

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 Section 82007

6 who is running to replace a target officer in the event the recall is successful and who is on the

7 same ballot as the recall measure.

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

9 (1) Target Officer. Pursuant to Section 85315, the contribution limits of Chapter 5 of the
10 Act do not apply to contributions made to or accepted by an elected state officer who is the target

11 of a recall into a separate recall committee established to oppose the qualification of the recall

12 measure or the recall election. Pursuant to Section 85315, the voluntary expenditure limits of the

13 Act do not apply to expenditures made by an elected state officer who is the target of a recall to

14 oppose the qualification of the recall measure or the recall election.

15 (2) Replacement Candidates. The replacement candidates in a state recall election are

16 seeking elective state office and therefore the contribution and voluntary expenditure limits of

17 Chapter 5 of the Act apply to replacement candidates.

18 (3) Committees Primarily Formed to Support or Oppose a Recall. A recall is included

19 within the definition of a “measure” in Section 82043. Therefore, except as provided in this

20 subdivision, the contribution and voluntary expenditure limits of Chapter 5 of the Act do not

21 apply to a committee primarily formed to support or oppose a recall.

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

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

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

19 (3) Committees Primarily Formed to Support or Oppose a Recall (Including Recall
20 Proponents and Opponents). A person or group of persons who raises or spends more than
21 \$2,000 for a recall attempt qualifies as a “committee” under Section 82013 when the target
22 officer is served with a notice of intent to recall pursuant to Elections Code section 11021. Once
23 the notice of intent to recall is given, the committee must report on its first campaign statement

1 all contributions received and expenditures made for the purpose of influencing the electorate to
2 sign a recall petition or to vote for or against a recall election, regardless of when the
3 contributions were received or expenditures were made. A committee primarily formed to
4 support or oppose the recall of an elected officer must identify in the committee name, the name
5 of the elected officer and whether the committee is in support of or opposition to the recall.

6 COMMENT: Committees active in a recall must file all campaign reports required by
7 Chapters 4 and 5 of the Act. These reports include the following: the target officer, committees
8 primarily formed to support or oppose a recall measure, and the replacement candidates must all
9 file the semi-annual campaign reports and two pre-election reports preceding the recall election,
10 required by Sections 84200, 84200.5 and 84200.8. In addition, committees primarily formed to
11 support or oppose a recall measure, including a separate committee established by a target officer
12 to oppose a recall measure, must file quarterly campaign reports required by Section 84202.3.
13 For recalls of an elected state officer, the electronic reports required by Section 85309 must be
14 also filed.

15 In addition, pursuant to Sections 81013 and 81009.5, nothing in the Act prevents a local
16 jurisdiction from adopting a local ordinance with additional or different requirements applicable
17 to candidates or committees involved in recall elections in that jurisdiction, including applying
18 contribution limits to all candidates and committees participating in the recall, so long as the
19 local ordinance does not prevent the persons from complying with the Act.

20 Note: Authority cited: Section 83112, Government Code. Reference: Sections 82007, 82043,
21 84107, 84211, 85200, 85301, 85302 and 85315, Government Code.

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1 **HISTORY**

2 1. New section filed 8-14-2003; operative 8-14-2003 pursuant to Government Code section
3 11343.4 (Register 2003, No. 33). For prior history, see Register 2001, No. 18.

4 2. Amendment of subsections (b)(3) and (c)(1), new subsection (d) and amendment of Note filed
5 7-26-2004; operative 11-3-2004 (Register 2004, No. 31).

6 3. Change without regulatory effect amending section filed 3-22-2016; operative 4-21-2016
7 pursuant to 2 CCR 18312(e). Submitted to OAL for filing pursuant to Fair Political Practices
8 Commission v. Office of Administrative Law, 3 Civil C010924, California Court of Appeal,
9 Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject
10 to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or
11 substantive review by OAL) (Register 2016, No. 13).

12 4. Amendment of subsection (b)(3) filed 8-31-2016; operative 9-30-2016. Submitted to OAL for
13 filing pursuant to Fair Political Practices Commission v. Office of Administrative Law, 3 Civil
14 C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27,
15 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking
16 requirements and not subject to procedural or substantive review by OAL) (Register 2016, No.
17 36).