

1 Amend 2 Cal. Code Regs., Section 18531.5 to read:

2 **§ 18531.5. Recall Elections**

3 (a) Definitions. For purposes of this section:

4 (1) "Target officer" means an elected officer who is the subject of a recall effort.

5 (2) "Replacement candidate" means a candidate within the meaning of ~~Government~~
6 ~~Code section~~ Section 82007 who is running to replace a target officer in the event the recall is
7 successful and who is on the same ballot as the recall measure.

8 (b) Application of Contribution and Voluntary Expenditure Limits to State Recalls.

9 (1) Target Officer. Pursuant to ~~Government Code section~~ Section 85315, the contribution
10 limits of Chapter 5 of the Act do not apply to contributions accepted by an elected state officer
11 who is the target of a recall into a separate recall committee established to oppose the
12 qualification of the recall measure or the recall election. Pursuant to ~~Government Code section~~
13 Section 85315, the voluntary expenditure limits of the Act do not apply to expenditures made by
14 an elected state officer who is the target of a recall to oppose the qualification of the recall
15 measure or the recall election.

16 (2) Replacement Candidates. The replacement candidates in a state recall election are
17 seeking elective state office and therefore the contribution and voluntary expenditure limits of
18 Chapter 5 of the Act apply to replacement candidates.

19 (3) Committees Primarily Formed to Support or Oppose a Recall. A recall is included
20 within the definition of a "measure" in ~~Government Code section~~ Section 82043. Therefore,
21 except as provided in this subdivision, the contribution and voluntary expenditure limits of
22 Chapter 5 of the Act do not apply to a committee primarily formed to support or oppose a recall.

1 As to candidate controlled recall committees, the provisions of ~~2 Cal. Code Regs. section~~
2 Regulation 18530.9 apply.

3 (c) Committee Formation and Campaign Report Filing Obligations. All candidates and
4 committees that raise and spend funds in connection with a recall have full reporting and
5 disclosure obligations under Chapters 4 and 5 of the ~~Political Reform Act~~.

6 (1) Target Officer. A target officer may use a committee for the office held to oppose the
7 recall. A target officer may also establish a separate committee to oppose a recall upon receiving
8 a notice of intent to recall the officer pursuant to Elections Code section 11021. A target officer
9 must deposit contributions accepted in the separate committee to oppose the recall in a single
10 bank account at a financial institution located in the State of California which is separate from
11 any other bank account held by the officer, including any campaign bank account. The word
12 "recall" and the name of the target officer shall be included as part of the committee name in the
13 statement of organization filed for the committee pursuant to ~~Government Code section~~ Section
14 84107. A target officer opposing a recall is not required to file a new statement of intention to be
15 a candidate for elective office pursuant to ~~Government Code section~~ Section 85200.

16 (2) Replacement Candidate. A replacement candidate may establish a committee to seek
17 elective office in a recall election. A replacement candidate must disclose all contributions
18 received and expenditures made pursuing elective office, even if the target officer has not yet
19 been served with notice of intent to recall. A replacement candidate is required to file a statement
20 of intention to be a candidate for elective office pursuant to ~~Government Code section~~ Section
21 85200.

22 (3) Committees Primarily Formed to Support or Oppose a Recall (Including Recall
23 Proponents and Opponents). A person or group of persons who raises or spends more than

1 \$ ~~1,000~~2,000 for a recall attempt qualifies as a "committee" under ~~Government Code section~~
2 Section 82013 when the target officer is served with a notice of intent to recall pursuant to
3 Elections Code section 11021. Once the notice of intent to recall is given, the committee must
4 report on its first campaign statement all contributions received and expenditures made for the
5 purpose of influencing the electorate to sign a recall petition or to vote for or against a recall
6 election, regardless of when the contributions were received or expenditures were made. A
7 committee primarily formed to support or oppose the recall of an elected officer must identify in
8 the committee name, the name of the elected officer and whether the committee is in support of
9 or opposition to the recall.

10 (d) ~~The amendments to this regulation adopted by the Commission on June 25, 2004,~~
11 ~~shall become effective November 3, 2004.~~

12 Comment: Committees active in a recall must file all campaign reports required by
13 Chapters 4 and 5 of the Act. These reports include the following: the target officer, committees
14 primarily formed to support or oppose a recall measure, and the replacement candidates must all
15 file the semi-annual campaign reports and two pre-election reports preceding the recall election,
16 required by ~~Government Code sections~~ Sections 84200, and 84200.5, 84200.7 or and 84200.8. In
17 addition, committees primarily formed to support or oppose a recall measure, including a
18 separate committee established by a target officer to oppose a recall measure, must file quarterly
19 campaign reports required by ~~Government Code section~~ Section 84202.3. For recalls of an
20 elected state officer, the electronic reports required by ~~Government Code section~~ Section 85309
21 must be also filed.

22 In addition, pursuant to ~~Government Code sections~~ Sections 81013 and 81009.5, nothing
23 in the Act prevents a local jurisdiction from adopting a local ordinance with additional or

1 different requirements applicable to candidates or committees involved in recall elections in that
2 jurisdiction, including applying contribution limits to all candidates and committees participating
3 in the recall, so long as the local ordinance does not prevent the persons from complying with the
4 ~~Political Reform~~ Act.

5 Note: Authority cited: Section 83112, Government Code. Reference: Sections 82007, 82043,
6 84107, 84211, 85200, 85301, 85302 and 85315, Government Code.