 the only costs that may be incurred by a local agency or school
15 district will be incurred because this act creates a new crime or
16 infraction, eliminates a crime or infraction, or changes the penalty
17 for a crime or infraction, within the meaning of Section 17556 of
18 the Government Code, or changes the definition of a crime within
19 the meaning of Section 6 of Article XIII B of the California
20 Constitution.

ASSEMBLY BILL

No. 2452

Introduced by Assembly Member Ammiano

February 24, 2012

An act to add Section 84615 to the Government Code, relating to the Political Reform Act of 1974.

LEGISLATIVE COUNSEL'S DIGEST

AB 2452, as introduced, Ammiano. Political Reform Act of 1974: online disclosure.

The Political Reform Act of 1974 requires specified candidates, committees, slate mailer organizations, and lobbyists, lobbying firms, and lobbyist employers to file campaign statements and reports online or electronically with the Secretary of State, as specified. The act requires certain of these entities to also file campaign statements and reports with local filing officers, as specified.

This bill would authorize a local government agency to require an elected officer, candidate, committee, or other person required to file specified statements, reports, or other documents to file those statements, reports, or other documents online or electronically with a local filing officer. The bill would prescribe criteria that must be satisfied by a local government agency that requires online or electronic filing of statements, reports, or other documents, as specified, including, among others, that the system be available free of charge to filers and to the public for viewing filings, and that the system include a procedure for filers to comply with the requirement that they sign statements and reports under penalty of perjury.

The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act's purposes

upon a 2/3 vote of each house and compliance with specified procedural requirements.

This bill would declare that it furthers the purposes of the act.

Vote: 2/3. Appropriation: no. Fiscal committee: no.

State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 84615 is added to the Government Code,
2 to read:

3 84615. A local government agency may require an elected
4 officer, candidate, committee, or other person required to file
5 statements, reports, or other documents required by Chapter 4
6 (commencing with Section 84100) to file those statements, reports,
7 or other documents online or electronically with a local filing
8 officer. A local government agency that requires online or
9 electronic filing pursuant to this section shall comply with all of
10 the following:

11 (a) The legislative body for the local government agency shall
12 adopt an ordinance approving the use of online or electronic filing,
13 which shall include a legislative finding that the online or electronic
14 filing system will operate securely and effectively and would not
15 unduly burden filers. The ordinance adopted by the legislative
16 body for the local government agency may, at the discretion of
17 that legislative body, specify that the electronic or online filing
18 requirements apply only to specifically identified types of filings
19 or are triggered only by identified monetary thresholds.

20 (b) The online or electronic filing system shall only accept a
21 filing in the standardized record format that is developed by the
22 Secretary of State pursuant to paragraph (2) of subdivision (a) of
23 Section 84602 and that is compatible with the Secretary of State’s
24 system for receiving an online or electronic filing.

25 (c) The online or electronic filing system shall ensure the
26 integrity of the data transmitted and shall include safeguards against
27 efforts to tamper with, manipulate, alter, or subvert the date.

28 (d) The date of filing for a statement, report, or other document
29 that is filed online or electronically shall be the day that it is
30 received by the local filing officer.

31 (e) The local filing officer shall make all the data filed available
32 on the Internet in an easily understood format that provides the

1 greatest public access. The data shall be made available free of
2 charge and as soon as possible after receipt. The data made
3 available on the Internet shall not contain the street name and
4 building number of the persons or entity representatives listed on
5 the electronically filed forms or any bank account number required
6 to be disclosed by the filer.

7 (f) The online or electronic filing system shall include a
8 procedure for filers to comply with the requirement that they sign
9 statements and reports under penalty of perjury pursuant to Section
10 81004.

11 (g) The local government agency shall enable filers to submit
12 filings free of charge.

13 (h) The local filing officer shall maintain, for a period of 10
14 years commencing from the date filed, a secured, official version
15 of each online or electronic statement, report, or other document
16 filed pursuant to this section, which shall serve as the official
17 version of that record for purpose of audits and any other legal
18 purpose.

19 (i) Notwithstanding any other provision of law, any statement,
20 report, or other document filed online or electronically pursuant
21 to this section shall not be required to be filed with the local filing
22 officer in paper format.

23 SEC. 2. The Legislature finds and declares that this bill furthers
24 the purposes of the Political Reform Act of 1974 within the
25 meaning of subdivision (a) of Section 81012 of the Government
26 Code.

O

ASSEMBLY BILL

No. 2503

Introduced by Assembly Member Norby

February 24, 2012

An act to amend Sections 82030 and 87100 of the Government Code, relating to the Political Reform Act of 1974.

LEGISLATIVE COUNSEL'S DIGEST

AB 2503, as introduced, Norby. Political Reform Act of 1974.

Existing law, the Political Reform Act of 1974, prohibits a public official at any level of state or local government from making, participating in making, or in any way attempting to use his or her official position to influence a governmental decision in which he or she knows or has reason to know he or she has a financial interest. Existing law states that a public official has a financial interest in a decision if it is reasonably foreseeable that the decision will have a material financial effect on, among other things, any source of income, as defined, of the official aggregating \$500 or more received by the official within 12 months prior to the time the decision is made.

This bill would make nonsubstantive changes to those provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 82030 of the Government Code is
- 2 amended to read:
- 3 82030. (a) "Income" means, except as provided in subdivision
- 4 (b), a payment received, including, but not limited to, any salary,

1 wage, advance, dividend, interest, rent, proceeds from any sale,
2 gift, including any gift of food or beverage, loan, forgiveness or
3 payment of indebtedness received by the filer, reimbursement for
4 expenses, per diem, or contribution to an insurance or pension
5 program paid by any person other than an employer, and including
6 any community property interest in the income of a spouse. Income
7 also includes an outstanding loan. Income of an individual also
8 includes a pro rata share of any income of any business entity or
9 trust in which the individual or spouse owns, directly, indirectly,
10 or beneficially, a 10-percent interest or greater. "Income," other
11 than a gift, does not include income received from any source
12 outside the jurisdiction and not doing business within the
13 jurisdiction, not planning to do business within the jurisdiction,
14 or not having done business within the jurisdiction during the two
15 years prior to the time any statement or other action is required
16 under this title.

17 (b) "Income" also does not include:

18 (1) Campaign contributions required to be reported under
19 Chapter 4 (commencing with Section 84100).

20 (2) Salary and reimbursement for expenses or per diem, and
21 social security, disability, or other similar benefit payments
22 received from a state, local, or federal government agency and
23 reimbursement for travel expenses and per diem received from a
24 bona fide nonprofit entity exempt from taxation under Section
25 501(c)(3) of the Internal Revenue Code.

26 (3) Any devise or inheritance.

27 (4) Interest, dividends, or premiums on a time or demand deposit
28 in a financial institution, shares in a credit union or any insurance
29 policy, payments received under any insurance policy, or any bond
30 or other debt instrument issued by any government or government
31 agency.

32 (5) Dividends, interest, or any other return on a security ~~which~~
33 *that* is registered with the Securities and Exchange Commission
34 of the United States government or a commodity future registered
35 with the Commodity Futures Trading Commission of the United
36 States government, except proceeds from the sale of these securities
37 and commodities futures.

38 (6) Redemption of a mutual fund.

39 (7) Alimony or child support payments.

1 (8) Any loan or loans from a commercial lending institution
2 ~~which~~ *that* are made in the lender's regular course of business on
3 terms available to members of the public without regard to official
4 status.

5 (9) Any loan from or payments received on a loan made to an
6 individual's spouse, child, parent, grandparent, grandchild, brother,
7 sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece,
8 uncle, aunt, or first cousin, or the spouse of any such person,
9 provided that a loan or loan payment received from any such person
10 shall be considered income if he or she is acting as an agent or
11 intermediary for any person not covered by this paragraph.

12 (10) Any indebtedness created as part of a retail installment or
13 credit card transaction if made in the lender's regular course of
14 business on terms available to members of the public without
15 regard to official status.

16 (11) Payments received under a defined benefit pension plan
17 qualified under ~~Internal Revenue Code~~ Section 401(a) *of the*
18 *Internal Revenue Code*.

19 (12) Proceeds from the sale of securities registered with the
20 Securities and Exchange Commission of the United States
21 government or from the sale of commodities futures registered
22 with the Commodity Futures Trading Commission of the United
23 States government if the filer sells the securities or the commodities
24 futures on a stock or commodities exchange and does not know
25 or have reason to know the identity of the purchaser.

26 SEC. 2. Section 87100 of the Government Code is amended
27 to read:

28 87100. No public official at any level of state or local
29 government shall make, participate in making, or in any way
30 attempt to use his *or her* official position to influence a
31 governmental decision in which he *or she* knows or has reason to
32 know he *or she* has a financial interest.

ASSEMBLY BILL

No. 2691

Introduced by Committee on Elections and Redistricting

March 14, 2012

An act to amend Section 84602 of, and to repeal Sections 84604, 84609, and 84610 of, the Government Code, relating to the Political Reform Act of 1974.

LEGISLATIVE COUNSEL'S DIGEST

AB 2691, as introduced, Committee on Elections and Redistricting. Political Reform Act of 1974: online and electronic filing.

The Political Reform Act of 1974 requires the Secretary of State, in consultation with the Fair Political Practices Commission, to develop an online and electronic filing system to be used by certain entities, including specified candidates, general purpose committees, slate mailer organizations, and lobbyists, lobbying firms, and lobbyist employers, in filing statements and reports required under the act. The act imposes certain online or electronic disclosure requirements that are specific to the 1998 statewide general election and the 2000 statewide primary election. The act also appropriates to the Secretary of State the sum of \$1,100,000 for the purpose of developing online or electronic disclosure systems, effective September 16, 1999. Under existing law, an appropriation is available to be encumbered for 3 years after the date upon which it first became available for encumbrance.

This bill would repeal the provisions relating to online or electronic disclosure requirements specific to the 1998 statewide general election and the 2000 statewide primary election. The bill would also repeal the provision making a \$1,100,000 appropriation to the Secretary of State, which has been available for encumbrance for more than 3 years.

The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act’s purposes upon a 2/3 vote of each house and compliance with specified procedural requirements.

This bill would declare that it furthers the purposes of the act.

Vote: 2/3. Appropriation: no. Fiscal committee: no.

State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 84602 of the Government Code is
2 amended to read:

3 84602. To implement the Legislature’s intent, the Secretary of
4 State, in consultation with the ~~commission~~ *Commission*,
5 notwithstanding any other provision of the ~~Government Code~~ *this*
6 *code*, shall do all of the following:

7 (a) Develop online and electronic filing processes for use by
8 persons and entities specified in ~~Sections 84604 and~~ *Section 84605*
9 that are required to file statements and reports with the Secretary
10 of State’s office pursuant to Chapter 4 (commencing with Section
11 84100) and Chapter 6 (commencing with Section 86100). Those
12 processes shall each enable a user to comply with all the disclosure
13 requirements of this title and shall include, at a minimum, the
14 following:

15 (1) A means or method whereby filers subject to this chapter
16 may submit required filings free of charge. Any means or method
17 developed pursuant to this provision shall not provide any
18 additional or enhanced functions or services that exceed the
19 minimum requirements necessary to fulfill the disclosure provisions
20 of this title. At least one means or method shall be made available
21 no later than December 31, 2002.

22 (2) The definition of a nonproprietary standardized record format
23 or formats using industry standards for the transmission of the data
24 that is required of those persons and entities specified ~~in~~
25 ~~subdivision (a) of Section 84604 and~~ *Section 84605* and that
26 conforms with the disclosure requirements of this title. The
27 Secretary of State shall hold public hearings prior to development
28 of the record format or formats as a means to ensure that affected
29 entities have an opportunity to provide input into the development
30 process. The format or formats shall be made public no later than

1 July 1, 1999, to ensure sufficient time to comply with ~~the~~
2 ~~requirements of this chapter.~~

3 (b) Accept test files from software vendors and others wishing
4 to file reports electronically, for the purpose of determining whether
5 the file format is in compliance with the standardized record format
6 developed pursuant to subdivision (a) and is compatible with the
7 Secretary of State's system for receiving the data. A list of the
8 software and service providers who have submitted acceptable test
9 files shall be published by the Secretary of State and made available
10 to the public. Acceptably formatted files shall be submitted by a
11 filer in order to meet the requirements of this chapter.

12 (c) Develop a system that provides for the online or electronic
13 transfer of the data specified in this section utilizing
14 telecommunications technology that assures the integrity of the
15 data transmitted and that creates safeguards against efforts to
16 tamper with or subvert the data.

17 (d) Make all the data filed available on the Internet in an easily
18 understood format that provides the greatest public access. The
19 data shall be made available free of charge and as soon as possible
20 after receipt. All late contribution and late independent expenditure
21 reports, as defined by Sections 84203 and 84204, respectively,
22 shall be made available on the Internet within 24 hours of receipt.
23 The data made available on the Internet shall not contain the street
24 name and building number of the persons or entity representatives
25 listed on the electronically filed forms or any bank account number
26 required to be disclosed pursuant to this title.

27 (e) Develop a procedure for filers to comply with the
28 requirement that they sign under penalty of perjury pursuant to
29 Section 81004.

30 (f) Maintain all filed data online for 10 years after the date it is
31 filed, and then archive the information in a secure format.

32 (g) Provide assistance to those seeking public access to the
33 information.

34 (h) Implement sufficient technology to seek to prevent
35 unauthorized alteration or manipulation of the data.

36 (i) Provide the ~~commission~~ *Commission* with necessary
37 information to enable it to assist agencies, public officials, and
38 others; with the compliance with and administration of this title.

39 (j) Report to the Legislature on the implementation and
40 development of the online and electronic filing and disclosure

1 requirements of this chapter. The report shall include an
2 examination of system security, private security issues, software
3 availability, compliance costs to filers, use of the filing system and
4 software provided by the Secretary of State, and other issues
5 relating to this chapter, and shall recommend appropriate changes
6 if necessary. In preparing the report, the ~~commission~~ *Commission*
7 may present to the Secretary of State and the Legislature its
8 comments regarding this chapter as it relates to the duties of the
9 ~~commission~~ *Commission* and suggest appropriate changes if
10 necessary. There shall be one report due before the system is
11 operational as set forth in Section 84603, one report due no later
12 than June 1, 2002, and one report due no later than January 31,
13 2003.

14 (k) Review the current filing and disclosure requirements of
15 this chapter and report to the Legislature, no later than June 1,
16 2005, recommendations on revising these requirements so as to
17 promote greater reliance on electronic and online submissions.

18 SEC. 2. Section 84604 of the Government Code is repealed.

19 ~~84604. (a) The Secretary of State shall implement an online~~
20 ~~or electronic disclosure program in connection with the 2000 state~~
21 ~~primary election and the lobbying activities specified in paragraph~~
22 ~~(4). Entities specified in paragraphs (1), (2), and (3) shall~~
23 ~~commence online or electronic disclosure with the first preelection~~
24 ~~statement filed in connection with the 2000 statewide direct~~
25 ~~primary election for the period ending January 22, 2000, and shall~~
26 ~~continue to disclose online or electronically all required reports~~
27 ~~and statements up to and including the semiannual statement for~~
28 ~~the period ending June 30, 2000. Entities specified in paragraph~~
29 ~~(4) shall commence online or electronic disclosure with the~~
30 ~~quarterly report for the period ending March 31, 2000, and shall~~
31 ~~continue to disclose online or electronically all required reports~~
32 ~~and statements up to and including the quarterly report for the~~
33 ~~period ending June 30, 2000. The entities subject to this section~~
34 ~~are the following:~~

35 ~~(1) Any candidate, including appellate court and Supreme Court~~
36 ~~candidates and officeholders, committee, or other persons who are~~
37 ~~required, pursuant to Chapter 4 (commencing with Section 84100),~~
38 ~~to file statements, reports, or other documents in connection with~~
39 ~~a state elective office or state measure appearing on the 2000~~
40 ~~statewide direct primary ballot, provided that the total cumulative~~

1 reportable amount of contributions received, expenditures made,
2 loans made, or loans received is one hundred thousand dollars
3 (\$100,000) or more. For the purpose of cumulating totals, the
4 period covered shall commence January 1, 1999.

5 (2) Any general purpose committees, as defined in Section
6 82027.5, including the general purpose committees of political
7 parties, and small contributor committees, as defined in Section
8 85203, that cumulatively receive contributions or make
9 expenditures totaling one hundred thousand dollars (\$100,000) or
10 more to support or oppose candidates for any elective state office
11 or state measure appearing on the 2000 statewide direct primary
12 ballot. For the purpose of cumulating totals, the period covered
13 shall commence January 1, 1999.

14 (3) Any slate mailer organization with cumulative reportable
15 payments received or made for the purposes of producing slate
16 mailers of one hundred thousand dollars (\$100,000) or more in
17 connection with the 2000 statewide direct primary election. For
18 the purpose of cumulating totals, the period covered shall
19 commence January 1, 1999.

20 (4) Any lobbyist, lobbying firm, lobbyist employer, or other
21 persons required, pursuant to Chapter 6 (commencing with Section
22 86100), to file statements, reports, or other documents, provided
23 that the total amount of any category of reportable payments,
24 expenses, contributions, gifts, or other items is one hundred
25 thousand dollars (\$100,000) or more in a calendar quarter.

26 (b) Filers specified in subdivision (a) shall also continue to file
27 required disclosure forms in paper format. The paper copy shall
28 continue to be the official version for audit and other legal
29 purposes. Committees and other persons that are not required to
30 file online or electronically by this section may do so voluntarily.

31 (c) The Secretary of State shall also disclose on the Internet any
32 late contribution or late independent expenditure report, as defined
33 by Sections 84203 and 84204, respectively, not covered by
34 subdivision (a).

35 (d) It shall be presumed that online or electronic filers file under
36 penalty of perjury.

37 SEC. 3. Section 84609 of the Government Code is repealed.

38 84609. All candidates and ballot measure committees who are
39 required, pursuant to Chapter 4 (commencing with Section 84100),
40 to file statements, reports, or other documents in connection with

1 a statewide elective office or state measure appearing on the
2 November 1998 ballot shall provide at the time of filing, in addition
3 to a paper submission, a copy of the required report on computer
4 disk in either an ASCII or PDF format with documentation
5 detailing the field layout or file structure. Filers who submit
6 computer disks which are not readable, cannot be copied, or do
7 not have documentation have not complied with the requirements
8 of this section. Candidate and ballot measure committees who
9 make their report available on the Internet through the Secretary
10 of State's office are not required to file the report on computer
11 disk. The Secretary of State shall make copies available to the
12 public, upon payment of fees covering direct costs of duplication,
13 or a statutory fee, if applicable. The Secretary of State shall also
14 disclose online, any late contribution or late independent
15 expenditure report, as defined by Sections 84203 and 84204
16 respectively, filed in connection with any elective state office or
17 ballot measure appearing on the November 1998 ballot.

18 SEC. 4. Section 84610 of the Government Code is repealed.

19 84610. There is hereby appropriated from the General Fund
20 of the state to the Secretary of State the sum of one million one
21 hundred thousand dollars (\$1,100,000) for the purposes of
22 developing the online and electronic disclosure systems provided
23 by this chapter and reimbursing local agencies for any costs they
24 incur in the development of these systems.

25 SEC. 5. The Legislature finds and declares that this bill furthers
26 the purposes of the Political Reform Act of 1974 within the
27 meaning of subdivision (a) of Section 81012 of the Government
28 Code.



www.commoncause.org

April 4, 2012

Chair Ravel and Commissioners Eskovitz,
Garrett, Montgomery, and Rotunda
Fair Political Practices Commission
428 J Street, Suite 600
Sacramento, CA 95814

RE: Agenda Item 17: SB 31 (Correa)—Post-government Employment Restrictions—SUPPORT

Dear Chair Ravel and Commissioners

On behalf of California Common Cause and our 400,000 national members, please accept this letter urging you to support Senate Bill 31 which would extend post-government restrictions to the local level.

Senate Bill 31 will extend post-government employment restrictions to public officials that serve as members with decision making authority of local governing boards and commissions. SB 31 includes an exemption for individuals who are members of solely advisory local governing boards or commissions.

This legislation will further prevent the revolving door that threatens the integrity of public decisions. Local agencies have an enormous influence on the everyday lives of voters. The inclusion of local level board members to these restrictions will assure that decisions made by public officials are unbiased and not as a result of lobbying by former agency officials.

California Common Cause urges you to join us in support of this important legislation.

Please contact me at pung@commoncause.org or (916) 520-4070 if you have any questions.

Sincerely,

Phillip Ung
Policy Advocate



www.commoncause.org

April 4, 2012

Chair Ravel and Commissioners Eskovitz,
Garrett, Montgomery, and Rotunda
Fair Political Practices Commission
428 J Street, Suite 600
Sacramento, CA 95814

RE: Agenda Item 17: Senate Bill 1001 – Lobbyist Registration Fee Adjustment (SPONSOR)

Dear Chair Ravel and Commissioners,

On behalf of California Common Cause and our 400,000 national members, we are proud to be the sponsor of Senate Bill 1001, which would provide for a common sense increase in California's lobbying registration fees which have not been adjusted since the passage of the Political Reform Act of 1974. We urge the Commission to support this legislation.

Senate Bill 1001 would make two simple changes to the Political Reform Act: 1) increase lobbying registration fees from \$25 to \$50 per year; 2) authorize the Fair Political Practices Commission to make biennial cost-of-living-adjustments based on changes to the Consumer Price Index. These updates are essential to make sure the Political Reform Act remains effective in our current day.

With an increase to \$50 per year, California's lobbying registration fees will remain one of the lowest in the country. And despite the public's disgust with special interest influence on our government, California continues to have one of the highest numbers of state registered lobbyists. This fee will help pay for the maintenance of California's campaign and lobbying disclosure database, CAL-ACCESS, which remains in poor condition with outdated technology. CAL-ACCESS was unavailable for nearly a month in 2011 because of a massive system failure. The CAL-ACCESS crash left campaign committees, lobbying interests, media, and political watchdogs unable to obtain important documents which would have shined a light on money and influence in our political system.

We urge you to support this legislation that will update California lobbying registration fees and support the state's online disclosure database.

Sincerely,

Phillip Ung
Policy Advocate

California Common Cause
1005 12th Street | Suite C | Sacramento, CA 95814
Sacramento | Los Angeles | San Francisco | San Diego

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www.commoncause.org

April 4, 2012

Chair Ravel and Commissioners Eskovitz,
Garrett, Montgomery, and Rotunda
Fair Political Practices Commission
428 J Street, Suite 600
Sacramento, CA 95814

RE: Agenda Item 17: AB 1509 (Hayashi) – Internet Disclosure of Local Statement of Economic Interests– SUPPORT

Dear Chair Ravel and Commissioners,

On behalf of California Common Cause and our 400,000 national members, please accept this letter urging you to support Assembly Bill 1509, a bill that would require public disclosure of local officials' Statement of Economic Interests on city and county Internet Websites.

The Political Reform Act requires all public officials to file an annual Statement of Economic Interests (SEIs) which lists investments, income, and other economic assets to prevent conflicts of interests from arising when officials make decisions on behalf of the public. Statements of Economic Interests are available through public records requests to the Fair Political Practices Commission. However, the FPPC has recently begun proactively posting State elected officials' SEIs to save time and money from processing public requests. AB 1509 would require local governments follow the FPPC's example and proactively post SEIs for public scrutiny saving the voter's resources while increasing transparency and accountability.

SEIs have been essential to the FPPC and political watchdogs like Common Cause to identify or prevent officials from making decisions which are based on their personal economic interests and not on the needs of Californians. These economic interests can and do affect the policy choices of the public official. California voters deserve to have honest information regarding the economic interests of public decision makers to prevent government abuse and corruption. We urge you to use the staff's recommendation and support this legislation.

Sincerely,

Phillip Ung
Policy Advocate

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April 4, 2012

Chair Ravel and Commissioners Eskovitz,
Garrett, Montgomery, and Rotunda
Fair Political Practices Commission
428 J Street, Suite 600
Sacramento, CA 95814

RE: Agenda Item 17: AB 1648 (Brownley) – CA DISCLOSE Act – SUPPORT

Dear Chair Ravel and Commissioners,

On behalf of California Common Cause and our 400,000 national members, please accept this letter urging you to support Assembly Bill 1648, the California DISCLOSE Act.

AB 1648 would provide essential reforms to California's campaign finance disclosure laws and increase transparency in our elections. This bill would identify the top contributors of ballot measure campaigns in all television ads, radio ads, print and mass mailing ads, and websites; and would require other contributors to be listed on Secretary of State's website.

California Common Cause strongly supports these disclosure provisions because in every election cycle special interests flood voter's airwaves and mailboxes with messages from political action committees and ballot measure committees. These PACs and other committees consistently employ deceitful names and monikers in an attempt to fool voters. California voters deserve to have honest information about who is funding political campaigns. This information is critical to making informed decisions.

For these reasons, California Common Cause urges you to support AB 1648 to bring more transparency to California's elections.

Please contact me at pung@commoncause.org or (916) 520-4070 if you have any questions.

Sincerely,

Phillip Ung
Policy Advocate





www.commoncause.org

April 4, 2012

Chair Ravel and Commissioners Eskovitz,
Garrett, Montgomery, and Rotunda
Fair Political Practices Commission
428 J Street, Suite 600
Sacramento, CA 95814

RE: Agenda Item 17: AB 1881 (Donnelly) – Filing of Independent Expenditures – OPPOSE

Dear Chair Ravel and Commissioners,

On behalf of California Common Cause and our 400,000 national members, we urge you to oppose Assembly Bill 1881.

AB 1881 will allow non-candidate committees to refrain from disclosing the name and city of a donor who made a contribution of less than \$5,000 on their publicly accessible campaign statements.

Unfortunately, AB 1881 will decrease the current disclosure requirements in our elections and disable decades of voter-approved transparency. We believe disclosure requirements are necessary to properly educate voters about who is funding election campaigns. Voters commonly consider the source of campaign funds as well as the policy implications when casting their vote.

California Common Cause believes campaign disclosures need to give *more* information to voters, not less. This bill is the wrong prescription for California's campaign finance system. For these reasons, we urge you to adhere to the staff's recommendation and oppose this bill.

Please contact me at pung@commoncause.org or (916) 520-4070 if you have any questions.

Sincerely,

Phillip Ung
Policy Advocate





www.commoncause.org

April 4, 2012

Chair Ravel and Commissioners Eskovitz,
Garrett, Montgomery, and Rotunda
Fair Political Practices Commission
428 J Street, Suite 600
Sacramento, CA 95814

RE:Agenda Item 17: AB 2162 (Portantino) –Economic Interest Disclosure —Support

Dear Chair Ravel and Commissioners,

On behalf of California Common Cause and our 400,000 national members, we urge you to support Assembly Bill 2162, which will increase the number of value ranges in disclosure statements for investment, interests, and income.

AB 2162, changes the existing ranges of values to a comprehensive list with larger value ranges. These changes extend the range for the fair market value of investments or interest in real property from the existing \$1,000,000 cap to \$10,000,000. AB 2162 will also extend the range for income from the existing \$100,000 cap to \$10,000,000.

These new ranges will increase disclosure and allow for more accurate interpretations of where conflicts of interest may occur. A person's interest on any given issue may stem from a personal desire to benefit oneself. Therefore, any increase disclosure that results from AB 2162 will help ensure public decisions are authentic and without financial bias. These proposed changes would require more detailed disclosures, but are not nearly as strict as required of Congress. Attached is Table I which shows the disclosure requirements for Congress compared to the proposed changes in AB 2162. The Commission will see in Table I that federal elected officials are required to disclose far more information than AB 2162 proposes. We are currently working with the author's office on possible amendments which will codify the federal requirements.

For these reasons, California Common Cause urges you to support this legislation.

Sincerely,

Phillip Ung
Policy Advocate

California Common Cause
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TABLE I
CONGRESSIONAL VS AB 2162 DISCLOSURE

US House of Representatives	US Senate	Proposed in AB 2162
Value Asset	Value Asset	Investment
\$1-\$1,000	None (For less than \$1,001)	At least \$2,000-\$25,000
\$1,001-\$15,000	\$1,001-\$15,000	\$25,000-\$100,000
\$15,001-\$50,000	\$15,001-\$50,000	\$100,000-\$250,000
\$50,001-\$100,000	\$50,001-\$100,000	\$250,000-\$500,000
\$100,001-\$250,000	\$100,001-\$250,000	\$500,000-\$1,000,000
\$250,001-\$500,000	\$250,001-\$500,000	\$1,000,000-\$5,000,000
\$500,001-\$1,000,000	\$500,001-\$1,000,000	\$5,000,000-\$10,000,000
\$1,000,001-\$5,000,000	\$1,000,001-\$5,000,000	\$10,000,000 or more
\$5,000,001-\$25,000,000	\$5,000,001-\$25,000,000	
\$25,000,001-\$50,000,000	\$25,000,001-\$50,000,000	
Over \$50,000,000	Over \$50,000,000	
Income	Income	Income
\$1-\$200	None (For less than \$201)	\$500-\$1,000
\$201-\$1,000	\$201-\$1,000	\$1,000-\$10,000
\$1,001-\$2,500	\$1,001-\$2,500	\$10,000-\$25,000
\$2,501-\$5,000	\$2,501-\$5,000	\$25,000-\$100,000
\$5,001-\$15,000	\$5,001-\$15,000	\$100,000-\$250,000
\$15,001-\$50,000	\$15,001-\$50,000	\$250,000-\$500,000
\$50,001-\$100,000	\$50,001-\$100,000	\$500,000-\$1,000,000
\$100,001-\$1,000,000	\$100,001-\$1,000,000	\$1,000,000-\$5,000,000
\$1,000,001-\$5,000,000	\$1,000,001-\$5,000,000	\$5,000,000-\$10,000,000
Over \$5,000,000	Over \$5,000,000	\$10,000,000 or more

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April 3, 2012

Ann Ravel
Chair, Fair Political Practices Commission
428 J Street, Suite 620
Sacramento, California 95814

Dear Chair Ravel:

I respectfully urge you to vote in favor of supporting Assembly Bill 2191, which I authored to amend the definition of “elective office” to exclude members of party county central committees. AB 2191 is part of item #17 on your April 5 agenda. The FPPC staff recommended position is “neutral” on this bill.

County central committee members are simply political party volunteers who do not perform any governmental functions. They do not handle any public money, they cannot levy taxes or fees upon citizens, they do not vote on policy issues, and they cannot pass laws or ordinances.

Current law states any person who appears on the ballot is someone who is running for “elective office.” The intent of this action was to capture all governmental elected officials, but it inadvertently lumped in thousands of political party volunteers into these reporting requirements. This has cost local governments tens of thousands of dollars each year as local county registrars have had to process the excessive reporting for these numerous political party volunteers.

The Election Code’s formulas for central committee membership placed numerous volunteers in this category (the 2002-10 central committee numbers for L.A. and Orange counties are below):

	Los Angeles County	Orange County
Democratic	156	54
Republican	156	54
American Independent	182	63
Peace and Freedom	159	32

Last month, the Governor signed AB 1200 (Ma), which recognizes the reality that a central committee member is not an elected official by: 1) ending the requirement that public officers administer their oaths and 2) no longer providing them a governmental certificate of election.

Correcting the definition of “elective office” will eliminate an unnecessary and excessive process that encumbers thousands of volunteers and dozens of county registrar’s offices.

Sincerely,

A handwritten signature in black ink that reads 'Chris Norby'. The signature is written in a cursive, flowing style.

CHRIS NORBY
Member, California State Assembly

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CHRIS NORBY

ASSEMBLYMAN, SEVENTY SECOND DISTRICT

April 3, 2012

Sean Eskovitz
Commissioner, Fair Political Practices Commission
c/o Munger, Tolles & Olson LLP
355 South Grand Avenue, 35th Floor
Los Angeles, California 90071-1560

Dear Commissioner Eskovitz:

I respectfully urge you to vote in favor of supporting Assembly Bill 2191, which I authored to amend the definition of "elective office" to exclude members of party county central committees. AB 2191 is part of item #17 on your April 5 agenda. The FPPC staff recommended position is "neutral" on this bill.

County central committee members are simply political party volunteers who do not perform any governmental functions. They do not handle any public money, they cannot levy taxes or fees upon citizens, they do not vote on policy issues, and they cannot pass laws or ordinances.

Current law states any person who appears on the ballot is someone who is running for "elective office." The intent of this action was to capture all governmental elected officials, but it inadvertently lumped in thousands of political party volunteers into these reporting requirements. This has cost local governments tens of thousands of dollars each year as local county registrars have had to process the excessive reporting for these numerous political party volunteers.

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Sincerely,

CHRIS NORBY

Member, California State Assembly

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CHRIS NORBY

ASSEMBLYMAN, SEVENTY-SEVENTH DISTRICT

April 3, 2012

Elizabeth Garrett
Commissioner, Fair Political Practices Commission
c/o Office of the Provost, University of Southern California
Bovard Administration Building, Suite 102
Los Angeles, California 90089

Dear Commissioner Garrett:

I respectfully urge you to vote in favor of supporting Assembly Bill 2191, which I authored to amend the definition of "elective office" to exclude members of party county central committees. AB 2191 is part of item #17 on your April 5 agenda. The FPFC staff recommended position is "neutral" on this bill.

County central committee members are simply political party volunteers who do not perform any governmental functions. They do not handle any public money, they cannot levy taxes or fees upon citizens, they do not vote on policy issues, and they cannot pass laws or ordinances.

Current law states any person who appears on the ballot is someone who is running for "elective office." The intent of this action was to capture all governmental elected officials, but it inadvertently lumped in thousands of political party volunteers into these reporting requirements. This has cost local governments tens of thousands of dollars each year as local county registrars have had to process the excessive reporting for these numerous political party volunteers.

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Correcting the definition of "elective office" will eliminate an unnecessary and excessive process that encumbers thousands of volunteers and dozens of county registrar's offices.

Sincerely,

CHRIS NORBY

Member, California State Assembly

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Assembly California Legislature



CHRIS NORBY

REPRESENTATIVE SEVENTY-SECOND DISTRICT

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LOCAL GOVERNMENT

April 3, 2012

Lynn Montgomery
Commissioner, Fair Political Practices Commission
428 J Street, Suite 620
Sacramento, California 95814

Dear Commissioner Montgomery:

I respectfully urge you to vote in favor of supporting Assembly Bill 2191, which I authored to amend the definition of "elective office" to exclude members of party county central committees. AB 2191 is part of item #17 on your April 5 agenda. The FPPC staff recommended position is "neutral" on this bill.

County central committee members are simply political party volunteers who do not perform any governmental functions. They do not handle any public money, they cannot levy taxes or fees upon citizens, they do not vote on policy issues, and they cannot pass laws or ordinances.

Current law states any person who appears on the ballot is someone who is running for "elective office." The intent of this action was to capture all governmental elected officials, but it inadvertently lumped in thousands of political party volunteers into these reporting requirements. This has cost local governments tens of thousands of dollars each year as local county registrars have had to process the excessive reporting for these numerous political party volunteers.

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Sincerely,

CHRIS NORBY

Member, California State Assembly

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CHRIS NORBY

ASSEMBLYMAN, SEVENTY-SECOND DISTRICT

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LOCAL GOVERNMENT

April 3, 2012

Ronald Rotunda
Commissioner, Fair Political Practices Commission
c/o Chapman University Law School, Room 406
One University Drive
Orange, California 92866-1032

Dear Commissioner Rotunda:

I respectfully urge you to vote in favor of supporting Assembly Bill 2191, which I authored to amend the definition of "elective office" to exclude members of party county central committees. AB 2191 is part of item #17 on your April 5 agenda. The FPPC staff recommended position is "neutral" on this bill.

County central committee members are simply political party volunteers who do not perform any governmental functions. They do not handle any public money, they cannot levy taxes or fees upon citizens, they do not vote on policy issues, and they cannot pass laws or ordinances.

Current law states any person who appears on the ballot is someone who is running for "elective office." The intent of this action was to capture all governmental elected officials, but it inadvertently lumped in thousands of political party volunteers into these reporting requirements. This has cost local governments tens of thousands of dollars each year as local county registrars have had to process the excessive reporting for these numerous political party volunteers.

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Sincerely,

CHRIS NORBY

Member, California State Assembly

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April 3, 2012

Ann Ravel
Chair, Fair Political Practices Commission
428 J Street, Suite 620
Sacramento, California 95814

Dear Chair Ravel:

I urge you to vote in favor of supporting Assembly Bill 2239, which I authored to increase candidate transparency while substantially reducing the need for independent expenditures. AB 2239 is part of item #17 on your April 5 agenda. FPCC staff has not taken a position on this bill.

Under current law, campaign finance reports are filed as infrequently as a semi-annual basis during non-election periods and every other month during pre-election periods. For example, a candidate on the ballot in June 2012 filed semi-annual statements in 2011 from January 1-June 30 and July 1-December 31 and pre-election statements in 2012 from January 1-March 17, March 18-May 24, and May 25-June 30.

My bill, AB 2239, will require that candidates report contributions and expenditures within 24 hours. With this more rapid reporting requirement, transparency will be greatly increased and will allow the public and watchdog organizations to better monitor the flow of political money and hold politicians accountable.

In 2000, California voters approved Proposition 34 in an effort to “put the brakes on special interest money” and “limit campaign spending.” However, efforts to place campaign contribution limits on candidates has proven to be an abject failure. Since Prop 34 passed, independent expenditures have increased a stunning 6000%. Independent expenditures have reduced accountability and reduced transparency.

Prop 34’s attempts to limit money in politics have had the unintended consequences of making money harder to trace and reducing candidate accountability. Ending the Prop 34 caps will render unaccountable independent expenditures and shadowy IE PACs unnecessary, leaving candidates responsible for the contributions they receive and the spending they make.

Eliminating Prop 34 limits while requiring 24-hour disclosure of contributions and expenditures is the only way to hold politicians accountable to the public and render independent expenditures unnecessary, so I respectfully urge you to vote in favor of supporting AB 2239.

Sincerely,


CHRIS NORBY
Member, California State Assembly



www.commoncause.org

April 4, 2012

Chair Ravel and Commissioners Eskovitz,
Garrett, Montgomery, and Rotunda
Fair Political Practices Commission
428 J Street, Suite 600
Sacramento, CA 95814

RE: Agenda Item 17: AB 2239 (Norby)—Political Reform Act of 1974—OPPOSE

Dear Chair Ravel and Commissioners,

On behalf of California Common Cause and our 400,000 national members, we strongly urge you to oppose Assembly Bill 2239, which proposes to remove campaign contribution limits.

AB 2239 proposes amending the Political Reform Act of 1974 to no longer include voter-approved campaign contribution limits that affect how much a candidate for an elected office can receive and how much a committee can contribute. Also under AB 2239, candidates and committees would no longer be required to file specified campaign reports.

Eliminating campaign contribution limits would go directly against the will of California voters and is a dangerous proposal for democracy, and does not further the purposes of the Act. If AB 2239 is enacted, money will pour into candidate committees at greater amounts than we have ever seen in this state. Elected officeholders may be swayed to vote on behalf of those who make large contributions not on the merits of public policy. Contrary to the author's claims, removing contribution limits to candidates will *not* eliminate the activities of independent expenditures. We strongly disagree with the claim that you can solve the IE problem by replacing it with another problem. We agree with the staff analysis that the increased disclosure requirements are well-intended, but attaching it to the removal of contribution limits is unacceptable. We strongly urge the Commission to either oppose or take an "oppose unless amended" position and ask the author to strike the portion of the bill that eliminates contribution limits.

For these reasons, Common Cause opposes AB 2239 Please contact me at pung@commoncause.org or (916) 520-4070 if you have any questions.

Sincerely,

Phillip Ung
Policy Advocate

California Common Cause
1005 12th Street | Suite C | Sacramento, CA 95814
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Assembly California Legislature

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LOCAL GOVERNMENT

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1501 N. HARBOUR BLVD., SUITE 601
FULLERTON, CA 92833
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CHRIS NORBY

ASSEMBLYMAN, SEVENTY-SECOND DISTRICT

April 3, 2012

Sean Eskovitz
Commissioner, Fair Political Practices Commission
c/o Munger, Tolles & Olson LLP
355 South Grand Avenue, 35th Floor
Los Angeles, California 90071-1560

Dear Commissioner Eskovitz:

I urge you to vote in favor of supporting Assembly Bill 2239, which I authored to increase candidate transparency while substantially reducing the need for independent expenditures. AB 2239 is part of item #17 on your April 5 agenda. FPCC staff has not taken a position on this bill.

Under current law, campaign finance reports are filed as infrequently as a semi-annual basis during non-election periods and every other month during pre-election periods. For example, a candidate on the ballot in June 2012 filed semi-annual statements in 2011 from January 1-June 30 and July 1-December 31 and pre-election statements in 2012 from January 1-March 17, March 18-May 24, and May 25-June 30.

My bill, AB 2239, will require that candidates report contributions and expenditures within 24 hours. With this more rapid reporting requirement, transparency will be greatly increased and will allow the public and watchdog organizations to better monitor the flow of political money and hold politicians accountable.

In 2000, California voters approved Proposition 34 in an effort to "put the brakes on special interest money" and "limit campaign spending." However, efforts to place campaign contribution limits on candidates has proven to be an abject failure. Since Prop 34 passed, independent expenditures have increased a stunning 6000%. Independent expenditures have reduced accountability and reduced transparency.

Prop 34's attempts to limit money in politics have had the unintended consequences of making money harder to trace and reducing candidate accountability. Ending the Prop 34 caps will render unaccountable independent expenditures and shadowy IE PACs unnecessary, leaving candidates responsible for the contributions they receive and the spending they make.

Eliminating Prop 34 limits while requiring 24-hour disclosure of contributions and expenditures is the only way to hold politicians accountable to the public and render independent expenditures unnecessary, so I respectfully urge you to vote in favor of supporting AB 2239.

Sincerely,


CHRIS NORBY

Member, California State Assembly

STATE CAPITOL
P.O. BOX 942819
SACRAMENTO, CA 94249-0072
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Assembly California Legislature

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CHRIS NORBY
ASSEMBLYMAN, SEVENTY-SECOND DISTRICT

April 3, 2012

Elizabeth Garrett
Commissioner, Fair Political Practices Commission
c/o Office of the Provost, University of Southern California
Bovard Administration Building, Suite 102
Los Angeles, California 90089

Dear Commissioner Garrett:

I urge you to vote in favor of supporting Assembly Bill 2239, which I authored to increase candidate transparency while substantially reducing the need for independent expenditures. AB 2239 is part of item #17 on your April 5 agenda. FPPC staff has not taken a position on this bill.

Under current law, campaign finance reports are filed as infrequently as a semi-annual basis during non-election periods and every other month during pre-election periods. For example, a candidate on the ballot in June 2012 filed semi-annual statements in 2011 from January 1-June 30 and July 1-December 31 and pre-election statements in 2012 from January 1-March 17, March 18-May 24, and May 25-June 30.

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Sincerely,

CHRIS NORBY
Member, California State Assembly

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Assembly California Legislature

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CHRIS NORBY
ASSEMBLYMAN, SEVENTY-SECOND DISTRICT

April 3, 2012

Lynn Montgomery
Commissioner, Fair Political Practices Commission
428 J Street, Suite 620
Sacramento, California 95814

Dear Commissioner Montgomery:

I urge you to vote in favor of supporting Assembly Bill 2239, which I authored to increase candidate transparency while substantially reducing the need for independent expenditures. AB 2239 is part of item #17 on your April 5 agenda. FPPC staff has not taken a position on this bill.

Under current law, campaign finance reports are filed as infrequently as a semi-annual basis during non-election periods and every other month during pre-election periods. For example, a candidate on the ballot in June 2012 filed semi-annual statements in 2011 from January 1-June 30 and July 1-December 31 and pre-election statements in 2012 from January 1-March 17, March 18-May 24, and May 25-June 30.

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Sincerely,


CHRIS NORBY

Member, California State Assembly

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Assembly California Legislature

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CHRIS NORBY

ASSEMBLYMAN, SEVENTY-SECOND DISTRICT

April 3, 2012

Ronald Rotunda
Commissioner, Fair Political Practices Commission
c/o Chapman University Law School, Room 406
One University Drive
Orange, California 92866-1032

Dear Commissioner Rotunda:

I urge you to vote in favor of supporting Assembly Bill 2239, which I authored to increase candidate transparency while substantially reducing the need for independent expenditures. AB 2239 is part of item #17 on your April 5 agenda. FPPC staff has not taken a position on this bill.

Under current law, campaign finance reports are filed as infrequently as a semi-annual basis during non-election periods and every other month during pre-election periods. For example, a candidate on the ballot in June 2012 filed semi-annual statements in 2011 from January 1-June 30 and July 1-December 31 and pre-election statements in 2012 from January 1-March 17, March 18-May 24, and May 25-June 30.

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Sincerely,


CHRIS NORBY

Member, California State Assembly