

1 Amend 2 Cal. Code Regs., Section 18247.5 to read:

2 **§ 18247.5. Primarily Formed Committees**

3 (a) A "primarily formed" committee, as defined in Section 82047.5 and this regulation, is  
4 a recipient committee under Section 82013(a) that supports or opposes a single candidate or  
5 measure, or, a specific group of measures or local candidates on the same ballot. (In contrast, a  
6 "general purpose" committee, defined in Section 82027.5 and Regulation 18227.5, supports  
7 multiple candidates or ballot measures.)

8 (b) Filing. Under Section 84215, a primarily formed committee files in the jurisdiction  
9 where the candidate(s) or measure(s) it is primarily formed to support or oppose normally file(s)  
10 their campaign statements.

11 (c) Special Requirements for Primarily Formed Committees. In addition to other  
12 applicable provisions of the Act and regulations, a primarily formed committee must  
13 automatically file preelection statements under Section 84200.5 ~~and 84200.7~~ or 84200.8; must  
14 comply with the committee name and identification of donors requirements of Sections 84107,  
15 84503 and 84504, if supporting or opposing a ballot measure; must comply with the committee  
16 name rules of Regulation 18402(c)(3) if supporting or opposing candidate(s); must file online  
17 90-day reports under Section 85309 if supporting or opposing a state ballot measure; must file  
18 reports of contributions received under Section 82036; and is subject to mandatory audit if a state  
19 committee.

20 (d) Definition. For purposes of Section 82047.5, a recipient committee under Section  
21 82013(a) is considered to be "formed or existing primarily to support or oppose" a candidate or  
22 measure if:

1 (1) The committee is created for the purpose of or is involved in running the principal  
2 campaign for or against the candidate(s) or measures(s) as listed in subdivision (d)(4) below; or

3 (2) The committee's primary purpose and activities are to support or oppose candidate(s)  
4 or measure(s) as listed in subdivision (d)(4) below; or

5 (3) The committee makes more than 70 percent of its total contributions and  
6 expenditures on all candidates and measures (not including administrative overhead) on those  
7 specific candidates(s) or measure(s) as listed in subdivision (d)(4) below, during the time period  
8 specified in subdivision (e)(3).

9 (4)

10 (A) A single candidate. A committee formed or existing primarily to support or oppose a  
11 single candidate includes a committee that makes contributions and expenditures for a particular  
12 candidate and against that candidate's opponent(s).

13 (B) A single measure.

14 (C) A group of specific candidates being voted upon in the same city, county, or  
15 multicounty election.

16 (D) Two or more measures being voted upon in the same city, county, multicounty, or  
17 state election.

18 (e) Review.

19 (1) A committee that has reason to know it is close to triggering the applicable threshold  
20 for changing status because its spending is concentrated on candidate(s) or measure(s) as listed in  
21 subparagraphs (d)(4)(A), (B), (C) or (D), shall determine whether it is primarily formed quarterly  
22 at the end of March, June, September and December.

23 (2) Newly organized committees.

1 (A) A committee that files its initial statement of organization within six months of an  
2 election in connection with which the committee makes contributions and expenditures shall  
3 determine whether it is primarily formed at the end of each month prior to the election unless the  
4 committee has not made contributions and/or expenditures of \$1,000 or more to support or  
5 oppose candidates or measures during that month.

6 (B) A committee that files its initial statement of organization within six months of a  
7 statewide primary or general election or within 30 days after a declaration calling a special  
8 election for a state elective office or measure and makes at least \$ 25,000 in independent  
9 expenditures to support or oppose a state candidate or state measure(s) as listed in subparagraphs  
10 (d)(4)(A), (B), or (D), is presumed to be, and shall report as, a primarily formed committee. This  
11 presumption can be rebutted when the committee's contributions and expenditures on multiple  
12 candidates or measures in different jurisdictions or elections demonstrate that it is not primarily  
13 formed and the committee may amend its statement of organization to identify itself as a general  
14 purpose committee pursuant to Regulation 18227.5.

15 (3) For purposes of determining whether it is primarily formed under subdivision (d)(3),  
16 a committee shall count contributions and expenditures made to support or oppose candidates or  
17 measures during whichever of the following time periods most accurately reflects the current and  
18 upcoming activities of the committee:

19 (A) The immediately preceding 24 months; or

20 (B) The current two-year period, beginning with January 1 of an odd-numbered year and  
21 ending with December 31 of the following even-numbered year.

22 (f) File as Primarily Formed through the Election. A committee that is or becomes  
23 primarily formed within 90 days prior to an election shall maintain that status and file disclosure

1 reports as a primarily formed committee up to the date of that election and continuing until the  
2 end of the post-election reporting period.

3 (g) Change of Status.

4 (1) Amend Statement of Organization. A recipient committee whose status changes from  
5 one jurisdiction to another, or between general purpose and primarily formed shall amend its  
6 statement of organization pursuant to Section 84103 to reflect the change. If, after filing reports  
7 with one jurisdiction, a committee changes jurisdiction, in addition to filing reports with a new  
8 filing officer, the committee must continue filing reports with the original filing officer through  
9 the end of the calendar year under Section 84215(g).

10 (2) An existing general purpose committee is not required to change its filing status to a  
11 primarily formed committee unless it meets the requirements in subdivision (d) and it makes at  
12 least \$ 100,000 of contributions and/or expenditures if supporting or opposing a state candidate  
13 or measure(s) listed in subparagraphs (d)(4)(A), (B), or (D), or at least \$ 10,000 of contributions  
14 and/or expenditures if supporting or opposing local candidate(s) or measure(s) listed in  
15 subparagraphs (d)(4)(A), (B), (C), or (D).

16 (3) Contributions from a general purpose committee to a primarily formed ballot  
17 measure or candidate committee shall not be included in the calculations required under  
18 subdivision (d)(3) if the sponsor of the general purpose committee is also a sponsor of the  
19 primarily formed committee.

20 (4) A committee that was primarily formed for the election of a candidate or measure,  
21 but after that election continues to exist to support or oppose different candidates or measures in  
22 the future, may remove the candidate or measure name from the committee name and change its

1 status following the election, as long as the committee is not raising funds to pay debt from the  
2 election, except as provided in subdivision (f).

3 (h) Avoidance of Disclosure. A committee shall not knowingly file in an incorrect  
4 jurisdiction or as an incorrect type of committee, with the intention of avoiding the appropriate  
5 legal disclosure of campaign contributions and expenditures to the public.

6 Note: Authority cited: Section 83112, Government Code. Reference: Section 82047.5,  
7 Government Code.