

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 the same~~
6 election. ~~(In contrast, a “general purpose” committee, defined in Section 82027.5 and Regulation~~
7 ~~18227.5, supports multiple candidates or ballot measures.)~~

8 (b) A committee formed or existing primarily to support or oppose a “single candidate”
9 includes a committee that makes contributions and expenditures for a particular candidate and
10 against that candidate’s opponent(s).

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

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

1 ~~(d)~~ (c) Definition. For purposes of Section 82047.5, a recipient committee under Section
2 82013(a) is considered to be “formed or existing primarily to support or oppose” a candidate or
3 measure if:

4 (1) The committee is created for ~~the purpose of~~ or is involved in running the principal
5 campaign for or against the candidate(s) or measure(s) as listed in ~~subdivision (d)(4) below~~
6 Section 82047.5(a) through (d); or

7 (2) The committee's primary purpose and activities are to support or oppose candidate(s)
8 or measure(s) as listed in ~~subdivision (d)(4) below~~ Section 82047.5 (a) through (d); or

9 (3) The committee makes more than 70 percent of its total contributions and expenditures
10 on all candidates and measures (not including administrative overhead) on those specific
11 candidates(s) or measure(s) as listed in ~~subdivision (d)(4) below~~ Section 82047.5 (a) through (d),
12 during the time period specified in subdivision ~~(e)(3)~~ (d)(3).

13 ~~(4)(A) A single candidate. A committee formed or existing primarily to support or oppose~~
14 ~~a single candidate includes a committee that makes contributions and expenditures for a~~
15 ~~particular candidate and against that candidate's opponent(s).~~

16 ~~(B) A single measure.~~

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

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

21 ~~(e)~~ (d) Review.

22 (1) A committee that has reason to know it is close to triggering the applicable threshold
23 for changing status because its spending is concentrated on candidate(s) or measure(s) as listed in

1 ~~subparagraphs (d)(4)(A), (B), (C) or (D)~~ Section 82047.5 (a) through (d), ~~shall~~ must determine
2 whether it is primarily formed quarterly at the end of March, June, September and December.

3 (2) Newly organized committees.

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

9 (B) A committee that files its initial statement of organization within six months of a
10 statewide primary or general election or within 30 days after a declaration calling a special
11 election for a state elective office or measure and makes at least \$25,000 in independent
12 expenditures to support or oppose a state candidate or state measure(s) ~~as listed in subparagraphs~~
13 ~~(d)(4)(A), (B), or (D)~~ Section 82047.5 (a) through (d), is presumed to be, and ~~shall~~ must report
14 as, a primarily formed committee. This presumption can be rebutted when the committee's
15 contributions and expenditures on multiple candidates or measures in different jurisdictions or
16 elections demonstrate that it is not primarily formed and the committee may amend its statement
17 of organization to identify itself as a general purpose committee pursuant to Regulation 18227.5.

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

22 (A) The immediately preceding 24 months; or

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

3 ~~(f)~~ (e) File as Primarily Formed through the Election. A committee that is or becomes
4 primarily formed within 90 days prior to an election ~~shall~~ must maintain that status and file
5 disclosure reports as a primarily formed committee up to the date of that election and continuing
6 until the end of the post-election reporting period.

7 ~~(g)~~ (f) Change of Status.

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

14 (2) An existing general purpose committee is not required to change its filing status to a
15 primarily formed committee unless it meets the requirements in subdivision ~~(d)~~ (c) *and* it makes
16 at least \$100,000 of contributions and/or expenditures if supporting or opposing a state candidate
17 or measure(s) listed in ~~subparagraphs (d)(4)(A), (B), or (D)~~ Section 82047.5 (a) through (d), or at
18 least \$10,000 of contributions and/or expenditures if supporting or opposing local candidate(s) or
19 measure(s) listed in ~~subparagraphs (d)(4)(A), (B), (C), or (D)~~ Section 82047.5 (a) through (d).

20 (3) Contributions from a general purpose committee to a primarily formed ballot measure
21 or candidate committee ~~shall~~ are not to be included in the calculations required under subdivision
22 ~~(d)(3)~~ (c)(3) if the sponsor of the general purpose committee is also a sponsor of the primarily
23 formed committee.

1 (4) A committee that was primarily formed for the election of a candidate or measure, but
2 after that election continues to exist to support or oppose different candidates or measures in the
3 future, may remove the candidate or measure name from the committee name and change its
4 status following the election, as long as the committee is not raising funds to pay debt from the
5 election, except as provided in subdivision ~~(f)~~ (e).

6 ~~(h)~~ (g) Avoidance of Disclosure. A committee ~~shall~~ must not knowingly file in an
7 incorrect jurisdiction or as an incorrect type of committee, with the intention of avoiding the
8 appropriate legal disclosure of campaign contributions and expenditures to the public.

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

10 Government Code.