

1 Amend 2 Cal. Code Regs., 18361.1 to read:

2 **§ 18361.1. Administrative Subpoenas.**

3 (a) The staff, under the direction of the Executive Director, shall seek to assure voluntary
4 compliance with the Political Reform Act and shall investigate possible violations of the Act.
5 The staff shall make reasonable efforts to first obtain the information requested in an
6 administrative subpoena on a voluntary basis by not serving an administrative subpoena less than
7 21 days after written communication is sent to the prospective recipient requesting voluntary
8 disclosure of information. ~~prior to the issuance of an administrative subpoena.~~ The Executive
9 Director, in the exercise of ~~their~~ discretion, may forego ~~this procedure requesting voluntary~~
10 disclosure of information with respect to an investigation in progress. The staff shall periodically
11 report to the members of the Commission on the status of all investigations, including the
12 reasons for the issuance of any administrative subpoena without first making reasonable efforts
13 to obtain the information voluntarily. Failure to report to the Commission concerning the
14 issuance of subpoenas shall not affect the validity of any administrative subpoena.

15 (b) When the staff issues an administrative subpoena as provided in subdivision (a), the
16 ~~subject recipient~~ of the subpoena must provide all records in their possession responsive to the
17 subpoena. Any record(s) withheld based on objection must be accompanied by a description of
18 the withheld record(s), which shall include the following information:

- 19 (i) the date of the record;
- 20 (ii) the identity of the author(s);
- 21 (iii) the identity of the recipient(s);
- 22 (iv) the specific ground for which the objection to produce the record is made; and
- 23 (v) the current location of the record.